

**PUBLIC HEARING**  
**October 17, 2017**

The public hearing was called to order at 5:20 PM by Councilman-at-Large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczko, Clerk, Public Works Director Woodbury, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #96-2017 Consent to Initiate Charter Revision: Creation of Human Resources Director Position.

**PUBLIC COMMENTS:**

Robert Mitchell of 425 Washington Avenue inquired, "Why does the City need two Human Resource Directors?". He spoke out against the resolution advising it is unnecessary and should go to referendum.

Nancy Renkens of 520 Central Avenue spoke out against the resolution, advised she did not see a need for the position, did not think it was well thought out, would like to see the Council rethink it, and suggested if a position were to be created it should be a competitive civil service position.

Danny McGill of 111 Sisson Street spoke out against the resolution. He advised any change to the City Charter should go to the public, the City should look into shared services with the county, the budget shows no increase next year but how about the year after that or years down the road, the Council should "Table" the resolution and think about it a little more since there is no time factor involved to this resolution. Mr. McGill also complemented Board of Assessors Mleczko for his recent words in the newspaper regarding shared services.

William Reardon of 3 Fairview Avenue advised with a little consolidation this can be taken care of without creating another position. Take a look inside City Hall and find how it can be done without additional personnel added to the payroll.

James Muscato of 280 Lakeshore Drive West spoke out against this resolution. He advised the majority of the job description listed is already handled in Mayville; the City is asking all departments to do more with less but here it is creating a new position; the City should look within to fill the few items in the job description that are unique to the City.

**Public Hearing closed at 5:30 PM**

**Edwin C. Ramos, City Clerk**

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**PUBLIC HEARING**  
**October 17, 2017**

The public hearing was called to order at 5:30 PM by Councilman-at-Large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczko, Clerk, Public Works Director Woodbury, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #97-2017 Change Personnel Administrator Job Duties to Reflect Actual Compensation & Benefits Focus.

**PUBLIC COMMENTS:**

Valerie Pawlak of Ruggles Street reported she came to this meeting to report there is money from Governor Cuomo to the tune of two and a half million dollars. We don't need to go into Fredonia. Central Avenue is the main road with the Hospital and the Incubator.

Councilman-at-Large Woloszyn interrupted Ms. Pawlak to inform this Public Hearing is only to hear public comment on Resolution #97-2017 and the regular Privilege of the Floor would be available as soon as the regular Common Council Meeting starts.

Nancy Renkens of 520 Central Avenue spoke out against the resolution, advised her husband use to be the Personnel Administrator, she did not see why Resolution #96 and #97 are separate because they belong together, didn't understand why the position was being changed because a lot of thought went into that as Civil Service, and would like to see the Council reconsider.

**Public Hearing closed at 5:33 PM**

**Edwin C. Ramos, City Clerk**

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**PUBLIC HEARING**  
**October 17, 2017**

The public hearing was called to order at 5:33 PM by Councilman-at-Large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczko, Clerk, Public Works Director Woodbury, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-Large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #98-2017 Consent to Initiate Charter Revision: Clarification on Code Enforcement & Zoning Officer Position.

**PUBLIC COMMENTS:**

Dan McGill of 111 Sisson Street spoke out against Resolution 98-2017. He advised as with the other resolutions tonight any change to the City Charter should come to the public on a referendum even if it is within the power of the Council to change it legally.

**Public Hearing closed at 5:35 PM**

**Edwin C. Ramos, City Clerk**

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**COMMON COUNCIL PROCEEDINGS**  
**October 17, 2017**

The meeting was called to order at 5:36 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczko, Clerk, Public Works Director Woodbury, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, October 3, 2017 Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of Tuesday, October 3, 2017 Common Council Meeting be dispensed with.

Motion by Councilman Gonzalez to accept the minutes as presented. Seconded by Councilman Williams.

Carried, all voting aye.

**PUBLIC COMMENTS:**

Valerie Pawlak of Ruggles Street advised she and her daughter went to a new store in Erie, PA that is looking to build another store somewhere between Erie and Utica, thinks we are in the running with Buffalo because we do not have any clothing tax, and we would have to include the Town of Dunkirk to find some land for it. Ms. Pawlak also informed she had a packet for Mr. Mleczko so he could look further into it.

Diane Andrasik, City Historian, of 23 Wilson Avenue, spoke to put recent events concerning Brooks Hospital into historical perspective. She advised in 1886 a young group of civic minded professionals established a group, the Young Men's Association, that dedicated themselves to furthering "the material and intellectual welfare of Dunkirk" in order to make "permanent improvement in the city. The YMA helped establish Washington Park, the Dunkirk Free Library, and Brooke's Hospital. In the past the hospital received support to expand from its city leadership, its inhabitants, hospital board, its professional staff, and community groups. Things have changed in the medical world, the world of financing of hospitals, and historically. Those making decisions today take little account little account of what the early founders and supporters of the hospital took into consideration. Practicality rather than dedication to community seems more important. Ms. Andrasik provided much historical information before she concluded with, "I lament the fact that the link of history and tradition has been broken. Indeed this will be a historic change if it goes forward and it bodes negatively for our city."

Sandra Tapasto of 60 East Front Street and a member of Dunkirk's Revitalization Committee spoke against the moving of Brook's Memorial Hospital. She advised; we would be forfeiting an adequate 69 plus bed hospital that could take care of the communities needs verses the smaller feeder 29 bed drop out hospital which would send patients to other hospitals by ambulance or helicopter; healing of patients comes from those who are loving and dedicated to their profession; having a new structure doesn't always meet the needs of patients; we have money to remodel; let's do that; and it will be a mistake to give up Brooks Memorial Hospital.

Cassandra Lang of West Second Street spoke against the moving of Brooks Hospital advising it is the hospital she goes to and doesn't like they are moving it.

Gary Sedlmayer of 150 West 5<sup>th</sup> Street advised it appears there are two factions here: moving the hospital and the current horrible congestion on Route 20. He reminded those present of the possibility that the State will be placing a turnabout at the intersection of Route 60 and 20. Mr. Settlemeyer inquired, "Is this a case where Brooks now has money to spend?" and advised he thinks they will regret putting the hospital on Main Street in Fredonia if they go through with it.

Dan McGill of 111 Sission Street advised he supports Councilman Williams words printed today in the newspaper, understands the Council does not get any say on the hospital move, understands the decision was already made, the City should have been asked for their input, the City should go through all possible means to get their point across to the State and

Governor Cuomo that this is not a good location for the hospital, and the City should remind the State that it is the State who is footing the bill for this poor location. Mr. McGill also advised the first discussions on a hospital location suggested a half way point between the two communities of Dunkirk and Fredonia. Route 60 in Dunkirk would be that and we should advocate for that.

Valerie Pawlak of Ruggles Street advised she is in favor of using the State money for the hospital to remodel the current hospital verses building a new one, and also advised of two situations where patients were referred to other hospitals.

Peter Komada of 12 McDonough Street advised the city is being gutted and inquired why the city has not pushed to have shovel-ready sites and why several empty buildings in the city are not being used. He advised what the city needs is to focus on is bringing in jobs.

Dianna from Fredonia-Stockton Road advised she read about the hospital coming into Fredonia from the paper, was not aware of any manner where residents in her area could voice their opinions, the new hospital location is in a congested area that will create a more problems for the local school, would like to know where she could go to fight this, and advised this is a bad deal all around.

Harriet "Skeeter Towers of 438 Swan Street advised several years ago when Brooks hospital petitioned to expand and double its parking lot her Neighborhood Association supported the idea because they wanted to support the city hospital. Now they are abandoning the city. It makes sense to build where they currently are located meeting the needs of our population.

Nancy Renkins of 520 Central Avenue inquired if the City had met with the Hospital Board of Directors, advised she was against where they were putting it, and was sorry they are not planning on placing the hospital on Route 60 because it is a safer location.

#### **COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Rosas responded to some comments made earlier in the evening in reference to the hospital. "Yes, we did meet with the board and unfortunately we were not able to convince them to build the hospital at one of the three sites that we did show them. The City has also sent a letter to the Governor, we've had discussion with State Representatives and our elected officials at the state level since it is State funds that is being used to move the hospital. In my opinion we have done everything that we can possibly can to try to keep the hospital here in the City of Dunkirk. And unfortunately, the board has decided to take it outside the City. But I thought I should make it clear that we have been doing our due diligence to try and keep the hospital here.

Mayor Rosas also advised he had two updates for the Council and requested Development Director Yanus and Festivals & Special Events Director Rosas to provide the details.

Development Director Yanus announced the 2.5 million Smart Growth funds that we were awarded will go toward waterfront development, the Harbor Front will be the first phase of this downtown revitalization effort, and we are going to be using it to catalyze future development on our Central Avenue and Central business district. She also advised we will be moving forward on our Comprehensive planning efforts and just hired a consultant to be helping with this Comprehensive Plan.

Development Director Yanus also advised the City did do all it could to convince the hospital to stay in the City. She reported last year when the City made their presentation for alternative locations we made cases for history, the infrastructure that we already in place, and Brownfield sites. Development Director Yanus promised we will find something good to come into that property and will get public input.

Festivals & Special Events Coordinator Rosas announced following a directive order issued by Mayor Rosas to solicit funds and donated goods the Development Department has been very busy with relief efforts not only for Hurricane Harvey but also for the situation in Puerto Rico. As this time the City has collected over 12,000 in cash. Festivals & Special Events Rosas also announced today a press release was placed announcing that the City has secured a humanitarian donation of \$324,675.98 in Medical Supplies through collaboration with Tammy Will. Ms. Wills is an international philanthropist working for Globus Relief, an international company in Utah. The shipment is being delivered to Dunkirk by Jacob Sam of Agricultural Transport of Dunkirk, NY. The US Army National Guard Armory in Buffalo, NY will be shipping the Medical Supplies to Puerto Rico to be disbursed to the hospitals. The shipping cost of over \$50,000 has been waived through collaborative efforts of Mayor Rosas, Sam Hoyt-Empire State Development, and Governor Cuomo. Lastly, Festivals & Special Events Coordinator thanked Dunkirk Mayor Rosas, Buffalo Mayor Brown, and the many WNY organizations, companies, and private individuals who were involved with this great humanitarian effort to help aid and show our love to our brothers and sisters of Puerto Rico in their time of need.

Mayor Rosas also took this time to give special recognition to City Clerk Edwin C. Ramos for his energy and dedication on this directive order, to the Dunkirk Fire Department who helped out, and to the many city residents who were receptive in helping out.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Notice of Summons from Lance J. Bronnenkant for personal injuries allegedly sustained while riding a bicycle in the area of Wright Park on or about June 19, 2016.

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 Gonzalez.

Carried, all voting aye.

Notice of Claim from the Hartford Central Recovery Office for reimbursement of the amount they paid out to their insured Eugene M. & Molly J. Hamernik for alleged damages to their vehicle.

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

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

Carried, all voting aye.

Councilman-at-Large Woloszyn advised during Council Workshop a Walk-On petition was submitted.

Request from the Dunkirk City School District requesting two police officers for their home High School playoff football game on Friday, October 20, 2017 from 7 PM until 10 PM.

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

Councilman Bamonto made a motion to refer to the Dunkirk Police Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Williams requested from Festivals & Special Events Coordinator Rosas a report on a recent contact made with the Kosciuszko Club, inquired of Public Works Director Woodbury if he was able to look at the East Cedar Street turnaround, inquired of City Treasurer Woods for an update on the Accela / KVS software upgrades and the new company that is taking over Accela / KVS, and inquired if we need the upgrades to allow for internet electronic payments and credit cards, and lastly thanked the public who came out to speak on the opposition of Brooks Hospital moving to Pomfret.

Festivals & Special Events Coordinator Rosas advised the Kosciuszko Club had scheduled an event twice this year but were rained out both times. Per Councilman Williams, they contacted the Kosciuszko Club. The Club will now be having the festivities on their club grounds on November 3, 2017 and the City of Dunkirk's Development Department will be in support of the event.

Public Works Director Woodbury advised he took two experts from the Development Department with him to look at the Cedar Street turnaround, it turns out the turnaround is on the Wright Park Amenities Improvement Plan, so the improvement will be able to be made without using any City tax dollars.

City Treasurer Woods advised the City has reached out to the company that has acquired Accela / KVS and is still waiting for a response as to the time frame for the finalization for the conversion process, advised electronic and credit card payments could probably be made without the upgrades, and informed there will be costs incurred that will need to be addressed as well as a staffing issue that will need to be addressed. City Treasurer Woods added he has spoken with the City Clerk and two county level individuals about setting up a visit to observe what procedures the County follows for electronic and credit card payments.

Councilman Bamonto inquired of City Treasurer Woods when he last spoke to the KVS system people, if he can name a month the new KVS system or new system will be ready for use, and if City Treasurer Woods could call them again. Councilman Bamonto requested an update from Public Works Director Woodbury on Howard Street and inquired if the culvert project

would be started this year. Councilman Bamonto also inquired from Development Director Yanus an update on The Point and Wright Park and thanked all who spoke tonight on all the issues.

City Treasurer Woods advised he spoke with representative of KVS / Accela around three weeks ago, we are dependent on the companies' availability to implement that part of the system, and he will need to sit down with the council to discuss issues that are holding up the process.

Public Works Director Woodbury advised the culvert is build, cannot be put in place until National Fuel gets their gas lines out of the way, National Fuel is working on it, and hopes National Fuel will allow the city to work around their project. Public Works Director Woodbury also advised today National Grid looked at some wires overhead that need to be moved, those should be out of the way soon, and the culvert should be in place by the end of the year though it may not get its finished surface and polishing until the spring.

Development Director Yanus advised a contractor for the Point will be selected on Thursday this week and all contractors have been informed they are clear to start the project this year and improvements should be done by Memorial Day. As for Wright Park, they are finishing up the design phase, the bid process should go out in mid-November, and that project should be done by Memorial Day 2018, but construction most likely will start in the spring.

Councilman Gonzalez inquired of City Treasurer Woods why it is taking so long to get electronic and credit card payments available to the public and advised it is past time to have it in place. To Public Works Director Woodbury, Councilman Gonzalez inquired when leaf pick-up will begin and inquired why the City no longer uses the services of the Brocton Lakeview prisoners. Councilman Gonzalez also advised there was an Economic Development Meeting held today, hopes the next Economic Development Meeting scheduled for November 21, 2017 will be televised on Access 12, and asked Development Director Yanus to review some of she shared at today's Economic Development Meeting. Lastly Councilman Gonzalez advised in regards to the moving of Brooks Memorial Hospital he wishes the City would have been invited to be part of finding a location, wonders how the many people who normally walk to the hospital for services are going to get to the new location, thinks this a terrible decision, and hopes the location will be reconsidered.

City Treasurer Woods advised staffing is what is holding up the process, he has discussed this with the Mayor, and his office has been down one full staff member since 2012.

Public Works Director Woodbury advised per the City Recycling calendar, leaf pick-up will be scheduled by developments in seasonal conditions. Right now when you look out the windows you will see the leaves are still hanging on and look beautiful. Public Works will make a schedule when the leaves start to fall. Public Works Director Woodbury advised he would check into the possibility of using the service of the prison system and will have the Dunkirk Parks Department take care of the leaves in Washington Park. He also advised the city has extended the use of the Parks Department to addressing the railroad tracks along Franklin Avenue in addition to the area they already took care of on Franklin Boulevard.

Development Director Yanus reported on the Economic Development Meeting; she reviewed the final wrap up of the Brownfield Opportunities Area Phase II Plan, reviewed and identified 15 Brownfield and vacant sites, reviewed different projects and different planning initiatives to redevelop these sites. This plan offers tax incentives for developers to develop or redevelop on these Brownfield sites so we can push for different jobs and companies to relocate



here. Development Director Yanus also reported she reviewed the DRI grant that won the 2.5 million and discussed some smaller projects like the Farmers Market which will be having a Market Dinner in November. Development Director Yanus lastly advised if anyone was interested in more details to please contact the Development Office.

Councilwoman Szukala advised the next Public Safety Committee Meeting has been rescheduled for October 26, 2017 at 4:00 PM in the Conference Room, thanked Public Works Director Woodbury and his crew for taking care of the Hoyt Street and Franklin Avenue grass issue, requested if an additional brush pick up day could be added to the recycling calendar next year before leaf pickup time because residents are interested in more brush pickup days, and inquired if there are any details left to be done on Hoyt Street.

Public Works Director Woodbury advised Hoyt Street is done and now has the three hundred block of Hoyt Street has fire hydrants where it use to have no fire protection.

Councilman-at-Large Woloszyn announced the next Finance Committee Meeting is scheduled for this Thursday. Councilman-at-Large Woloszyn also advised the public that even though it may not look there is much going on in the City, there actually is a lot going on. Councilman-at-Large Woloszyn invited people to attend the next Economic Development Committee Meetings chaired by Councilman Gonzalez and be updated on all that is going on in the City. He also informed that Development Director Yanus usually hands out excellent documentation on the projects going on and the progress of those projects at the Economic Development Meetings.

**UNFINISHED BUSINESS:**

**REVISED RESOLUTION #96-2017**

**October 3, 2017**

**BY: COUNCILMAN BAMONTO**

**CONSENT TO INITIATE CHARTER REVISION:  
CREATION OF HUMAN RESOURCES DIRECTOR POSITION**

**WHEREAS**, Section 15.00 of the City Charter provides that there shall be a Human Resources Office, which shall be staffed as may be determined by the Mayor and Common Council; and,

**WHEREAS**, the current Mayor has expressed a strong interest in re-engineering the structure of Dunkirk's City government to adjust to the changes in municipal government administration over the past several decades to make Dunkirk more efficient, responsive and equipped to handle the changes that have occurred and the changes to come; and,

**WHEREAS**, under Section 15.01 of the City Charter, the Human Resources Office is supposed to handle myriad issues, including but not limited to, Civil Service work with the County Civil Service Office; negotiating collective bargaining agreements; handling recruiting, interviewing, and training new employees; handling NYS retirement issues; and other duties not listed but that fall under the catch-all "similar and related duties as assigned by the Mayor," such as drafting and implementing HR policies and procedures, such use of technology, sexual harassment and bullying; and

**WHEREAS**, under Section 2.03 of the City Charter, there does not currently exist a cabinet-level Human Resources Director position that is noncompetitive at will appointee of the Mayor, who has the responsibility of answering to the Mayor, the Common Council and the citizens of Dunkirk for the work of the Human Resources Department; and

**RESOLVED**, that this Council authorize the charter revision process to begin so that the new position of Human Resources Director can be created, an at-will position appointed by the Mayor per Section 2.03 of the City Charter that will be a full-time position paying \$60,000.00 plus full benefits package for a six to seven (6-7) term of employment unless removed for cause; and, be it

**RESOLVED**, that Step 1 of the process will be a public hearing to be scheduled within 30 days of this Council Meeting; followed by

**RESOLVED**, Step 2, a vote at the next regularly scheduled Council Meeting in November to create the position; which is then followed by

**RESOLVED**, Step 3, a hiring search begin over the next 30 days post vote, headed by an *ad-hoc* advisory hiring committee that includes the Mayor, a representative of the Common Council chosen by its members, and the current Personnel Administrator that will advise the Mayor on said hiring decision.

Councilman-at-Large Woloszyn requested City Attorney Morrisroe to report his findings that may address many of the questions and concerns the public asked earlier this evening at the public hearings.

City Attorney Morrisroe reported the first thing that needed to be address was whether the City needed to do a Referendum in regards to the charter revisions in the next three Resolutions. The answer is "No". City Attorney Morrisroe went on to explain the Charter refers to General Municipal Home Rule. Under that there are certain types of changes that require referendum. None of the three resolutions fall under those changes.

As for the question on whether the City could shop out and hire the Chautauqua County Human Resource Department to take over the City of Dunkirk's Human Resource Department; City Attorney Morrisroe report he contacted the Chautauqua County Department of Human Resources and read their respond. Their answer basically came down to "No". They do not have the staff to take care of all the duties. City Attorney Morrisroe informed if the County was to take over the City of Dunkirk's Human Resource Department, the County would have to follow NY State law and revise their Charter with a referendum, and then the County taxes would go up to pay for that service.

As to the City of Dunkirk having higher taxes than the County, City Attorney Morrisroe pointed out that is the way it is throughout most New York State. This is not a Dunkirk issue; it is a New York State issue. City taxes are usually the highest; the School taxes are second, and then the County taxes.

As to the cost of hiring a Human Resources Director, City Attorney Morrisroe gave a summary of the salaries of different Human Resource Directors in Western New York. He advised a Human Resource Director, if they are experienced in grievance issues, drawing up policies, can provide train and workshop on potential liability issues; they can save the city money in the long run in legal issues and insurance costs.

Councilman Woloszyn advised a motion was needed to remove Resolution # 96-2017 from the TABLE.

No motion was made to remove Resolution #96-2017 from the TABLE.

Councilman-at-Large Woloszyn advised the resolution will remain on the TABLE.

**REVISED RESOLUTION #97-2017**

**October 3, 2017**

**BY: COUNCILMAN BAMONTO**

**CHANGE PERSONNEL ADMINISTRATOR JOB DUTIES  
TO REFLECT ACTUAL COMPENSATION & BENEFITS FOCUS**

**WHEREAS**, Section 15.00 of the City Charter provides that there shall be a Human Resources Office, which shall be staffed as may be determined by the Mayor and Common Council; and

**WHEREAS**, the current Mayor has expressed a strong interest in re-engineering the structure of Dunkirk's City government to adjust to the changes in municipal government administration over the past several decades to make Dunkirk more efficient, responsive and equipped to handle the changes that have occurred and the changes to come; and,

**WHEREAS**, the current position of Personnel Administrator, Civil Service competitive class, non-union position, does not cover the full gamut of duties that encompass a fully operational and efficient modern municipal human resources office, hence, the proposed Resolution #96 initiating the Charter revision process to create a cabinet-level Human Resources (HR) Director position; and

**WHEREAS**, the current Personnel Administrator has acknowledged the need to revamp the Human Resources Department and agrees with the need for a full-time HR Director; and

**WHEREAS**, under the Chautauqua County Civil Service job descriptions, there exists a job description under the Personnel Administrator title, who would report to the proposed Human Resources Director, and fits the duties which the current Personnel Administrator has handled well, focusing primarily on the vital service of administering compensation and benefit packages and programs for City of Dunkirk employees; therefore, be it

**RESOLVED**, that this Council authorize the Mayor to reclassify the Personnel Administrator's job duties to better reflect what the position currently handles, at the same pay as the current part-time Personnel Administrator, a competitive class, non-

union position under the Civil Service Law which does not require Charter revision as the position is not listed in the Charter; and, be it

**RESOLVED**, that this Council revisit whether the position remain part-time or be converted to full-time upon the retirement of the current Personnel Administrator

Councilman-at-Large Woloszyn inquired from City Attorney Morrisroe if he had anything to share on Resolution #97-2017.

City Attorney Morrisroe advised most cities have a person who focuses on compensations & benefits and retirement & deferred compensation because it's a big field, but they also have a Human Resources Director.

Councilman-at-Large Woloszyn advised a motion was needed to remove Resolution #97-2017 from the TABLE.

No motion was made to remove Resolution #97-2017 from the TABLE.

Resolution #97-2017 remained on the TABLE.

**RESOLUTION #98-2017**  
**October 3, 2017**

**BY: COUNCILMAN BAMONTO**

**CONSENT TO INITIATE CHARTER REVISION:  
CLARIFICATION ON CODE ENFORCEMENT & ZONING OFFICER POSITION**

**WHEREAS**, under Section 2.03 of the City Charter, Housing, Building and Zoning Officer is listed as an appointive position, which would entail a noncompetitive, at will relationship that is appointed by the Mayor; but

**WHEREAS**, the current Code Enforcement & Zoning Officer is actually a competitive class position under the Civil Service Law, and a supervisor member of the USW 2693 bargaining unit since at least the last contract was negotiated in 2010 between Dunkirk and USW 2693; now, therefore, be it

**RESOLVED**, that upon completion of a Public Hearing to be held within 30 calendar days, the Charter be amended to reflect the current reality of the Code Enforcement and Zoning Officer position, removing it from an appointive position under Section 2.03 of the City Charter, which implies Cabinet-level at-will employment; and, be it

**RESOLVED**, that the Code Enforcement and Zoning Officer then stay listed in Section 16.00 of the City Charter as an appointed position by the Mayor taken from the competitive class under the Civil Service Law, and, be it

**RESOLVED**, that a clause be added to Section 16.00 stating that such position also be classified a supervisor position, which is a member of USW's 2693 bargaining unit.

Councilman-at-Large Woloszyn advised a motion was needed to remove Resolution #98-2017 off the TABLE.

Councilman Bamonto made a motion to remove Resolution #98-2017 from the TABLE. Seconded by Councilwoman Szukala.

Carried, all voting aye. REMOVED.

Councilman-at-Large Woloszyn inquired if there was any discussion on the resolution.

Councilman Williams asked for clarification from Building Inspector Zurawski that this resolution is what has been going on in practice for a long time and is to make what is written match what is done.

Building Inspector Zurawski affirmed responding, "Correct".

Councilwoman Szukala wanted to clarify that all that was changing was the verbiage to match what Building Inspector Zurawski actually does.

City Attorney Morrisroe and Building Inspector Zurawski confirmed.

Vote on Resolution #98-2017: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #99-2017**  
**OCTOBER 17, 2017**

**BY: ENTIRE COUNCIL**

**CONSENT TO APPOINTMENT OF FULL-TIME FISCAL AFFAIRS OFFICER**

**WHEREAS**, Section 2-12.01 of the City Code provides that the Fiscal Affairs Officer shall be appointed by the Mayor, with the consent of the Common Council; and

**WHEREAS**, pursuant to Section 2-12.01 of the City Code, Mayor Wilfred Rosas has appointed Ms. Marsha E. Beach, 11 Lake Front Boulevard, Dunkirk, New York, to the position of full-time Fiscal Affairs Officer for the City of Dunkirk, an appointed, non-competitive position subject to the consent of the Common Council; now, therefore, be it

**RESOLVED**, that Ms. Marsha E. Beach, 11 Lake Front Boulevard, Dunkirk, New York, be confirmed as Fiscal Affairs Officer for the City of Dunkirk, effective October 18,

2017, at the rate of Fifty Thousand (\$50,000.00) Dollars per year with full benefits, full-time, at forty (40) hours per week.

Councilwoman Szukala advised she will be voting “No” to Resolution#99-2017. She advised her primary concern is to protect the budget and stick to the instructions of “doing more with less”. Councilwoman Szukala also advised she has secondary concerns on the transition period, how this new individual will be trained, and does not think the city has the money to do so.

Mayor Rosas advised this position has been budgeted full time. The City did try it as a part time Fiscal Affairs Officer. It is a full time appointed position which has been budgeted for according to Charter and Resolution, which Council has passed for full time position. This will not be an increase on any budget line.

Councilman-at-Large Woloszyn advised he would be voting “No” on this resolution and that it has nothing to do with Ms. Beach.

Vote on Resolution:

Ayes: Councilmen Williams, Bamonto, and Gonzalez.

No: Councilwoman Szukala and Councilman-at-Large Woloszyn.

Carried, 3-2.

**RESOLUTION #100-2017**  
**October 17, 2017**

**BY: COUNCILWOMAN SZUKALA**

**ESTABLISHING 2017 HALLOWEEN TRICK-OR-TREAT HOURS**

**WHEREAS**, the City of Dunkirk would like to establish a reasonable period to allow for the safe and fun celebration of Halloween; now, therefore, be it

**RESOLVED**, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Tuesday, October 31, 2017, shall be from 4:00 P.M. to 7:00 P.M.

Carried, all voting aye.

**RESOLUTION #101-2017**  
**OCTOBER 17, 2017**

**BY: ENTIRE COUNCIL**

**CHANGING THE COMMON COUNCIL  
MEETING DATE FOR THE FIRST MEETING IN NOVEMBER, 2017**

**WHEREAS**, Election Day (November 7, 2017) falls upon a regularly-scheduled date for a meeting of the Common Council; and

**WHEREAS**, in order to accommodate the public's opportunity to both exercise their right to vote and to attend the Common Council meeting, it would be appropriate to change the day of the 1<sup>st</sup> meeting in November, 2017; now, therefore, be it

**RESOLVED**, that the Common Council meeting scheduled for Tuesday, November 7, 2017 be changed to Monday, November 6, 2017, due to Election Day, with pre-file date changed to Wednesday, November 1, 2017.

Carried, all voting aye.

**RESOLUTION #102-2017**  
**OCTOBER 17, 2017**

**BY: COUNCILMAN WILLIAMS**

**OPPOSITION TO MOVE OF BROOKS MEMORIAL HOSPITAL TO POMFRET**

**WHEREAS**, the board of Brooks Memorial Hospital has elected to move to a newly built facility to be located in Fredonia, as reported in *The Observer*; and

**WHEREAS**, the current facility is ideally located in the center of Dunkirk's central business district, within walking distance of much of the City, and an easy car ride from both Fredonia and the Town of Dunkirk, while only a few miles from access to Routes 60 & 20, as well as the New York State Thruway; and,

**WHEREAS**, the historic nature of the origin of the hospital coming from Horatio Brooks' property has significance for both Dunkirk and its residents; and,

**WHEREAS**, most residents of Dunkirk were born, mended and operated on at the current Brooks Memorial Hospital over the past century; and,

**WHEREAS**, Brooks Memorial Hospital can remain at the site, and be creative about sale and/or lease of parts of the parcel where excess capacity is an issue, as

Dunkirk's population has shrunk since the deindustrialization and outsourcing of American manufacturing, especially across the Northeast and Midwest cities; and,

**WHEREAS**, Governor Andrew Cuomo and his chief economic development czar, Howard Zensky, both spoke recently of the importance and popularity of smart growth, new urbanism and Millennials' affinity for city life—living, working and playing inside cities' centers; and,

**WHEREAS**, Dunkirk was recently awarded Empire State Development funds to rebuild and renovate its downtown core on Central Avenue, where the current hospital stands, and its waterfront on Lake Shore Drive as part of its Downtown Revitalization Initiative (DRI), in the amount of \$2.5 million; and yet,

**WHEREAS**, the State of New York is offering \$71 million dollars to move and build a new Brooks Memorial Hospital in Town of Pomfret (better known as Fredonia), rather than the City of Dunkirk; now, therefore, be it

**RESOLVED**, that this Common Council implore Brooks Memorial Hospital and its affiliates to reconsider its decision to abandon the City of Dunkirk, and consider restructure, reuse and creative repurposing of excess physical plant; and, be it further

**RESOLVED**, that this Common Council ask the Governor, State Senator Cathy Young and State Assemblyman Andy Goodell to take a stand against the hospital moving out of Dunkirk's Downtown district by insisting they withhold the \$71 million until Brooks Memorial work with the community through its newly created committee to either create a plan to renovate the current location and stay; or, in the alternative, have a plan in place for adaptive reuse of the site.

Councilman Williams advised he knows Mayor Rosas and the Development Department team have tried everything to keep the hospital in the City of Dunkirk, but his purpose for putting this resolution together was so people could offer their opinions on the matter. Councilman Williams would like to send a copy of the Resolution and the minutes to Governor Cuomo, Assemblyman Goodell, and Senator Young to see if they could possibly put some pressure on Brooks Hospital to see if they could reconsider. He suggested if the public keeps putting pressure on their statewide elected officials, maybe it can be done. Councilman Williams he wanted it on record that he opposes the move and thanked all who spoke in favor of the opposition to moving Brooks Hospital to Pomfret.

Councilman Bamonto advised he too was against the moving of Brooks Hospital to Pomfret. He advised the Mayor and Development Department did offer up three possible sites. It angers him the hospital chose to go with a horrible location.

Councilman Gonzalez advised his sentiments are the same as everyone who has offered their opinions, that the City tried to keep the hospital in the city, and advised it is now up to the public to contact their representatives and let them know how we feel and what a terrible location was chosen.



Councilwoman Szukala advised she remember years ago when the hospital announced it was closing because they were in such financial straits they couldn't keep afford to keep the hospital open. So fast forward to today with the State dangling seventy three million dollars in front of them with no strings attached. Strings should have been attached to stay where you're located and make it a top of the line hospital because it could be done. We have been asking questions. I have asked the Mayor for updates at many council meetings. The council did ask to meet with the hospital, but we were denied that. The Mayor was given an opportunity to meet, but the Council was not. If the building is good enough to be occupied by another group, why is it not good enough to be occupied with upgrades? This is a waste of tax payer's money. We had no say in this matter and neither did Fredonia. Councilwoman inquired from Mayor Rosas if the City could get an attorney to stop them from leaving the way same way some city residents opposed a business from coming to the City of Dunkirk recently.

Mayor Rosas advised the City residents have no say in the hospital leaving. This was a ware house that was coming. They had a say because it was coming. Now that it is leaving, it is up to the residents of that community to do the same thing.

Carried, all voting aye.

**NEW BUSINESS:**

**RESOLUTION #103-2017**  
**OCTOBER 17, 2017**

**BY: ENTIRE COUNSEL**

**CONSENT TO A TEMPORARY APPOINTMENT OF PART-TIME FISCAL AFFAIRS CONSULTANT**

**WHEREAS, Section 2-3.01, Paragraph #4 of the City Code provides that the powers and duties of the Mayor shall include the appointment of employees; and**

**WHEREAS, pursuant to Section 2-3.01, Mayor Wilfred Rosas has appointed Ms. Christine Pinkoski as a temporary employee for the purposes of providing training and support to the newly appointed Fiscal Affairs Officer, and to attend various meetings regarding the City's Fiscal year 2018 Budget; and**

**WHEREAS, this appointment shall be deemed as a temporary appointment with hours and length of continued service to be pre-approved by the Mayor, and at his sole discretion; now therefore, be it**

**RESOLVED, that Ms. Christine Pinkoski, be confirmed as a temporary consultant for the City of Dunkirk, effective October 18<sup>th</sup>, 2017, at the rate of Fifty-**

**five (\$55.00) dollars per hour without benefits, with hours of work to be pre-approved by the Mayor.**

Councilman Williams advised when a Resolution is a Walk-On and it affects money, he would first like to review it.

Councilman Williams made a motion to TABLE Resolution #103-2017. Seconded by Councilwoman Szukala.

Vote to TABLE Resolution #103-2017:

Ayes: Councilman Williams, Councilwoman Szukala, and Councilman-at-Large Woloszyn.

No: Councilman Bamonto and Councilman Gonzalez.

Resolution TABLED: 3-2.

City Attorney Morrisroe advised he checked the Common Council Rules on the question asked earlier in the meeting regarding how long a Resolution could be TABLED before the Resolution goes away. City Attorney Morrisroe advised could not find a rule on that, it is not reflected in the Charter and advised he doesn't know where the Council got the rule.

Councilman Williams advised he believes the Rule comes from Robert's Rule of Order.

Councilman-at-Large Woloszyn advised it will be researched.

Councilman-at-Large Woloszyn advised the Council needed to meet in Executive Session and requested a motion to do so.

Councilman Gonzalez made a motion to meet into Executive Session. Seconded by Councilman Bamonto.

Carried, all voting aye.

Executive Session called to order at 7:11 PM.

Councilman Williams made a motion at 7:30 PM to adjourn the Executive Meeting called to discuss the Medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Seconded by Councilman Gonzalez.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Williams moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned 7:30 PM**

**Edwin C. Ramos, City Clerk**

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