

COMMON COUNCIL PROCEEDINGS
August 6, 2018

The meeting was called to order at 5:33 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

Present: Councilman Williams, Bamonto, Heenan, Civiletto, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, City Assessor Mleczo, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, Building and Zoning Inspector Zurawski, HR Director Campola, Executive Assistant to the Mayor Westling, Director of Development Yanus, Fire Chief Edwards, and Police Chief Ortolano.

Certification of the Tuesday, July 17, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, July 17, 2018 Common Council Meeting be Dispensed with.

Councilman Williams made a motion to dispense with the minutes. Seconded by Councilman Bamonto.

Carried, all voting aye.

PUBLIC COMMENTS:

Cheryl Gawronski of 204 West Seventh Street spoke in regards to the city dog pound and advised in her opinion it is not an adequate facility to hold dogs and though the State deems it adequate, "Let's raise our standards and be humane." Ms. Gawronski also advised she would like to schedule a meeting with Mayor Rosas and others to form a committee or task force to create a humane holding center.

Jim Fisher of Revitalize Dunkirk advised their next meeting is scheduled for August 16, 2018 at the Incubator 214 Central Avenue at 6:30 PM and the August BYOC event is scheduled for Wright Park on August 19, 2018 at about 7:15 PM.

Sandra Tapasto of 60 East Front Street advised it is difficult to hear people speak during Common Council Meetings because people are not speaking into microphones and that her neighborhood has a problem with racing cars, recently there were two accidents within 24 hours of each other, and would like the problem to be evaluated.

Police Chief Ortolano advised he would have his patrols check the roads for radar.

Greg Sek of 14 Armadillo Street advised City Officials that it would be a good idea if the City contacted the Town of Dunkirk and the Town of Pomfret and ask them to clean up the over

grown weeds in the area nears the NYS Thruway entrance. With the boat races coming up we do not want to present the image that we can't even care of the weeds.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised the Great Lakes Grand Prix boat races will take place Saturday and Sunday, August 18th and 19th with a parade down Central Avenue on Friday, August 17th at 5:00 PM which will include the race boats that will compete over that weekend. Mayor Rosas also gave an update on the Villas at Battery Point that will be located at 468 Lakeshore Drive East and thanked all who attended the Comprehensive Plan Update Community Workshops with a special thank you to the Iglesia Getsemani and Kosciuszko Club for opening their facilities for the Open Houses. Mayor Rosas requested Director of Development Yanus to comment on the Comprehensive Plan and give report on last week's Open Houses.

Director of Development Yanus thanked those who gave input at the Comprehensive Plan Update community Workshop, advised there would be two more workshops in the autumn to look for specific projects to implement, and reminded there is still time to turn in a Community Survey form regarding the new Comprehensive Plan until August 19, 2018.

Mayor Rosas announced the Reappointment of Rich Goodman to another term on the Dunkirk Housing Authority Board. Term to expire July 11, 2023.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Jose Rodriguez to use Dunkirk City Parks and Fields for the "Missing You Always" 5th Annual Memorial Coed Softball Tournament on Saturday, September 1, 2018 from 9:00 AM until 7:00 PM.

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from the Dunkirk City School District for 3 police officers from 7:45 PM to 11:15 PM on September, 29, 2018 for the Homecoming Dance. Also requesting that breathalyzer tests be provided.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the PBA.

Councilman Williams made a motion to refer. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from CSEA Unit 6303 for permission to have a bounce house at their Family Picnic on Sunday, August 12, 2018 from 1:00 PM to 5:00 PM at the former Hose #4 Pavilion Area at Point Gratiot.

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Heidi Wicks-Pierce to hold 3 POUND fitness classes at Point Gratiot on Sundays, August 5th and 19th, 2018 and Sunday, September 2nd, 2018

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Gregory Lamberson on behalf of Kwakutl Films, LLC to use Point Gratiot Park various days during August 6, 20128 through August August 17, 2018 while filming a low budget feature film at the Dunkirk Historical Lighthouse. Also asking for assistance with Police and Fire vehicles when shooting some scenes.

Councilman-at-Large Woloszyn advised there was much discussion during workshop over this open-ended request and advised a motion was needed to refer this request to the appropriate departments as well as approve subject to appropriate insurances and usual conditions and in addition **to be contingent upon the approval and overall acceptance** from Police Chief Ortolano, Fire Chief Edwards, and Public Works Director Woodbury.

Councilman Williams made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from Joshua A. Latona on behalf of El Rigby Theater to use Memorial Park on Monday, August 6, 2018 and Monday, August 13, 2018 from 4:00 PM to 11:00 PM to host "Movies on the Lake". Also requesting trash barrels for the events.

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Civiletto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Joshua A. Latona on behalf of El Rigby Theater to use Memorial Park on Monday, August 20, 2018 and Monday August 27, 2018 from 4:00 PM to 11:00 PM to host "Movies on the Lake".Also requesting trash barrels for the events.

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Civiletto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

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Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Civileto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Brenda Symans on behalf of the Walk to End Alzheimer's Committee to place lawn signs at Dunkirk City Hall and Point Gratiot for the September 29, 2018 Walk to End Alzheimer at Point Gratiot.

Councilman-at-Large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Notice of Claim from Karen & Joseph Porpiglia of 76 North Martin Street for alleged water damage due to back up from city system on July 24, 2018 at approximately 7:00 PM.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye

Notice of Claim from Charles and Mary Ann Porpiglia of 72 North Jerboa Street for alleged water damage to their home and personal property due to failure of city infrastructure system on July 24, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye.

Notice of Claim from Lawrence D. Chaffee of 59 North Martin Street for alleged damages to flooded basement and hot water tank due to water backed up from end of street Lakefront Boulevard on July 25, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye.

Notice of Claim from Becky Addington of 57 North Ermine Street for alleged flood damages for appliances, boiler, hot water tank, and personal belongings due to blockage in the city lines that could not properly drain storm water on July 24, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye.

Notice of Claim from Christine Sell of 111 Plover Street for alleged damages to her hot water tank, furnace, washer and dryer due to 3 to 4 feet of street water backing up into her cellar on July 24, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye.

Notice of Claim from Gerald and Margaret Waite of 59 North Ermine Street for alleged damages to their basement and its contents due to city storm drain lines backing up into their basement on July 25, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civileto.

Carried, all voting aye.

Notice of Claim from Amamda and Melissa Kaufman of 77 North Martin Street for cleaning and sanitizing of basement allegedly due to water and black contaminant/substance that flooded basement on July 25, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civiletto.

Carried, all voting aye.

Notice of Claim from Daniel and Debra Schrantz of 42 Central Avenue, Brocton for alleged damages to their apartment, located at 65 North Ermine Street, due to back-up of water/sewer in cellar on July 24, 2018.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civiletto.

Carried, all voting aye.

Loudspeaker application from CSEA Unit 6303 to use a sound system on Sunday, August 12, 2018 from 1:00 PM to 5:00 PM at their Unit's family picnic at the former Hose #4 Pavilion Area at Point Gratiot.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Loudspeaker application from Laura Kuzdale to use loudspeakers and microphone on August 11, 2018 from 4:00 PM to 8:00 PM at the Dunkirk Lighthouse.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Loudspeaker application from the Dunkirk Democratic Committee to use a live band from 6:00 PM to 9:00 PM at the Large Pavilion of Point Gratiot on Wednesday, August 8, 2018 for their annual picnic.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Loudspeaker application from Joshua Latona on behalf of El Rigby Theater to speakers from 7:00 PM to 11:00 Pm on August 20 and 27, 2018, and on September 1, 2018 at Memorial Park for "Movies on the Lake".

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams requested from Public Works Director Woodbury an update on the street light controller, inquired from Attorney Morrisroe if he had reviewed the Agreement for the City selling the energy plant Dunkirk Electric to Niagara Mohawk because he is assuming the company made the City some promises and would like to see if the City could have some footing with that. Councilman Williams also inquired if anyone knew if the County IDA has done anything with the PILOT it had with NRG since NRG decided to close and is assuming we are too late to collect taxes for 2018 because we have already put out the tax levy for that and hopes we will be able to do something before the 2019 tax levy and wants it on record that they should be paying taxes. "Just because they decide not to be in business, they still own that property and building and should be paying taxes on it." Councilman Williams asked for clarification that the STEL project about town is not using any city money and inquired if they are using local union workers because some people have concern that the contractors being used may not be following code. Councilman concluded by inquiring if there has been a posting for a position on the Impact Team that the Mayor uses in certain situations or projects..

Public Works Director Woodbury advised city electrician Przybycien analyzed all the internal parts that needed to be bought to repair the street controller and recommended the controller be replaced with a new and better controller for \$1,800 rather than do a band-aid fix at \$1,200. Mr. Przybycien also recommended that all the street controllers be replaced. Public Works Director Woodbury will be requesting money be budgeted to begin replacing the controllers.

Attorney Morrisroe thanked City Clerk Ramos for finding the Agreement in the vault and advised it is a big file and will begin to review it soon, advised we'd have to check if there was any time frame written within the Agreement or if the contract was finite or open-ended and if it carried over with the selling to NRG.

Mayor Rosas advised he has met with the County Executive, our Senators, and Assemblyman regarding the PILOT the County had with NRG. They are looking into to see if something can be done immediately or not. It is in the attorney's hands and we are waiting to hear from them. As for the STEL project, it is not using city money; it is being funded through the state and it is being administrated through STEL and the City is not involved in the hiring of the contractors, though the Mayor has spoken to the city building inspector to ensure that if there were any variances granted that we were all aware of it.

Human Resources Director Campola advised there is a full time position posted; there have been several bids on it, all are current employees, the hiring is from internal. Mayor Rosas clarified this is not a new position being created; he will choose a current worker based on their abilities and experiences to take care of the many city facilities that need attention and repairs. It's not any higher pay grade; just someone we know will be capable of conducting these services. It will not be creating any holes in the current divisions.

Building and Zoning Inspector Zurawski advised that the variances the Mayor spoke about were state variances from the state code not zoning variances. There are some zoning variances on the STEL projects and two are coming up on the 14th.

Councilman Bamonto encouraged everyone to come out August 17, 18, and 19 to the boat races and related events.

Councilman Civiletto thanked Director of Development Yanus and her team for all the work they did with the Comprehensive Plan, recognized all the work that went into it, and acknowledged it is vital to development in the future. "It's defiantly needed". Councilman Civiletto also advised he would sometime like to review the conditions in our dog pound, at budget time see if we could look to improve the conditions, and announced there is a Public Safety committee meeting on Wednesday August 8, 2018 at 4:00 PM.

Councilman-at-Large Woloszyn thanked the Parks and Recreation crews for doing a amazing clean up job after the 4th of July festivities, reminded Public Works Director Woodbury budget time review is around the corner so present the council a report on the need and cost for street controllers, and asked Mayor Rosas to clarify some details on the Impact Team.

Mayor Rosas assured no guys would be pulled off the streets, potholes, cutting down of trees that need to be cut, or any other priority that needs to happen. This position is to help us take care of some issues in-house as opposed to contacting them out.

Chief Ortolano announced tomorrow is National Night Out, invited all to attend the community event, and commended the Dunkirk Little League for hosting the softball tournament last week, the state final softball tournament. People down state had nothing to say but good things about our facilities and community.

PRE-FILED RESOLUTIONS:

RESOLUTION #88- 2018
August 6, 2018

BY: COUNCILMAN CIVILETTO

**AUTHORIZING RENEWAL AGREEMENT WITH
NYS UNIFIED COURT SYSTEM
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200495)
(APRIL 1, 2018 TO MARCH 31, 2019)**

WHEREAS, the City of Dunkirk's five-year contract with the New York State Unified Court System (the "Court System") which reimburses the City for security services in City Court was renewed in 2014, for a five-year period; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2018, and terminates on March 31, 2019, and during which reimbursement has been allocated to not exceed Two Hundred Thirty-Two Thousand One Hundred Forty Dollars and Zero Cents (\$232,140.00); and now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2018 to March 31, 2019) for which reimbursement

shall be in an amount not to exceed Two Hundred Thirty-Two Thousand One Hundred Forty Dollars and Zero Cents (\$232,140.00) to compensate the Police Department for City Court security services.

Carried, all voting aye.

RESOLUTION #89-2018
AUGUST 6, 2018

BY COUNCILMAN BAMONTO:

**AUTHORIZING SCHOOL RESOURCE OFFICER AGREEMENT
(DUNKIRK CITY SCHOOL DISTRICT)**

WHEREAS, the City of Dunkirk and the Dunkirk City School District (the "District") desire to provide law enforcement and related services at the District's High School through the use of a School Resource Officer provided by the City; and,

WHEREAS, the City and the District have enjoyed a mutually-beneficial relationship utilizing a School Resource Officer in the past and wish to renew the relationship; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter into an Agreement with the **Dunkirk City School District**, 620 Marauder Drive, Dunkirk, New York 14048, for the City to provide a School Resource Officer for the period August 1, 2018 through July 31, 2021.

Councilman Williams asked for the record that this position is going to be fully funded or reimbursed from the Dunkirk City School District.

City Attorney Morrisroe advised, "That's Correct."

Vote on Resolution:

Carried, all voting aye.

Councilman Bamonto made a motion to move into Executive Session at for Personnel Reasons. Seconded by Councilman Williams.

Carried, all voting aye.

Executive Session called to order at 6:17 PM.

Councilman Heenan moved to adjourn the Executive Session at 6:45 PM and reconvene to the Council Meeting. Seconded by Councilman Bamonto.

Carried, all voting aye.

ADJOURNMENT:

Councilman Heenan moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

Adjourned at 6:45 PM

Edwin C. Ramos, City Clerk

