

**COMMON COUNCIL PROCEEDINGS**  
**December 18, 2018**

The meeting was called to order at 5:30 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

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

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

Excused: Councilman Bamonto.

Certification of the Tuesday, December 4, 2018 Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of the December 4, 2018 Common Council Meeting be Dispensed with.

Councilman-at-Large Woloszyn stated a motion was needed to dispense with the reading of the minutes.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Jeanette Delgado of 321 Robin Street stated she wanted to take a moment to make more of an educational thing. I do realize that because it's in front of the Common Council there is not much that you can actually do in this situation. Friday in school 6<sup>th</sup> period my daughter was changing in a locker room on the school premises and another individual decided to take pictures of her changing. Although I have gone thru the school and the other individual was suspended. I was advised to press charges. When I went to the Police Station today I was advised that it would be a Class E Felony so I decided to make a statement. Although I made a statement, I just got off the phone with the SRO from the School and he advised me that since I am not planning on going forward with charges that there is not much the school can do to help me with this situation. So I am going to from now forward get a hold of Dr Tracy and go forward with trying to figure out a better situation with cell phone use in the Schools. I do realize that a lot of individuals that go to the schools take their phones and parents use them as a babysitting tool but they are not being controlled very well at this point when people are having pictures taken of them while they are changing in locker rooms. This is just an informational thing as where I am going to go forward from here to try and make some changes in some of the policies in the school based on the situation with my daughter.

Councilman-at-Large Woloszyn stated that as she stated there is nothing the Council can do because it is out of our jurisdiction but if at any time you feel the need to sit down and speak with Chief Ortolano, I am sure he would be more than happy to speak with you.

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

Mayor Rosas stated that Governor Cuomo announced the 2018 consolidated funding application awards. I am happy to announce that the City of Dunkirk has been awarded 3 grant projects. The first one is in the amount of \$225,000 towards the Great Lakes Grand Prix boat races. This is part of the I Love New York Campaign. I am very proud of our Development team, they put together a really good proposal and it appears now that we will be included in the I Love New York Campaign. This amount is for 2 years and we look forward to continuing that funding support thru the state. Second a grant for \$500,000, this is not actually for the City it is for the Developers of our hotel project. This is towards the Dunkirk Windgate and Recreation Center Project which will feature a new 83 room Nationally Branded Hotel, Restaurant, Distillery, Beer Garden, Swimming pool and outdoor Recreation Center. Both facilitating the existing tourist experiences and attracting new tourists in Chautauqua County. We did contact the Developer today and he will be moving forward with this project. The third one is in the amount of \$73,155 to Chautauqua County in partnership with City of Dunkirk, Village of Silver Creek, Towns of Hanover and Westfield and the Chautauqua Watershed Conservancy to install 5 ADA Accessible Kayak launches. The Seel Street project is pretty much completed now. We are very proud to have completed that project. There were some infrastructure things that were done there, water lines and bringing fire protection to these residents who did not having any fire protection as well as the paving of the road. I would also like to announce that the LED project that we have been working on for almost 2 years now is finally going to implementation. We signed the contract yesterday. This is a project that is being funded also with funds from New York State. We are very proud to be the municipality starting this type of a project in New York State. New York State is looking at this project as a model for other municipalities across the state, so they are monitoring the progress of this project. The President of LED Solutions Steve Holtz is here to present an incentive check to the City of Dunkirk in the amount of \$100,000.

President of LED Solutions Steve Holtz stated Mayor Wilfred Rosas and LED Energy Solutions are pleased to have formed a partnership to provide energy and cost efficient lighting throughout the City of Dunkirk facilities and along our streets. The City of Dunkirk has taken a lead role in becoming a “cleaner & greener” community. This partnership was begun almost two years ago and as a result many thousands of dollars will be saved. Additionally, there will be no money being paid out of the City coffers for this enhancement. The thousands of dollars in savings will actually pay for the project without hurting the taxpayers. The initial interest rate for this project was 2.99%. However through the negotiation efforts of Mayor Wilfred Rosas, the interest rate was reduced to zero.

Mayor Rosas presented a Proclamation to Gary and Patty Damico proclaiming December 18, 2018 as Gary & Patty Damico Day in the City of Dunkirk, New York.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Notice of Claim from Michele Crockett for damages caused when she allegedly fell at the City Pier on August 11, 2018.

Councilman-at-Large Woloszyn advised that a motion was needed to refer to the law department.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from the Juneteenth 2019 Celebration Committee to use Memorial Park on June 15<sup>th</sup> & 16<sup>th</sup>, 2019 for the Annual Juneteenth Celebration. Also requesting assistance from The City Fire Department & Police Department and for a monetary donation toward the cost of Juneteenth from the City of Dunkirk.

Councilman-at-Large Woloszyn stated a motion was needed to refer to the appropriate department and approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

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

Councilman Williams inquired to DPW Director Woodbury about pothole on Doughty Street between Roberts and Townsend there are some pretty large potholes there. Are the blacktop plants still open or can we get some type of fill there. The light at Second and Roberts is that programmed. On West Green Street in front of house 29 in the Street, I got a complaint that there is water that sits there when it rains and I drove by and I didn't feel a bump in the road but I did notice that in the Street there were a lot of cracks to the pavement probably caused from the water sitting there. East Cedar Street the millings from leaf pick up have been spread all over on the Street, residents were wondering if the Street sweeper could go and clean it up. The next DPW committee meeting will be the day after Christmas. The City Council will be on WDOE viewpoints this Thursday at 8:45am. Also inquired to the Building Inspectors Office on Moffatt Street there is a house there that has a garage that has a lot of cars that some are up on blocks and have been for a while some that don't have license plates, if someone could go by and check it out. Have we received anything yet on solar and wind, I know we did some type of report that we put in if you could check on it. There is also a fire hydrant with a bag over it on Margay St.

DPW Director Woodbury stated that they are looking for a plant that is open; we will get that one way or another. The City Electrician will be getting trained within a few weeks on programming and that will be the first one he does. DPW Director stated he will look into West Green Street and East Cedar Street. I will also get an update on the solar and wind. In the First Ward you have two new fire hydrants on Stegelske that are being activated this week. We got those as part of the water line for Athenex. Those two hydrants test out to be AA hydrants. They will be painted blue caps on a highest rating of a fire hydrant. The fire hydrants on Seel Street went from Class D which is unusable also to Class AA hydrants above 1500 gallons per minute in fire protection for that residential area. We also got 4 additional hydrants in the second ward on Willow as part of the North County Water District and those also tested out.

Councilman Heenan inquired to DPW Director Woodbury about windows for the dog shelter and state that he believes that the work on Seel Street was done in a very timely fashion, when should the residents expect this to be complete. Also inquired to City Attorney Morrisroe for an explanation regarding a Resolution that residents were supposed to be able to vote on at the November 6, 2018 general election to change the Common Council term from 2 years to 4 years. I know that didn't happen and I was curious why it didn't happen. Will this Resolution because of

the date in it need to come before council again and have another public hearing. My question would be what we do with the Resolution that says 2018.

DPW Director Woodbury stated that they were able to find some windows in stock that were for a project from a decade or so ago. They were surplus and the Mayors impact team will be installing those at the dog shelter. As far as the project on Seel Street they will clean up what they can after the Holidays, the connections to the houses will be done in the spring. The Mayor and I thought it was important to get the fire protection to that area first. We got that done right after we got the easement from National Grid to make the connection to the area that we worked in. The layer of pavement on there is the base layer there will be a cover layer on top of that as well.

City Attorney Morrisroe stated that we held off because it wasn't a City election cycle year, we thought we would get a better response if it was a City election as part of the election cycle so that's why we held off until 2019 to put that on the ballot and the Resolution can be amended.

Councilman Civileto thanked Mr and Mrs Damico as a member of City Council and the Rotary Club. Rotary always appreciated your help on Thanksgiving getting together a lot of packages for underprivileged people throughout the city that we delivered. You are going to be missed by Rotary and the City. Thank you very much for all of your work. Public Safety Committee decided at their last meeting to hold meetings every other month the second Wednesday at 4:00pm. Also, inquired to Marsha Beach there have been some concerns about potentially losing NRG taxes in the next three years potentially. Are there any projects in the works that would maybe make up for these potential losses in the future.

Fiscal Affairs Office Beach stated that there is a twofold answer for that; I know that with NRG the Mayor has been working with officials in Albany, The Governor, The Senator and locally with our County Executive. Long before NRG even announced they weren't going to reopen they were already brainstorming and trying to decide what we are going to do if they change their mind. We received Appalachians Region Grant to study that property for possible repurposing. The most important thing the Mayor had the foresight to do was to designate it as a BOA property (Brownfield Opportunities Area) and that really is just huge for any potential developer that might want to repurpose that because of course they can apply to the Federal Government to get funds to clean up any potential contamination there. The City has been doing all kinds of things to start to save money. We don't know that we are going to lose that transitional aid, we are operating like we will perhaps lose it but there is nothing to say that we will. The Mayor has been keeping with his contacts in Albany and trying to continue that aid at some rate until we can get it repurposed. The LED project alone the savings of \$250,000 per year, we will be saving that each and every year, not just one year. The North County Water District we have been selling water already and that could build up to possibly \$500,000 per year, so right there is \$750,000 that we are going to be adding in revenue and of course decreasing expenses. When the two major projects are finishes, repairs and maintenance is going to go down. Randy had presented to us at a Finance Meeting that our chemical costs were going to go down substantially. We are already looking at close to one million dollars in savings and we're just getting started. We are just beginning to make sure we have any potential loss covered. We have made a great start and we will keep going.

Councilman Heenan inquired to City Attorney Morrisroe who gave the authority to overrule the date we had as Council, November 6, 2018 election cycle. You used the term we

decided to do it next year because thought it would be better. Also stated that he was here when the Resolution passed.

City Attorney Morrisroe stated that the conversation was with the Election Commissioner. The Administration decided and some of the Council members. We can do a retroactive Resolution at the Council meeting and if Council votes on it we can retroactively approve moving it to 2019.

Mayor Rosas stated that he has been privy to some of the information on this issue and I can tell you that both sponsors of that Resolution were contacted and informed of what they wanted and they agreed that what they wanted was what the outcome turned out to be. Unfortunately Councilman Heenan was not here when that Resolution was actually passed.

Councilman-at-Large Woloszyn stated there is a Finance Meeting at 4:00pm on Thursday and thanked the Damico's for their service to The City of Dunkirk and everyone.

**UNFINISHED BUSINESS:**

None

**PREFILED RESOLUTIONS:**

**RESOLUTION #116-2018**  
**December 18, 2018**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT TO PROVIDE DRUG/ALCOHOL TESTING  
(LANGFORD TESTING AND CONSULTING)**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

**WHEREAS**, the City utilizes a pre-employment screening protocol for various employees; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

**WHEREAS**, the City has obtained quotes from three vendors and has undertaken a vendor comparison which provides that Langford Testing and Consulting can provide the required services in a good and workmanlike manner at the lowest cost; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with **Langford Testing and Consulting**, 52 Berry Road, Fredonia, New York 14063, for the administration of the required drug/alcohol testing program for 2019, including providing compliance with Department of Transportation requirements.

Carried, all voting aye.

**RESOLUTION #117-2018**  
**December 18, 2018**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING INFORMATION TECHNOLOGY SERVICES AGREEMENT  
(DFT Communications)**

**WHEREAS**, the City of Dunkirk and its departments have, on a regular basis, the need for professional computer and information technology services; and

**WHEREAS**, it would be in the best interest of the City to contract for such services; and

**WHEREAS**, the City has, after requesting and reviewing proposals for qualifications, utilized the services of DFT Communications for such services; and

**WHEREAS**, **DFT Communications** is ready, willing and able to continue to provide such services to and on behalf of the City, in a good and workmanlike manner, and is being recommended for approval; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **DFT Communications**, 40 Temple Street, Fredonia, New York 14063, as an independent contractor to provide independent computer and information technology services for the City for the period January 1, 2019 through December 31, 2019, at the cost of Seven Hundred Ninety Five Dollars and Zero Cents (\$795.00) per month, included in this contract is the installation of a police recorder and VPN system and the lease of the VPN system, the installation fees are one time charge of Three Thousand One Hundred Fifty Dollars and Zero Cents (\$3150.00); and, be it finally

**RESOLVED**, that the payments for such services be made from Account No. 001-1680-4036 (Contracted Services).

Carried, all voting aye.

**RESOLUTION #118-2018**  
**December 18, 2018**

**BY: ENTIRE COUNCIL**

**AUTHORIZING CHANGE FOR  
FIRST JANUARY 2019 COMMON COUNCIL MEETING**

**WHEREAS**, the Common Council wishes to change the date of their first meeting in January 2019, and

**WHEREAS**, the Tuesday, January 1, 2019 meeting will be changed to Wednesday, January 2, 2019, because of the New Year's Day holiday, now, therefore, be it

**RESOLVED**, that the Tuesday, January 1, 2019 Common Council Meeting shall be re-scheduled to Wednesday, January 2, 2019.

Councilman Williams made a motion to Amend the Resolution to state the meeting will be held on Thursday, January 3, 2018. Seconded by Councilman Civiletto.

Vote on Amendment.

Carried, all voting aye.

**RESOLUTION #118-2018**  
**December 18, 2018**

**BY: ENTIRE COUNCIL**

**AUTHORIZING CHANGE FOR  
FIRST JANUARY 2019 COMMON COUNCIL MEETING**

**WHEREAS**, the Common Council wishes to change the date of their first meeting in January 2019, and

**WHEREAS**, the Tuesday, January 1, 2019 meeting will be changed to Thursday, January 3, 2019, because of the New Year's Day holiday; now, therefore, be it

**RESOLVED**, that the Tuesday, January 1, 2019 Common Council Meeting shall be re-scheduled to Thursday, January 3, 2019.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Williams moved to adjourn. Seconded by Councilman Civiletto.

Carried, all voting aye.

**Adjourned at 6:11 PM**

**Edwin C. Ramos, City Clerk**

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