

COMMON COUNCIL PROCEEDINGS
February 7, 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, Fiscal Affairs Officer Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of January 17, 2012 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, January 17, 2012 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Harriet Tower, Swan Street, Dunkirk, New York advised council and city residents the City of Dunkirk had an involvement with the War of 1812 and asked Mayor Dolce if the City had any plans to commemorate that involvement. Ms. Tower advised she has uncovered several stories regarding Dunkirk's involvement and asked who she could turn to for additional help in commemorating this event. Ms. Tower further advised there are deadlines if the city is going to commemorate this event.

Mayor Dolce advised this could be discussed and asked Ms. Tower if she has reached out to the Historical Society.

Councilwoman Szukala advised Ms. Tower to inquire with the Dunkirk Lighthouse.

Ms. Tower advised she has spoken with the Dunkirk Historical Society and the Dunkirk Lighthouse.

James Muscato, 280 Lake Shore Drive West, Dunkirk, New York questioned Resolution #20-2012 regarding the intern agreement with SUNY and asked what jobs the interns would be assigned to and if there was union approval regarding the interns.

Mayor Dolce advised he has reached out to 912 Union President Jim Ganey regarding the interns and stated the main goal is for the interns to gain work experience, they will be shadowing Mr. Neratko, the Department of Development and there is no intention of taking away any union job. Mayor Dolce advised he interned during Mayor Kesicki's administration and stated "I looked at it as a great learning experience while in college, and that's what we're looking for here."

Mr. Muscato spoke in regard to Resolution #21-2012 Budget Line Modifications - Capital Projects, asked if there was any specific use for that money during the budget review sessions and stated if that money was going to be used for specific items, then that money can not be moved from that budget line.

Councilwoman Szukala advised she spoke with Chief Ahlstrom during this morning's Public Safety Meeting and stated a portion of the Capital Project money was set aside for repair work at the fire hall's (possible roof repairs, etc.) and funding for these repairs will be discussed at the next Finance Committee meeting.

Mayor Dolce advised repairs to the fire halls were the only items discussed for usage from the Capital Projects Fund.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce spoke in regard to Resolution #18-2012 Senior Aide agreement, advised he has worked with the Board of Directors from the Senior Center and stated "this is a free program to the city provided by the county, they will provide a senior aide, they will pay for the senior aide and the Senior Center will act as the host agency." Mayor Dolce further advised these services will be on a six month trial basis.

Mayor Dolce spoke in regard to the SUNY intern agreement and stated our goal is to form a partnership with SUNY Fredonia, possibly JCC so the interns can gain real life work experience here at city hall.

Mayor Dolce acknowledged Kevin Mikula and Mark Woods for their assistance on the budget modifications that council will be acting on this evening.

Mayor Dolce asked Chief Ortolano to explain to council and city residents what occurred during this morning's Public Safety Meeting.

Chief Ortolano advised City of Dunkirk resident Robert Dimmer was presented a certificate of award this morning for his efforts at Tina's Hallmark store at the D&F Plaza in November 2011. Chief Ortolano proceeded to explain Mr. Dimmer was a customer at the store while a robbery was occurring and put himself above his own safety, took action to stop the robbery and held the suspect long enough until the responding patrol officers arrived on the scene. Chief Ortolano stated this was a great example of a brave city resident who got involved, made a difference in our community and made our community a safer place. Chief Ortolano advised Mr. Dimmer was presented this award during this morning's Public Safety Meeting because he could not attend tonight's council meeting.

Communication from Mayor Dolce appointing Gregory Sek to the position of City of Dunkirk Bingo Inspector.

Received and filed.

Communication from Mayor Dolce confirming the composition and terms of Chris Piede, Ed Schober, Andy Bohn and Aisling Heenan to the Planning Board.

Received and filed.

Communication from Mayor Dolce appointing Kurt Warmbrodt to the Greater Dunkirk Area Harbor Commission due to the resignation of Mike Rosing effective immediately and expiring June 6, 2013.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Timothy Wdowiasz on behalf of the First Ward Falcon Club requesting to use the Stadium and Koch's Fields on July 20th, 21st and 22nd, waiver of the curfew at the Stadium for all three days, and operation of a food stand around the Stadium for their annual Fast-Pitch softball tournament.

Councilman Michalski moved that permission be granted contingent upon liability insurance and referred this to the Department of Public Works and PBA. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of Claim from John Kuschel, 71 E. Sixth Street for damages to his cellar allegedly due to a plugged city manhole.

Councilwoman Szukala moved to accept this notice and referred this to the Department of Public Works and City Attorney. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Michael R. Cerrie on behalf of the Nathan George Foundation requesting to use School #7, Koch's Field and the Stadium for the Fourth Annual Nathan George co-ed slo-pitch tournament on Saturday, August 11th (Rain date August 12th).

Councilman Michalski moved that permission be granted contingent upon liability insurance and referred this to the Department of Public Works. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from Rookies Sports Bar on the Lake for speakers/amplifiers and assorted equipment for live bands and mechanical music from 11:00 AM until 1:00 AM from May 1st thru October 31st.

Councilman Rivera moved that permission be granted. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from Michael Cerrie on behalf of the Nathan George for speakers and amplified music (DJ) on August 11th from 12:00 PM until 4:00 PM for their Annual Softball Tournament at the Stadium

Councilman Rivera moved that permission be granted. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised the next Finance Committee Meeting will be held on Thursday, February 23rd at 5:00 PM in the Mayor's Conference Room and thanked Mayor Dolce, City Treasurer Woods, and Fiscal Affairs Officer Briggs for promptly addressing issues from last months Finance meeting.

Councilman Michalski advised CAC members he has been in discussion with Mayor Dolce regarding the Commission for Charter Reform and will give the New York State Rules to the City Attorney for his advice as to how some of these rules could be put into Resolution form.

Councilman Michalski asked Public Works Director Gugino who is responsible for picking up the litter at the Main Street beach behind the High Rise.

DPW Gugino advised the city is responsible for picking up the litter and his crew will begin cleaning up the litter in the spring.

Councilman Rivera advised he is the Chairman of the Personnel Committee; they held their first meeting today and stated the committee discussed the issue of absentee landlords in the city. Councilman Rivera further advised the committee is looking to continue the work started by former Councilwoman Floramo and stated he spoke with an individual from Niagara Falls today and they discussed how Niagara Falls deals with absentee landlords. Councilman Rivera advised the Personnel Committee will meet every two months and the next meeting will be held in April.

Councilman Gonzalez advised the first Public Works Committee meet was held this morning and spoke in regard to the house on Seventh Street and Maple Avenue that was hit by a car in December.

Councilman Gonzalez advised the next Public Works Committee Meeting will be held on April 3rd.

Councilwoman Szukala reminded city residents recyclable containers should be properly secured with a cover in the event of high winds. Councilwoman Szukala informed residents the city normally sends out one truck on Monday's to pickup the recyclables, only sends out two trucks if the prior Monday was a holiday and recyclable pickup times will vary from week to week. Councilwoman Szukala reminded residents to have their recyclables placed at the curb by 7:00 AM and if they have any questions regarding recyclables to call her.

Councilwoman-at-large Kiyak advised the next Economic Development Committee Meeting will be held on Monday, February 27th at 11:00 AM in the Mayor's Conference Room.

Councilwoman-at-large Kiyak advised the next Dunkirk Citizen's Dialogue Meeting will be held on Wednesday, February 29th at 6:00 PM in the Mayor's Conference Room.

PRE-FILED RESOLUTIONS:

RESOLUTION #17-2012
FEBRUARY 7, 2012

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT WITH COMPLETE TESTING SERVICES
TO PROVIDE RANDOM DRUG TESTING**

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

WHEREAS, the DOT requires written reports regarding the City's compliance; and

WHEREAS, Complete Testing Services has satisfactorily performed this function for the City in the past; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with Complete Testing Services, 4200 Sheva Lane, Hamburg, New York 14075, for their administration of the standard random selection drug testing program.

Carried, all voting aye.

RESOLUTION #18-2012
FEBRUARY 7, 2012

BY: COUNCILMAN RIVERA

**AUTHORIZING AGREEMENT FOR SENIOR AIDE
THROUGH SENIOR AIDE PROGRAM SPONSORED BY CHAUTAUQUA
COUNTY**

WHEREAS, the Dunkirk Senior Center has and continues to serve the needs of the City's Senior Citizens; and

WHEREAS, in order to continue to maintain the high level of service provided through the Senior Center, certain administrative services and duties are required; and

WHEREAS, the SENIOR AIDE PROGRAM, with the County of Chautauqua Office for the Aging serving as the Sponsor Agency, will be able to provide for these services which may otherwise not be performed due to lack of funds or personnel, with no direct cost to the City of Dunkirk; and

WHEREAS, the City is desirous of utilizing such services on a six (6) month trial basis in order to serve the needs of the City's Senior Center, with direction provided in conjunction with the Senior Center Board of Directors; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement, on behalf of the City of Dunkirk (as Host Agency) with **Senior Service America, Inc.** and the **New York State Office for the Aging Senior Community Service Employment Program**, for Senior Aide, for a period not to exceed six (6) months.

Carried, all voting aye.

RESOLUTION #19-2012
FEBRUARY 7, 2012

BY: COUNCILWOMAN SZUKALA

DONATION OF UNUSED CELL PHONES TO "CELL PHONES FOR SOLDIERS"

WHEREAS, the City of Dunkirk recently made revisions to their cell phone service; and

WHEREAS, the City discontinued all cell phone services previously provided by Verizon Wireless; and

WHEREAS, Verizon Wireless, when becoming the sole provider of cell phone service for the City of Dunkirk, provided all new cell phones to the City; and

WHEREAS, the City has a number of cell phones that no longer have any monetary value; and

WHEREAS, the nonprofit organization, "Cell Phones for Soldiers" accepts old cell phones and will donate one hour of phone service for each cell phone received to a U.S. soldier stationed overseas; and

WHEREAS, the organization "Cell Phones for Soldiers" will provide prepaid shipping labels for any phones returned, thus saving the City any expense for participating in this program; now, therefore, be it

RESOLVED, that all such replaced cell phones are deemed to surplus and of no monetary value, and, be it further

RESOLVED, the City Clerk is authorized to donate all such unused cell phones to the nonprofit organization "Cell Phone for Soldiers."

Carried, all voting aye.

RESOLUTION #20-2012
FEBRUARY 7, 2012

By: Councilman Michalski, Councilman Rivera and Councilman Gonzalez

AUTHORIZING INTERN AGREEMENT (SUNY)

WHEREAS, from time-to-time, the City of Dunkirk has provided the opportunity for students to intern in various Departments of the City, enabling students to gain valuable, practical experience in various courses of study, and

WHEREAS, the State University of New York ("SUNY") has, through its member colleges and universities, a program to administer and provide such interns to the City, and

WHEREAS, the City and SUNY desire to have an association for the purpose of enabling students to intern in various Departments in City government, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to enter into an agreement, on behalf of the City of Dunkirk, with the State University of New York, University Plaza, Albany, New York 12246, to enable the City to utilize student interns.

Councilwoman Szukala inquired with Mayor Dolce regarding the interns and confirmed with Mayor Dolce these interns would be unpaid and that he has received approval from the unions agreeing to the interns working for the city. Councilwoman Szukala also inquired if there would be a national agreement with SUNY.

Mayor Dolce advised he reached out to Mr. Ganey, 912 Union President, prior to this Resolution being created and stated that SUNY presented the city with a copy of their standard agreement.

Carried, all voting aye.

RESOLUTION #21-2012

FEBRUARY 7, 2012**BY: ENTIRE COUNCIL****AUTHORIZING BUDGET LINE MODIFICATIONS
FOR FY2012**

WHEREAS, there is a need to make timely adjustments to the 2012 Fiscal Year to address modifications in certain employee line items; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect certain employee line items in the 2012 Fiscal Year Budget:

GENERAL FUND

<u>ACCOUNT NO.</u> <u>DECREASE</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>
001-1310-1000	Fiscal Affairs	Personal Svc	\$23,294.00
001-1355-1000	Assessors	Personal Svc	6,114.00
001-1420-4036	Law Dept.	Contracted Svc	35,000.00
001-1490-1000	DPW Admin	Personal Svc	2,314.00
001-1900-1991	General Services	Capital Projects	95,000.00
001-1410-1000	City Clerk Office	Personal Svc	\$11,314.00
001-1420-1000	Law Dept.	Personal Svc	70,408.00
001-7140-1000	Rec Dept	Personal Svc	57,000.00
001-7310-1000	Youth Programs	Personal Svc	<u>23,000.00</u>
TOTAL			\$161,722.00 \$161,722.00

Councilwoman Szukala stated although this needs to be done, she would like to see this money recouped back into the Capital Funds Project because there are some worthwhile projects that need to be addressed and recouping this money will be addressed through the Finance Committee.

Carried, all voting aye.

**RESOLUTION #22-2012
FEBRUARY 7, 2012****BY: COUNCILWOMAN SZUKALA**

SUBMISSION OF FY 2012 CDBG ANNUAL ACTION PLAN TO

HUD

WHEREAS, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

WHEREAS, the City develops an *Annual Action Plan* each year which identifies and further describes the City’s anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

WHEREAS, according to the City’s approved CDBG Citizen Participation Plan, the City’s proposed allocations have been presented to the public and interested elected representatives via three (3) public meetings, two (2) technical assistance sessions, and a thirty-day (30) public review and comment period has been afforded City residents, now, therefore, be it

RESOLVED, the following activities have been included in the 2012 Annual Action Plan submitted to the public pursuant to the City’s Citizen Participation Plan for review and are to be submitted to HUD for its approval.

2012 CDBG Allocations			Total
Administration	Administration	\$ 69,140.00	\$ 69,140.00
Economic Development	Economic Development Agency Funding-Incubator Loan Fund, Waterfront Redevelopment	\$ 95,000.00	\$120,000.00
	Commercial Façade Program	\$ 25,000.00	
Decent Housing	Owner Occupied Housing	\$100,000.00	\$196,500.00
	Smoke Detector Program	\$ 1,500.00	
	Residential Demolition & Acquisition	\$ 75,000.00	
	Code Enforcement	\$ 20,000.00	
Suitable Living Environment	Handicap Accessible Sidewalk and Curb Replacement Program	\$ 15,000.00	\$ 75,287.00
	Summer Better Than Others Day Camp	\$ 5,000.00	
	Bike Path Project	\$ 46,287.00	
	National Night Out	\$ 3,000.00	
	Senior Nutrition Program-Meals on Wheels	\$ 6,000.00	
		\$460,927.00	

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:30 PM

Lacy L. Lawrence, City Clerk
