

**COMMON COUNCIL PROCEEDINGS**  
**May 1, 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 Mleczko, Director of Development Neratko, CDBG Administrator Gornikiewicz, and Lieutenant Polowy.

Councilwoman-at-large Kiyak excused Fire Chief Ahlstrom and Police Chief Ortolano from tonight's meeting.

Absent: Personnel Administrator Heyden.

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

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

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Dick Mirth, 119 E. Green Street, Dunkirk, NY spoke in regard to the bike trail and thanked the city for agreeing to make minor adjustments to the first 500 feet of the bike trail to avoid the habitat and tree's specified in his communication on tonight's agenda.

Nick Penque, 745 Grant Avenue, Dunkirk, NY spoke in regard to truck route signs posted on Route 60 and Main Street and stated these signs need to be clarified to drivers because many semi-trucks mistakenly drive on Grant Avenue. Mr. Penque stated Grant Avenue does not need the extra weight and traffic from these vehicles, would like a no truck route sign posted on both ends of this street, and requested the city keep him informed regarding this matter.

John Ruska, Whitaker Road, Fredonia, NY advised he is a former resident of the City of Dunkirk (1966 thru 1992), and thanked the city for making the necessary adjustments to the bike trail. Mr. Ruska stated he is a member of the Lake Erie Bird Club and gave a small presentation on the importance of the trees and shrubs in Point Gratiot to migrating birds. Mr. Ruska stated "Bird Clubs from all over Western New York and Pennsylvania come to Dunkirk; you don't recognize them because they are quiet people." Mr. Ruska again thanked the city for making the adjustment and stated "it is an important area during the winter; 12 months a year to the birds that are migrating and also to the birds that live here year round."

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Dolce thanked Mr. Mirth for their earlier series of dialogue; thanked Department of Public Works Director Gugino for his efforts regarding the bike trail and stated "I'm looking forward to next week and making those adjustments so we can come up with something that is satisfactory for all parties involved."

Mayor Dolce announced the city's plan regarding Cedar Beach and stated two beach volleyball courts will be placed on this beach this year and the city also intends on using a section of this beach as a Dog Park.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Ryan Corbett requesting to hold a Classic Car Cruise in Washington Park on June 17<sup>th</sup> from 11:00 AM until 4:00 PM, electrical power for the band and vendors, trash cans, port-a-potties, and possibly closing Washington Avenue between Fifth and Sixth Streets.

Councilwoman Szukala advised there has been a lot discussion surrounding this event and initially was reluctant authorizing so many vehicles to park in Washington Park but upon further discussions and assurances from Department of Public Works Director Gugino she will support this petition.

Councilman Gonzalez advised "this is a beautiful venue to bring to Washington Park," that he resides in the Washington Park area and this event will draw attention to Washington Park and the surrounding area (Historical Society).

Councilman Rivera advised he is in favor of supporting the Historical Society that Washington Park is under utilized and hopes we can continue to hold this event in the future.

Councilman Michalski advised budget funding to the culturals has been reduced over the years and stated "part of the argument is well what are you doing to improve your situation; I'd like to thank you for making this effort." Councilman Michalski also stated "I'm sure that we'll all be there to support this on Father's Day."

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

Councilman Michalski motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Communication from Dick Mirth regarding the removal of a small grove of trees at Point Gratiot across from the Lighthouse.

Councilman Michalski thanked Mayor Dolce and Department of Public Works Director Gugino for their flexibility regarding the bike trail.

Received and filed.

Petition from Casey Mazurek requesting to use Promenschenkle Stadium and Koch's Field on July 14<sup>th</sup> from 8:00 AM until 10:00 PM, also requesting permission for vendors, a tent

for alcohol sales, a bounce house and a Chinese Auction for the “Third Annual Joe Karnes Memorial Co-Ed Softball Tournament.”

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

Councilman Rivera motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the American Red Cross of Southern Western New York to use Brigham Road, Routes 5 and 20 for their sixth annual “Ride for Red” Bicycle tour of Northern Chautauqua County on June 16<sup>th</sup> beginning at 9:00 AM.

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

Councilman Rivera motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Communication from the Dunkirk Festivals & Events Committee advising of the summer events kicking off on Friday, June 8<sup>th</sup> with the Firemen’s hose races on the city pier from 5:00 PM to 9:00 PM, and requesting a Police Officer during the Friday concert and throughout Saturday, June 9<sup>th</sup> for the events on the pier.

Councilwoman-at-large Kiyak advised a motion to refer to the PBA and Law Department was needed.

Councilwoman Szukala motioned to refer. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Loudspeaker application from Cassandra Mazurek to use loudspeakers and amplifiers on July 14<sup>th</sup> from 6:00 PM until 10:00 PM at Promenschenkle Stadium for the “Third Annual Joe Karnes Co-Ed Memorial Softball Tournament.”

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

Councilman Rivera motioned to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Jane Dickerson to use loudspeakers and amplifiers on May 26<sup>th</sup> from 4:00 PM until 6:00 PM at 41 Lafayette Avenue for a wedding reception.

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

Councilman Rivera motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski thanked Department of Public Works Director Gugino and the Public Works Department for cleaning up Main Street Beach behind the High Rise and stated it looks fantastic.

Director of Public Works Director acknowledge the personnel from the Chautauqua County DPF and the City Streets Department for their assistance in cleaning up the beach.

Councilman Rivera advised he spoke to Mr. Mirth earlier this week regarding the bike trail and thanked Mayor Dolce and Department of Public Works Director Gugino for their work regarding this trail.

Director of Public Works Gugino advised a tree has not been planted in Point Gratiot since 2007 and stated “between 2006 and 2007 under a two year program, we put in over 200 shrubs, hemlocks; tree’s and so forth in that part of the city.” DPW Director Gugino stated he would like council to consider budgeting for this part of the city when preparing next year’s budget.

Councilman Rivera advised he thought there was a budget line for these items.

CDBG Administrator Gornikiewicz advised prior funding came through the CDBG Street scap program.

Councilman Gonzalez advised he meet with residents from the 600 block of Main Street and stated they also have concerns regarding semi-trucks traveling on Main Street. Councilman Gonzalez stated we need to address this issue, he will be speaking with Police Chief Ortolano and perhaps no truck zone signs can be posted on these streets.

Councilwoman Szukala advised residents June 1<sup>st</sup> is the deadline for applications to be submitted regarding the Regular Rehab Housing Program.

Councilwoman Szukala asked Mayor Dolce and City Attorney Szot for an update on the status of the union contract negotiations, when will they be meeting next and is progress being made.

Mayor Dolce stated progress is being made and they will be meeting with the union sometime in mid-May.

Councilwoman-at-large Kiyak read the following:

“There was a concerted effort to help clean up Bicentennial Park, which is located across the street from the Dunkirk High School, this past weekend and I’d like to take a moment to thank the groups and individuals who selflessly were involved in this project. There were approximately 35 people who came out to help.

It was made possible with the Northern Chautauqua Community Foundation; they provided some grant funding towards the invasive species cleanup as well as monitoring the quality of the water from Crooked Brook.

SUNY FACE which stands for Fredonia Academic Community Engagement was headed by Professor Christina Jarvis and SUNY Professors Michele Kuns, Jonathan Titus and Priscilla Titus also were there.

The Academy Heights Neighborhood Group was there and in particular Skeeter Tower, Judy and Allan Hollander, Mary and Steve Reese and Director of Grounds and Maintenance at Dunkirk High School Tim Abbey. There were students from Dunkirk High School, SUNY Fredonia, and all other volunteers. The SUNY Fredonia students contributed just over 40 hours of service for that cleanup effort.

On behalf of everyone, I thank all the volunteers who came out to help clean up our park and I encourage residents to go and take a look at how it's really shaping up and all the work they have done; so thank you again."

Councilman Rivera advised park benches and lights will soon be reinstalled in this park.

Councilwoman-at-large Kiyak advised the next Economic and Development Meeting will be held on Tuesday May 29<sup>th</sup> at 11:00 AM in the Mayor's Conference Room, and the next Dunkirk Citizen's Dialogue Meeting will also be held on May 29<sup>th</sup> at 6:00 PM in the Mayor's Conference Room.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #41-2012**  
**MAY 1, 2012**

**BY COUNCILWOMAN SZUKALA:**

**AUTHORIZING CITY HALL USE POLICY – CITIZENS ADVISORY COMMITTEE**

**WHEREAS**, in order to provide an opportunity for public discourse and dialogue on matters and issues relevant to City residents and taxpayers, the Citizens Advisory Committee has been allowed from time to time to utilize Dunkirk City Hall Mayor's Conference Room for its meetings; and

**WHEREAS**, it is in the best interests of the City to provide for regular, limited and secure access to City Hall for such meetings now, therefore, be it

**RESOLVED**, that the Common Council hereby authorizes the Citizens Advisory Committee to utilize Dunkirk City Hall Mayor's Conference room for its meetings on the second Wednesday of each month from 6:30 p.m. to 8:30 p.m.

Carried, all voting aye.

**RESOLUTION #42-2012**  
**MAY 1, 2012**

**BY COUNCILMAN MICHALSKI:**

**AUTHORIZING SETTLEMENT AGREEMENT AND LIABILITY RELEASE  
FRONTIER CHEMICAL ROYAL AVENUE SITE, NIAGARA FALLS**

**WHEREAS**, the City of Dunkirk has been designated, through federal and State Superfund legislation, as a potentially-responsible-party in regard to a matter involving the Frontier Chemical Royal Avenue Treatment, Storage and Disposal Facility, Niagara Falls, New York; and

**WHEREAS**, a settlement for potentially-responsible-parties, including the City, has been presented which would include a liability release from the strict, retroactive and joint and several liability parameters of applicable regulations; and,

**WHEREAS**, the Mayor, Director of Public Works and City Attorney have determined that the proposed settlement is in the best interests of the City; now, therefore, be it

**RESOLVED**, that the Common Council does hereby authorize and confirm the *de minimis* settlement regarding Frontier Chemical Royal Avenue Treatment, Storage and Disposal Facility, Niagara Falls, New York, and the execution of any and all related settlement documents to effect such settlement.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:26 PM**

**Lacy L. Lawrence, City Clerk**

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