

COMMON COUNCIL PROCEEDINGS
January 17, 2012

The meeting was called to order at 6:00 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, City Treasurer Woods, Fiscal Affairs Officer Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano. Absent: Public Works Director Gugino.

Certification for meetings of December 20, 2011, January 1, 2012 Inaugural Meeting, and January 3rd, 2012 were read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, December 20, 2011, January 1, 2012 and January 3, 2012 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Walter Rutland, 184 W. Second Street, Dunkirk, NY spoke as a community activist, addressing the Mayor, all newly elected Officials, Common Council and everyone else, requesting recognition for the Police and Fire Chiefs along with their departments for doing a successful job. He also stated that these two have kept the city safe regarding crime and fires. He further addressed the Mayor, giving him the title of "The People's Mayor" stating he has time for everyone, and puts people before politicians. Mr. Rutland stated that the Mayor was elected, as the city has more Democrats and voted for him, but Mr. Rutland was willing to work with Democrats and Republicans together to help as many people in the city as possible. He advised that he moved here several years ago and was happy to be here as long as we can work with and for the people. Mr. Rutland further advised that he would have run for office in some capacity, but was caring for a family member with cancer, and hoped that this year would be a good one for all.

Skeeter Tower representing the Academy Heights Neighborhood Association spoke in regard to the skunk problem in her neighborhood, advising that the last one that died was thought to be rabid, she placed many calls to the ACO and Health Department with no response, and stated that there needs to be a better solution to place them in the woods where they belong, as five had to be removed from Swan Street.

Secondly, she advised that Plover Street between Fifth & Sixth Streets was full of ruts and puddles, this was a disgrace to the neighborhood and city as well, and hopefully this will be addressed.

Last, Mrs. Tower advised of an orange sign on Eagle Street behind the church which was used to indicate a drop off spot for clothing. She advised that the previous sign was removed but a large orange arrow still remains on their property, but visible to everyone. She stated that this was across from Garden Gate, would like to see this addressed, and was told by the Zoning Department that it was not legal.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce stated that the city has gotten through the first major snowstorm, the snow plowing was very efficient, and if any of the public has any questions regarding this operation to contact his office, and he will try to handle any problems that may arise.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from Michael Burnett, DHS 2012 Advisor requesting two police officers and breathalyzer for the Winter Ball on Saturday, January 21st from 8:00 to 11:00 PM.

Councilman Michalski moved to refer this request to the PBA. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Nancy L. Smith, Frank Acquavia Post #1344 Auxiliary requesting to sell poppies on Memorial Day, May 28th in Memorial Park from 9:30 to 11:00 AM.

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

Carried, all voting aye.

Communication from the Citizens' Advisory Committee recommending for Elected and Appointed Officials in the City of Dunkirk to come into compliance with regulations by the NYS Office of the Comptroller General, NYS Office of the Attorney General and the NYS Committee on Open Government in regard to use of the Internet and e-mail to facilitate communications with the citizens of the City of Dunkirk, and also recommending formation of a Charter Revision Commission.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Nick Penque, member of the Citizens' Advisory Committee read the following to be included in the minutes in its entirety as follows:

"At the January 11, 2012 meeting of the Dunkirk Citizens' Advisory Committee, the following recommendation was approved for submission to the City of Dunkirk Mayor and Common Council:

Appointment and Empowerment of Charter Revision Commission

The Citizens Advisory Committee (“CAC”) serves the City of Dunkirk (“City”) and its residents in an advisory capacity. The CAC makes the following non-binding recommendation for the formation of a Charter Revision Commission (“CRC”) in the City of Dunkirk.

The purpose of the CRC shall be to review for consideration to amend and/or modify the entire Charter of the City of Dunkirk, hold public hearings to solicit public input and present for approval of voters said amendments and/or modifications for the betterment of the City and its residents per NYS Law Municipal Home Rule – Article 4.

The Mayor will be responsible for the appointment of CRC members which shall be comprised of a minimum of twelve (12) and a maximum of fifteen (15) members at the discretion of the Mayor with expectation that working groups of at least three (3) members may be formed which would report back to the entire commission for review and approval.

All CRC appointments shall be made by the Mayor within ninety (90) days from the date of passage of this resolution with the following specifications:

- All members shall be residents and registered to vote in the City of Dunkirk for a minimum of 12 calendar months preceding appointment to commission;
- At least half of the members shall be homeowners in the City of Dunkirk;
- At least two (2) members shall be from the business community in the City of Dunkirk, either as owner or corporate officer;
- At least two (2) members shall be employed by the Dunkirk City School District with no more than one (1) being from administration;
- At least one (1) member shall be an official from the non-profit community within the City of Dunkirk;
- At least one (1) member shall be an official from the faith community within the City of Dunkirk
- No more than two (2) employees of the City of Dunkirk or their spouse, immediate family members or members of their household may be appointed, with no more than one (1) from management; and
- No elected or appointed officials of the City of Dunkirk or their spouse, immediate family members or members of their household may be appointed.

CRC members shall represent a diverse cross section of city residents from various backgrounds addressing such issues as wards, race and gender and expertise deemed by the Mayor to be beneficial for the purpose of the CRC.

The proposed revised charter of the CRC shall come before city residents of the next general city election in 2013, either in whole or in part, as a ballot proposition(s) for city voters and shall become effective January 1st of the following year if applicable.

DUNKIRK CITIZENS’ ADVISORY COMMITTEE

Compliance with NYS Comptroller General, Attorney General and Committee on Open Government Regulations on Electronic Notice and Posting

The Citizens Advisory Committee (“CAC”) serves the City of Dunkirk (“City”) and its residents in an advisory capacity. The CAC makes the following non-binding recommendation that the elected and appointed officials in the City of Dunkirk come into compliance with the regulations by the NYS Office of the Comptroller General, NYS Office of the Attorney General and NYS

Committee on Open Government as regards to the use of the Internet and email to facilitate communications with the citizens of the City of Dunkirk".

Councilman Michalski advised that members of the CAC were present, stated that he has been working with them for a Charter Revision Commission, and thanked them for allowing him to express his input at their meeting. He stated that he had two concerns in regard to the appointments and qualifications, those being that he felt this was too detailed, as a person would be held to that detail. He further stated that a lot of thought and effort went into the list, and felt that this should be discussed and worked out with the Mayor to see how realistic the qualifications are.

Secondly he stated that when these changes do come about, they come across individually (not the old Charter vs. the new Charter) to the voters as the part-time Assessor's did, and this way each recommendation can stand on their own and be accepted or voted down. He therefore advised that it was needed to be worked on for each change to be voted on separately.

Councilman Rivera agreed with Councilman Michalski, stated that it was very admirable to have such a committee, commended them for the work they put into this along with all of their time, and stated to keep up the good work.

Councilman Gonzalez stated that he was very impressed when he was at the CAC meeting on January 11th, and thanked Councilman Michalski for his work on this. He stated that it seemed to have all bases covered, and along with working along with the Mayor in the future, everything should work out well.

Councilwoman Szukala announced that there will be a Public Safety Meeting on February 7th at 9:00 AM in the Conference Room, advising anyone to attend or relate their issues to her. She advised that hopefully there will be a couple representatives from the School District there to discuss traffic control around the Middle & High Schools.

Councilwoman Szukala also addressed Skeeter Tower relative to the skunks, advising her that it was the homeowner's responsibility for the removal, and our ACO strictly does only dogs, as other additional duties would mean a pay increase. She also informed that we have State and DEC guidelines to follow for certain animals, explaining that there are restrictions for some animals when it comes to moving them, and Mr. Purol (ACO) was not here to answer her questions.

Councilwoman Szukala also questioned if the arrow Skeeter Tower spoke of was on public or private property, and Building Inspector Zurawski advised that it was on private (church) property, but they would take a look at this again.

Councilman Gonzalez announced that there will be a Public Works Committee Meeting on February 7th at 10:00 AM in the Conference Room which will be addressing entrances to the City along with a few other issues.

Councilwoman-at-large Kiyak advised that there will be an Economic Development Committee Meeting on Monday, January 30th at 5:00 PM in the Conference Room. She also advised that they will be starting a new meeting entitled "Dunkirk Citizens Dialogue", with the first meeting to be held on Thursday, January 26th at 6:00 PM in the Conference Room. Councilwoman-at-large Kiyak also invited and encouraged all to attend both.

PRE-FILED RESOLUTIONS:

RESOLUTION #16-2012

January 17, 2012

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING MAYOR TO EXECUTE
POLICE DEPARTMENT OFFICE COPIER LEASE AGREEMENT**

WHEREAS, the City incurs monthly rental charges of approximately \$118/month for two (2) office copiers utilized by the Police Department; and,

WHEREAS, it is possible for the City to enter into a new Agreement to the current equipment lease/purchase State bid contract #1556861 for \$89.91/month; and,

WHEREAS, the revised charge will result in cost savings to the City of approximately \$336.00 per year, and,

WHEREAS, under the new contract, the City will buyout the current expired lease agreement and will update one new lease with Toshiba Business Solutions Corporation, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a lease agreement with Toshiba Business Solutions for two (2) office copiers, which includes maintenance and service, at a monthly payment of \$89.91, for the next 63 months, and, be it finally

RESOLVED, that funds for this lease be allocated from budget accounts #001-3120-4036 Police Department Contracted Services.

Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:28 PM

Lacy Lawrence, City Clerk
