

COMMON COUNCIL PROCEEDINGS
February 21, 2012

The meeting was called to order at 6:08 PM by Councilwoman-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, Fiscal Affairs Officer Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, CDBG Administrator Gornikiewicz, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilwoman-at-large Kiyak advised that Personnel Administrator Heyden was excused from tonight's meeting.

Certification of February 7, 2012 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, February 2, 2012 be dispensed with.

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Muscato, 280 Lake Shore Dr. West, Dunkirk, NY spoke in regard to the new NYS Law relative to information of public meetings, questioning when the website would be updated to include the Council Minutes and Agendas.

Director of Development Neratko advised that his department was in the midst of updating the website, and a couple of interns from SUNY Fredonia were supposed to be helping with this, but it has been delayed, and we are looking at other options for updating. He further stated that we are looking to get this done as soon as possible, but right now it was a matter of time, and would get to it. Mr. Muscato then stated that people were inquiring about this.

Mr. Muscato further questioned if the city was contacted by the Town in regard to the Dunkirk Meadows Project.

Mayor Dolce advised that the city was in contact back in August regarding the water and sewer, but nothing else since then.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised that the first DLDC Meeting would be held on Thursday at 11:00 AM in the Conference Room and the public was invited to attend. Mayor Dolce also informed that this was the annual meeting, and a light Agenda would follow.

Communication from Mayor Dolce appointing John Mackowiak to the Planning Board effective immediately and expiring December 31, 2012.

Received and filed.

Communication from Mayor Dolce appointing Members to the Dunkirk Local Development Corporation effective February 21st, 2012 and expiring February 20th, 2014.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition requesting use of city roads and facilities for the annual triathlon event on August 26th from 7:00 AM to 3:00 PM by "Score This".

Councilwoman Kiyak stated that a motion was needed to approve and refer to Public Works, Fire, Police Departments and the City Attorney.

Councilman Michalski made a motion to accept and forward this to the Department of Public Works and PBA.

City Attorney Szot spoke to clarify the situation and avoid problems, stating that there were two motions on the floor. (First by Councilwoman-at-large Kiyak, and second by Councilman Michalski). He stated that Councilwoman Kiyak asked for a motion, and then there was another motion.

Councilwoman Kiyak stated that at this point, she would like this referred to all four of the departments.

Councilman Michalski motioned for the referral. City Attorney Szot also mentioned for approval of the request.

Motion to approve and refer by Councilman Michalski. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition requesting use of the City Garage on Thursday, March 29th from 4:30 to 6:30 PM for the annual rabies clinic by the County Health Department.

Councilman Rivera moved that permission be granted and referred this to the Public Works Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition requesting two police officers at the Clarion for the Junior/Senior Prom on Saturday, May 12th from 7:00 to 11:00 PM by the Dunkirk School District.

Councilman Gonzalez moved to refer this request to the Public Works & Police Departments. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition requesting to hold the annual "Dunkirk Lakefront 5K" run on Saturday, August 11th starting at 9:00 AM from Kurt Warmbrodt.

Councilman Michalski moved that permission be granted and referred this to Public Works, Fire, Police and the City Attorney's Office. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Harbor Commission requesting approval of Commercial Bait Fishing applications for Dave's Bait & Tackle and Penrod's Bait & Tackle.

Councilwoman Szukala moved that these two applications be approved. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from the Conservation Club for live bands from May 20th to October 1st, and Bart's Cove for live bands from April 1st to November 30th.

Councilman Rivera moved that permission be granted. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised of the Finance Committee Meeting this Thursday at 5:00 PM in the Conference Room, and stated that the budget would be discussed relative to where it ended last year, and moving forward this year.

Councilman Rivera spoke as Chairman of the Personnel, Judicial & General Welfare, Recreation, Library & Regional Planning Committee, stating that there has been no meeting to date, but hopefully there may be one in March. He further stated that nothing was set, but as soon as he speaks with two Members on the Board he will make it public as soon as possible.

Councilman Gonzalez had nothing to report at this time.

Councilwoman Szukala first questioned order of the meeting, and if it was changed when doing referrals. She asked if this comes first from the Councilwoman-at-large then down to Council, as the first petition was voiced from at-large then down to Council. She further advised that in the past, the person making the motion was the one doing the referral, wanting to make sure everyone was on the same page.

City Attorney Szot advised that was fine, but the original motion from Councilwoman-at-large was to approve and refer it, and Councilman Michalski's was only to refer. He further stated that if the request was not approved, they could not have the triathlon, and to make sure that both are together. Councilman Szukala then questioned if it would still be read by the Councilwoman-at-large as to which departments it would be referred to. City Attorney Szot advised that either way, but in this case it was needed to be approved.

Councilwoman Szukala advised that they are working on the School #6 playground equipment from the school system, questioning if the release of liability was sent to them, and Mayor Dolce advised that they haven't sent us anything.

Councilwoman Szukala questioned if there were any updates on union negotiations.

Mayor Dolce advised that we were in the early stages, but were talking.

Councilwoman Szukala advised that there has been communication between the city and the Comptroller's Office relative to the stipend for the Assessor's position, requesting an update as how to proceed from here.

Mayor Dolce stated that they were still working out how to proceed, as they are looking to get something in writing from that Office.

Councilwoman Szukala stated that there was nothing on the website from them in regard to this, and City Attorney Szot advised that we received a call from one of the Attorney's in reference to the letter that was sent last December 29th, saying that they received a letter basically not asking anything. He stated that there was a conversation relative to the issue, and the bottom line was that they do not issue local issue determinations, this was essentially local and nothing to do with state law, not of statewide importance, and they considered the matter closed.

Councilwoman Szukala therefore questioned if they go forward with this stipend, as it's been approved by Council through a resolution, and if they should proceed with payment of the stipend.

Mayor Dolce stated that there would have to be some research done, and City Attorney Szot stated that in his legal opinion, it was improper, but he was not the Council.

Councilwoman Szukala questioned where Council goes from here, and if it's not something that will come back in resolution form to reverse this, then they need to move forward with what was already approved.

Mayor Dolce advised that they will get an opinion to her.

Councilwoman-at-large Kiyak advised that there will be an Economic Development Meeting on Monday, February 27th at 11:00 AM in the Conference Room, and the second Dunkirk Citizens' Dialogue Meeting will be held on Wednesday, February 29th at 6:00 PM in the Conference Room.

PRE-FILED RESOLUTIONS:

RESOLUTION #23-2012
FEBRUARY 21, 2012

BY: COUNCILMAN RIVERA

**DIRECTING BUILDING INSPECTOR TO INSPECT PREMISES
(209 SWAN STREET (79.14-4-65)) AND REPORT RESULT**

WHEREAS, a structure situate at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65) appears to be abandoned, dilapidated, deteriorated, decayed or unattractive and appears to be or become a danger to the health, safety or welfare of the public; and

WHEREAS, it would be in the best interests of the public for an inspection of such premises to be undertaken by the City's Building Inspector and for a report of such inspection to be provided to this Common Council; now, therefore, be it

RESOLVED, that the Building Inspector is hereby directed to inspect the building or structure situate at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65) and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code.

Councilman Rivera stated that this was letting people know how they are thinking in this situation, that he sponsored this resolution, and this was a problem we have in the city with the means to do this. He further advised that we have funds in the budget to do these things, and it was a great step to take care of these issues that we have to drive by to see everyday.

Vote on resolution: Carried, all voting aye.

RESOLUTION #24-2012
FEBRUARY 21, 2012

BY: COUNCILWOMAN SZUKALA

AUTHORIZING PARTICIPATION IN BORDER PATROL AUGMENTATION PROGRAM

WHEREAS, the County of Chautauqua has received certain grant funds in order to enhance law enforcement preparedness and operational readiness along the borders of the United States among federal, State, local and tribal enforcement agencies; and,

WHEREAS, the County of Chautauqua, through Resolution No. 20-12, is authorized to enter into an agreement with the City for such border patrol augmentation services for the period January 1, 2012 through July 31, 2013, with payment in an amount not to exceed \$14,000.00 for overtime wages and an amount not to exceed \$3,500.00 for fringe benefits; and,

WHEREAS, the City is ready, willing and able to provide such augmented border patrol services through overtime details on land and on water in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements with the County of Chautauqua for the City to provide augmented border patrol services through overtime Police Department details on land and on water in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats, for the period January 1, 2012 through July 31, 2013; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and City Treasurer be directed to create General Ledger to record these funds as follows:

Stone Guard Grant Account No. 001-0001-2288; and, further,

Reimburse Police Department appropriation line:

Overtime Account No. 001-3120-1001,

as such funds are received from the County of Chautauqua.

Carried, all voting aye.

RESOLUTION #25-2012
FEBRUARY 21, 2012

By: COUNCILWOMAN SZUKALA

AUTHORIZING LETTING OF BID – FIRE RESCUE VEHICLE

WHEREAS, the City of Dunkirk Fire Department currently operates a 2001 Fire Rescue Vehicle that has experienced more than 15,000 operating hours and more than 50,000 miles of usage; and,

WHEREAS, in order to maintain the level and degree of service and operation to the community, the City of Dunkirk Fire Department is in need of a new Fire Rescue Vehicle; now, therefore, be it

RESOLVED, that the Mayor and/or Chief of the City of Dunkirk Fire Department is hereby requested to draft, advertise and request bids for a new Fire Rescue Vehicle that will adequately and properly serve the needs of the City.

Councilman Gonzalez stated that he announced in the previous workshop that he would be voting against this, as we could wait another year and pay for the truck instead, or we could also relook at this if the funding came up. He further stated that since everything is working so well, to get the money to pay for this, we should wait and pay for it outright. He advised that the truck is needed, the old one needs some work but has performed well. Councilman Gonzalez also advised that the Fire Chief mentioned prior Boards promising they would get this and it wasn't done before, but if we have the funds think we will purchase the truck by next year. He again stated to wait until we have the money in hand instead of waiting to see if the money comes in.

Councilwoman-at-large Kiyak stated that she mentioned in the workshop the liability of holding on to the truck and using it for a longer period of time based on the fact that the truck was barely down in recent years for no longer than five days for repairs. She stated that there is some life left in this truck, and would prefer to accumulate a year's funding for this instead of the six months we've collected for this. Councilwoman-at-large Kiyak stated that she would be voting no with the idea that the truck was needed in the future, but was not going forward with this at the moment.

Vote on resolution: Ayes: Councilmen Michalski, Rivera, and Councilwoman Szukala. No: Councilman Gonzalez and Councilwoman-at-large Kiyak.

Carried. (3-2).

Adjourned at 6:30 PM

Lacy Lawrence, City Clerk
