

COMMON COUNCIL PROCEEDINGS
April 3, 2012

The meeting was called to order at 6:00 PM by Councilmember-at-large Kiyak followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, CDGB Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Absent: Fiscal Affairs Officer Briggs.

Councilwoman-at-large Kiyak advised the minutes from the prior meeting (March 20, 2012) will be dispensed with at the next common council meeting (April 17, 2012).

PUBLIC COMMENTS:

Nick Penque, Grant Avenue, Dunkirk, NY spoke on behalf of the Dunkirk Citizens' Advisory Committee and read the following:

“At the March 14, 2012 meeting of the Dunkirk Citizens' Advisory Committee, the following recommendation was approved unanimously for submission to the City of Dunkirk Mayor and Common Council:

Auditor Rotation

The Citizens Advisory Committee (“CAC”) serves the City of Dunkirk (“City”) and its residents in an advisory capacity. As such, the CAC recommends that the City of Dunkirk institutes an auditor rotation policy that addresses a number of issues such as maintaining objectivity and ensuring competitive pricing. Recommendations to this policy include:

- Independent Audit services be put out to bid no less than every three (3) years
- After an independent auditing firm has served for three (3) consecutive years, that firm may again bid for another three (3) year term using another partner to oversee the City's audit
- After serving six (6) consecutive years as independent auditing firm for the City that firm may not bid again for a period of three (3) years
- No independent auditing firm serving the City may also serve simultaneously as the auditor for separate but related City entities (i.e., the DLDC); after serving the City for a separate but related City entity (i.e., the DLDC) the independent auditing firm may not serve the other entity for a period of at least one (1) year.

Recommendation is made for implementing during the present calendar year and then including as a modification to the City of Dunkirk Charter.”

Mr. Penque also requested if two or more council members could sponsor these recommendations or refer them to the proper subcommittees for discussion.

Dominick DeSanto, 418 Swan Street, Dunkirk, NY advised this is the second time he is approaching council regarding dog attacks in the city and stated his dogs have been attacked three times by other dogs. Mr. DeSanto stated something needs to be done and asked the council to come up with a solution regarding this issue.

Councilwoman-at-large Kiyak thanked Mr. DeSanto for bring this to the council's attention and stated there will be discussions regarding this issue.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce spoke in regard to Resolution #35 – Resolution authorizing the West End Water Project and publicly thanked Senator Young for her efforts. Mayor Dolce advised this grant was originally secured in 2007, it is still available and the city will be acting upon it. Mayor Dolce also thanked the common council for supporting this project.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from the Dunkirk City School District for one uniformed Police Officer at School Four and School Seven on May 15th from Noon until 3:00 PM for their Annual School District and Budget Vote and Election.

Councilwoman-at-large Kiyak advised a motion was needed to approve and referred this to the Police Department and Law Department.

Councilman Rivera motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Dunkirk Board of Education to use Murray Hose Company #4 on May 15th from 12:00 PM until 9:00 PM for their School District Budget Vote and Election.

Councilwoman-at-large Kiyak advised a motion was needed to approve and referred this to the Department of Public Works, Fire Department and Law Department.

Councilman Rivera motioned to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Chautauqua Lake High School Baseball Program to use Prommenschenkle Stadium on June 14th (June 15th rain date) to host the 2012 Chautauqua County Exception Senior All-Star Softball game.

Councilwoman-at-large Kiyak stated a motion was needed to approve and referred this to Department of Public Works, Police Department and Law Department.

Councilman Michalski motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of Claim from Margaret Swierk, 2501 Mezzio Road, Forestville, New York for a flat tire, allegedly due to hitting a pothole on Main Street, near Pacos Construction Company.

Councilwoman-at-large Kiyak stated a motion was needed to refer this to the Department of Public Works and Law Department.

Councilman Rivera motioned to refer this to the Department of Public Works and Law Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Communication from the Dunkirk Citizen's Advisory Committee recommending an Auditor Rotation Policy in the City of Dunkirk.

Received and filed.

Petition from the Friendship Baptist Church Gospel Choir to use Washington Park on August 11th from 12:00 PM until 6:00 PM. Also, requesting the use of picnic tables and port-a-potties.

Department of Public Works Director Gugino advised the City of Dunkirk does not provide port-a-potties and the city normally does not provide free picnic tables to the public.

Councilwoman-at-large Kiyak advised a motion was needed to approve contingent upon liability insurance and without approving the port-a-potties at the city's expense and referred this to the Department of Public Works, Police Department and Law Department.

Councilman Gonzalez motioned to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from Ryan Corbett to hold a Classic Car Cruise in Washington Park on June 17th from 11:00 AM until 4:00 PM. Also, requesting trash, port-a-potties, vendors, tent and the possibility of closing Washington Avenue between 5th and 6th Streets.

Received and filed.

Petition from the Kosciuszko Polish Home Association requesting to close traffic between E. Doughty Street and Courtney Street on Friday, June 29th and Saturday, June 30th from 5:00 PM until 12:30 AM for their "Annual Street Dance." Also, requesting the support of the City Parks Department, Police Department, Streets Department and Fire Department.

Councilwoman-at-large Kiyak stated a motion to approve was needed contingent upon liability insurance and referred this to Department of Public Works, Police Department and Law Department.

Councilwoman Szukala motioned to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from the U.S. Coast Guard Auxiliary Detachment #1 to use the City Pier on May 19th for the purpose of “The Ready Set Wear it” world record.

Councilwoman-at-large Kiyak advised a motion to approve was needed and referred this to the Department of Public Works.

Councilman Gonzalez motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker applications from:

Friendship Baptist Church Gospel Choir to use microphones and amplifies in Washington Park on August 11th from 2:00 PM until 6:00 PM.

Dunkirk Public Schools to use a sound system at the High School on May 12th from 12:00 PM until 4:00 PM for the Autism Awareness Walk & Event.

Dunkirk Historical Society to use speakers and amplifiers for the Classic Car Cruise in Washington Park on June 17th from 1:00 PM until 4:00 PM.

Kosciuszko Polish Home Association to use bands and speakers on June 29th and June 30th from 7:00 PM until 11:00 PM for their “Annual Street Dance.”

Councilwoman-at-large Kiyak stated a motion to approve was needed.

Councilman Rivera motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised the next Finance Committee Meeting will be held on Monday, April 23rd at 5:00 PM in the Mayor’s Conference Room. Councilman Michalski advised the last meeting was held approximately one week ago, the committee is waiting for the independent auditors to finish their audit and asked City Treasurer Woods for an update on the audit proceedings.

City Treasurer Woods advised the independent auditors are progressing well; the General Fund, Water Fund, and Waste Water Funds are near completion. City Treasurer Woods advised the auditors provided year-end adjusting entries today and those entries will be posted to the general ledger tomorrow and Thursday. City Treasurer Woods stated once that process is completed the auditors will review the December 31, 2011 balances again, consult with the appropriate city personnel then finalized those entries.

Councilman Michalski asked City Treasurer Woods if budget modifications will be presented to the committee for review at the next finance meeting.

City Treasurer Woods replied they should be available for review by the next finance committee meeting and then must be presented for approval to the common council in a formal resolution.

Councilman Michalski advised New York State Agriculture & Markets law prohibits the city from banning a specific breed of dog and they also control fine's that can be imposed on residents for any at-large dogs. Councilman Michalski advised council will be meeting with the city's Animal Control Officer before July 1st; they will ask him for his input regarding this issue and stated this could also be discussed at the next Public Safety meeting.

Councilman Rivera advised the next Personnel, Judicial & General Welfare, Recreation, Library Regional Planning Committee will be held on April 17th at 4:30 PM in the Mayor's Conference Room. Councilman Rivera advised he would like several Department Heads and Personnel to present reports summarizing the duties in their departments.

Councilman Rivera apologized to Mr. DeSanto regarding the at-large dog situation in the city.

Councilman Gonzalez advised the next Public Works Meeting will be held on Tuesday, April 10th at 10:00 AM in the Conference Room and stated he would like the Animal Control Officer present at this meeting so he could update council on the at-large dog situation in the city.

Councilwoman Szukala responded to Mr. Penque and the Citizens' Advisory Committee on their recommendation for the Auditor Rotation Policy and stated Jim White approached the finance committee with this recommendation at their last meeting. Councilwoman Szukala advised that at this time the city can only receive and file this communication because the city has just signed a five year contract with the current auditors and suggested to Mr. Penque and the Citizens' Advisory Committee to submit this letter to the DLDC and the Dunkirk Library Committee's because the City of Dunkirk can not tell those entities what auditors they can or can not use.

Councilwoman Szukala inquired with Mayor Dolce and City Attorney Szot regarding the status of the union contract negotiations.

Mayor Dolce replied "I would just simply say were making nice slow steady progress."

Councilwoman-at-large Kiyak advised the next Economic Development Committee Meeting will be held on April 24th at 11:00 AM in the Conference Room and the Dunkirk Citizens' Dialogue meeting will be held April 24th at 6:00 PM in the Conference Room.

Councilwoman-at-large Kiyak asked if any Department Head would like to speak at this time.

Department of Public Works Director Gugino advised the First Ward Water Line Replacement Project is underway and is going well.

Department of Public Works Director Gugino advised preliminary sight preparation work will begin tomorrow in regards to the Willowbrook Tank Replacement Project and Caldwell Tank Company will begin work on constructing the tank on April 9th.

Councilwoman-at-large Kiyak asked Mr. Gugino if traffic will be impeded during this project.

Department of Public Works Director Gugino advised there will be no interruptions to the surrounding residents and traffic will not be impeded during this project.

Police Chief Ortolano spoke in regard to the waiver policy regarding city approved and sponsored events and advised any waiver approved by the city is approved for a date and time specific event only. Police Chief Ortolano advised normal laws will be enforced for an event held outside of a specific date and time or held without proper waiver approval.

Police Chief Ortolano reminded residents alternate parking has changed back to weekly instead of daily, courtesy tags will issued this week and tickets will be issued this weekend.

Fire Chief Ahlstrom advised bid opening was held on March 27th for the ambulance, stated there were two companies who submitted bids and they are currently in the process of going thru each bid to determine which bid best meets the city's specifications and requirements.

PRE-FILED RESOLUTIONS:

RESOLUTION #35-2012
APRIL 3, 2012

BY THE ENTIRE COUNCIL:

AUTHORIZING WEST END WATER PROJECT

WHEREAS, the City of Dunkirk's water distribution system is vital to the health, safety and welfare of the community; and,

WHEREAS, it is in the best interests to undertake a comprehensive cleaning and re-lining of the City's 12" water line along Lake Shore Drive West, from the Dunkirk Filter Plant to the City line; and,

WHEREAS, there is a need to improve certain areas of the distribution system, specifically in the area of Lake Shore Drive West, to provide for the public welfare, safety and well being, since current system conditions in this area have resulted in low water pressure, poor water quality, and possible fire protection issues, which all jeopardize the water distribution in this area; and,

WHEREAS, the estimated cost of such project is \$500,000.00; and,

WHEREAS, there is available for use an Empire State Development Corporation C-CAP Grant in the amount of \$250,000.00, secured by and through the auspices of NYS Senator Cathy Young; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to undertake certain improvements to the City of Dunkirk's water distribution system (the "West End Water Project").

Councilman Rivera asked Department of Public Works Director Gugino to explain this project to the public.

Department of Public Works Director Gugino proceeded to explain the purpose and scope of this project, how funding for this project was acquired and how the City of Dunkirk and its residents will benefit from this project in the future.

Carried, all voting aye.

RESOLUTION #36-2012
APRIL 3, 2012

BY: COUNCILWOMAN SZUKALA; SECONDED BY COUNCILMAN MICHALSKI:

**TRANSFER FROM THE COMMON COUNCIL’S CONTRIBUTION FUND
TO BROOKS MEMORIAL HOSPITAL AUXILIARY**

WHEREAS, the Auxiliary of Brooks Memorial Hospital generously supports Brooks Memorial Hospital and is seeking donations for its annual dinner dance/auction; and

WHEREAS, the Common Council would like to give a donation of \$50 to the Auxiliary of Brooks Memorial Hospital; now, therefore, be it

RESOLVED, that the Common Council will donate \$50 to the Auxiliary of Brooks Memorial Hospital for its 2012 Dinner Dance/Auction; and, be it further

RESOLVED, that this donation will be taken from account #001-1010-4109-0000 Legislative Board Contributions.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:35 PM

Lacy L. Lawrence, City Clerk
