

COMMON COUNCIL PROCEEDINGS
January 3, 2012

The meeting was called to order at 6:01 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, CDBG Program Administrator Gornikiewicz, Personnel Administrator Heyden, and Police Chief Ortolano.

Absent: Director of Development Neratko and Fire Chief Ahlstrom.

Certification of December 20, 2011 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, December 20, 2011 be dispensed with.

Councilwoman Szukala advised council has not received their minutes from this meeting.

Mayor Dolce advised he received his copy of the minutes from this meeting prior to this meeting and stated the minutes from December 20, 2011 and tonight's meeting will be certified and dispensed with at the next Common Council Meeting.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce thanked everyone who attended the Inauguration and reception on Sunday especially Tony Popielarz, Blessed Mary Angela Parish Social Center, and Marcella and Nate Dolce. Mayor Dolce also thanked the following caterer's: Lynn Herdzik, Eddie Rosas, Rosemary Lockett, Ginger Pokoj, Jim Payne, and Barb and Char from Sweet Perfections.

Mayor Dolce thanked Doug Rector and Dan Manzella for their work today in setting everyone up with their computers and advised Mr. Rector saved the city 50% from previous costs on domain names and e-mail addresses resulting in a savings of \$400.00 to the city.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Susan Corbett-Kelley and Sean Kelley, 505 Brigham Road, for sewage and water damage to their basement, allegedly due to a plugged city sewer main.

Councilwoman Szukala motioned to refer this to the Department of Public Works and City Attorney. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Summons of Complaint by Hector Rodriguez against the City of Dunkirk and Police Officer Brian J. Dietzen.

Councilman Gonzalez motioned to refer this to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski announced the next Finance Committee Meeting will be held on Monday, January 23rd at 5:00 PM in the Conference Room.

Councilman Michalski advised any elected or appointed official who wishes to participate in the New York State Retirement System must maintain a 90 day log or record of their activity. Councilman Michalski further advised per New York State Regulation this log or record of activity must be completed within 150 days from taking the oath of office and submitted to New York State within 180 days from taking the oath of office. Councilman Michalski stated City Attorney Cerrie had every elected and appointed official complete a log or record of activity last year and asked current City Attorney Szot to review the Regulations.

Councilman Michalski asked City Attorney Szot for copies of all Union contracts.

Councilman Rivera advised he will contact members of his committee within the next few days to establish a meeting date and time.

Councilman Gonzalez advised he will begin scheduling meetings in February for the committees he is responsible for.

Councilman Gonzalez asked City Attorney Szot to give an overview of the Open Meetings Law.

City Attorney Szot proceeded to explain the Open Meetings Law and referenced Article 7 of the Public Officer's Law.

Councilwoman Szukala asked City Attorney Szot for copies of all Union contracts, stating the only contract she has is the Firemen's contract.

City Attorney Szot advised Councilwoman Szukala that council will receive copies of 3 Union contracts tomorrow morning.

Councilwoman Szukala asked City Attorney Szot if all elected or appointed officials or just newly elected or appointed officials have to complete a log or record of activity in regards to New York State Retirement System.

Councilman Michalski advised all elected and appointed officials must complete a log or record of activity.

City Attorney Szot advised the Comptrollers Office wants this log or record of activity on an annual basis.

Councilwoman Szukala advised their have been many changes to the Charter and Codes since she has been in office and asked if council could receive these changes as they occur. Councilwoman Szukala further advised council and the public have not received any updates or changes and stated “in order to move forward with a Charter Review Commission and Committee we can’t review the Charter until we have the updates.”

Councilmember-at-large Kiyak asked City Attorney Szot for copies of the Union contracts and for a copy of the DLDC By-Laws.

Councilmember-at-large Kiyak advised her first Economic Committee meeting will be held at the end of January.

Department of Public Works Director Gugino asked Councilman Gonzalez if the Christmas lights donated to the Gazebo in Washington Park could be taken down and if so does he want the Parks Department to store the lights or should the lights be returned to the Park’s Committee Group.

Councilman Gonzalez advised DPW Director Gugino the lights can be taken down by the Parks Department and placed in storage until next year.

PRE-FILED RESOLUTIONS:

RESOLUTION #15-2012
JANUARY 3, 2012

By: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT FOR PART-TIME
FISCAL AFFAIRS OFFICER AS AN INDEPENDENT CONTRACTOR**

WHEREAS, Section 2-12.01 of the City Code provides that the Fiscal Affairs Officer shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-12.01 of the City Code, Mayor Anthony J. Dolce has appointed Harry D. Briggs, to be the part-time Fiscal Affairs Officer, and has the consent of the Common Council, and

WHEREAS, the part-time Fiscal Affairs Officer shall be an independent contractor for the City of Dunkirk, and shall be paid at the rate of Twenty Dollars (\$20.00) per hour for twenty (20) hours per week, now, therefore, be it

RESOLVED, that the Mayor is hereby directed and authorized to execute an independent contractor agreement with Harry D. Briggs, who resides in Dunkirk, New York, as the part-time Fiscal Affairs Officer, at the rate of Twenty Dollars (\$20.00) per hour for twenty (20) hours per week, effective January 1, 2012, and be it further

RESOLVED, that the payments for the weekly billing of Harry D. Briggs, will be made from Account No. 001-1310-4036 (Contracted Services).

Councilwoman Szukala advised her question was answered during the workshop session but for the public's information asked City Attorney Szot "as far as appointing an independent contractor for the part-time Fiscal Affairs Officer this meets the guidelines of our Codes and Charter to do it exactly the way it's being done."

City Attorney Szot replied yes.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:19 PM

Lacy L. Lawrence, City Clerk
