

COMMON COUNCIL PROCEEDINGS
September 18, 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, Personnel Administrator Heyden, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of September 4th, 2012 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday September 4th, 2012 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Madilynn DeGolier of Park Avenue spoke in regard to the curfew stating that residents in her area were concerned with non-compliance, and this was not being enforced. She advised that she contacted other municipalities (Silver Creek, Brocton, Westfield, Jamestown & Fredonia). She further gave their times and advised that this pertains to being on the streets and not at work. She also advised of toddlers being out with older children until two and three AM, damages to their homes that may occur, broken lights & bottles, pulled out plants, and debris in the streets. Mrs. DeGolier presented a petition with 300 signatures, stated that this really needed to be addressed, and further advised that fireworks are also shot off after July 4th into the winter.

Councilwoman-at-large Kiyak thanked her for her time, and stated that this will be taken into consideration.

Police Chief Ortolano stated that this will be looked into and step up patrols in that area. He also informed her to call the desk right away, and if no satisfaction, to call his office, and promised to work with her.

Public Works Director Gugino stated that over the last month there was a concerted effort in working together for increased illumination, cutting tree branches as well as the Police Department stepping up patrols in that area. He advised that the same issues were going on when he lived on Seventh & Columbus, which were resolved by calling repeatedly. He advised that National Grid, the Police & Public Works Departments deal with this, and agree with the Police Chief on calling the desk.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce commended the Police Chief and his department on the drug raid last Thursday, as this was quite an operation to carry on, and hopes that this is just one of many to see this year and into the future.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from S&K Hospitality, LLC (Clarion Hotel) for waiver of 30 day municipality notification for NYS liquor license.

Councilman Rivera moved for the Mayor's approval consenting the waiver of 30-day notice. Seconded by Councilman Michalski.

Carried, all voting aye.

Communication from the Dunkirk Fire Department to add Matthew Slavin, Devin Freitas, Garret Skelly and Juan Cordova Perez to the active city fire rolls.

Councilman Michalski moved to approve adding members as volunteers. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from SUNY Fredonia for two Inaugural Day of Service events at Wright Park, Point Gratiot & Cedar beaches on September 22nd from 10:00 AM to 12:30 PM, and approval for Academy Heights/FACE Center Project for Bicentennial Park, pruning Arbor Day 2011 trees in Academy Heights & planting new trees in approved locations.

Councilwoman-at-large Kiyak advised that the vote was only for city-owned property and not the Bicentennial Park, and this was subject to receipt of certification of insurance for city-related events.

Motion by Councilman Rivera for approval. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from Advanced Production Group, LLC for damages to the components of their boat allegedly caused by the Dunkirk Fire Department at the city pier on June 8th.

Councilwoman-at-large Kiyak clarified that this was not an issue dealing with a boat, but with a component on the dock.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski reminded everyone of the Finance Committee Meeting this coming Monday, (September 24th) at 5:00 PM in the Conference Room.

Councilman Rivera advised of the meeting held last Friday held on the Millenium Parkway, stated that he was in favor of this, as it will divert truck traffic from the city, add new infrastructure, and our Industrial Park will not be off the beaten path. He also stated that Speedy Seat Cover would be gone from that area.

Councilman Rivera also stated that he was glad to see volunteers added to our firemen's list, apologized for not being at the open-house for the Humane Society on Saturday, and spoke relative to speeding in school zones, asking the public to adhere to the limits and slow down. He further addressed the previous concerns of Madilynn DeGolier, stating that this situation was in his neighborhood as well. Councilman Rivera then advised of a public forum to be held on Tuesday, September 25th at 6:30 in the Conference Room with a proposed resolution regarding rental properties, and inviting everyone to attend with their concerns and suggestions. He further advised that this is hosted by the Council & CAC.

Councilman Gonzalez advised of the Public Works Committee Meeting scheduled for October 2nd where they will be discussing leaf pick-up and the properties that are still not addressed on Park & Maple Avenue. He also thanked Mrs. DeGolier for speaking on the curfew, and that it was getting out of hand and needs to be addressed.

Councilwoman Szukala advised that Council would be on WDOE radio on September 20th at noon, and of the ceremonial flag burning on September 29th at 10:30. She advised any resident to drop off their flag(s) to the Public Works or Police Departments, Fire Chief or the Council at City Hall.

Councilwoman-at-large Kiyak spoke relative to the new adoption center on Chestnut Street in Dunkirk, and the reception held over the weekend. She urged residents to visit the Center and wished them the best in their endeavors at the new location.

Councilwoman-at-large Kiyak also advised of the Economic Development Meeting to be held on Tuesday, September 25th at 11:00 AM in the Conference Room, and of the Dunkirk Citizens Dialogue Meeting at 6:00 PM the same day, followed by a meeting announced by Councilman Rivera.

Public Works Director Gugino spoke in regard to Mrs. DeGolier's concerns, advising of a situation at the Martin Luther King playground three weeks ago. He further advised that he called Judy Pressuti (Dnk. Housing Authority) & National Grid who were there within 1/2 hour. He stated that between the Street/Parks Department, Housing Authority and National Grid, trees were cut, branches raked, new vapor lamps installed, and the area cleaned up with the fencing fixed. He advised that the activity down there was down to nothing, and thanked all that were involved.

Police Chief Ortolano stated to get the word via the press regarding school zones, stating they are in the school zones twice a day, along with "selective traffic enforcement", which is an extra patrol out during the week also. He further advised that many tickets have been written for this offense, and this was zero tolerance with his department and Judge Drag as well, and requested everyone to please "slow down".

PRE-FILED RESOLUTIONS:**RESOLUTION #74-2012**
SEPTEMBER 18, 2012**BY ENTIRE COUNCIL:****AMENDING COMMON COUNCIL RULES OF ORDER
(CITY CHARTER, APPENDIX 1)**

WHEREAS the City of Dunkirk Common Council, by Resolution No. 13-2012 (January 1, 2012), adopted a set of Rules of Order which are intended to govern the proceedings of the Council; and,

WHEREAS, as part of such Rules of Order, preview workshops are scheduled to commence one-half (1/2) hour prior to regularly-scheduled Common Council meetings; and,

WHEREAS, the Common Council believes that it would be in the best interests of the residents and taxpayers of the City, and would provide a greater opportunity for openness and transparency, if the such workshops were eliminated so that more on-the-record discussions regarding the business of the Common Council was conducted during the formal Council meeting; now, therefore, be it

RESOLVED, that the Rules of Order of the Common Council are hereby amended as follows:

Matter underlined and **bold** is new; matter with ~~strike through~~ and **bold** is deleted.

CITY CHARTER, APPENDIX 1, I. MEETINGS

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at ~~6:00 P.M.~~ **5:30 P.M.** in the Common Council Chambers in the City Hall, unless changed at a prior meeting. ~~Preview workshops shall be convened at 5:30 P.M. on the day of each regular meeting.~~

Councilman Rivera stated that he was in favor of this, as it will add to the transparency and openness of the meetings, along with adding to the public record and TV viewing audience.

Councilwoman-at-large Kiyak stated that "eliminating the workshop is to enhance government transparency--the current practice of a workshop that is not part of the public record does not accomplish this.

Having a television camera recording the workshop proceedings only benefits those residents watching. The conversation that takes place during the workshop is NOT a part of the public meeting records. If you miss the televised workshop, or do not attend in person, residents are not informed of what was discussed. You cannot obtain

a copy of the transcript in the Clerk's Office, nor read about the discussion in the meeting minutes posted on the website.

Council feels that when questions are asked, especially of department heads, their responses should be a part of the public record.

There will be no extra costs incurred for this elimination. Currently, the Clerk is paid for 1/2 hour to attend the workshop, although they are not required to take minutes. When the workshop is eliminated, the conversation that runs for roughly 15 to 20 minutes will now take place during the formal Council Meeting. The Clerk will still be earning their 1/2 hour of pay, except it will begin at 5:30 instead of 6:00 PM; compensation normally earned for their attendance at the workshop will now be earned during the Council Meeting.

We are making this change in the best interests of serving the public. We feel confident that residents will very much appreciate that they will now be privy, via formal meeting minutes, to what and why Council is casting their vote. As it has been currently practiced, a separate meeting has had the potential for details being kept in the dark - now, with all details being recorded, the Council Meetings will cover issues much more inclusively. The Council wants to eliminate the perception of residents not knowing what's really going on, and this is a step in the direction of adding another layer of transparency.

Council feels that this is a win-win for all residents".

City Attorney Szot informed that there was a typo in the resolution header and body, advising that (City Charter, Appendix 1) is stricken as a typo.

Vote on resolution: Carried, all voting aye.

RESOLUTION #75-2012
SEPTEMBER 18, 2012

BY ENTIRE COUNCIL:

AUTHORIZING AGREEMENT WITH KVS INFORMATION SYSTEMS, INC.
(Financial Management and Utility Billing Software Upgrade)

WHEREAS, the City has utilized KVS Information Systems, Inc. to provide and maintain financial management and utility billing software; and

WHEREAS, such software is in need of upgraded and improved software; and

WHEREAS, KVS Information Systems, Inc., is ready, willing and able to provide the requisite services for the upgrade, licensing, support and training for such financial management and licensing software; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with KVS Information Systems, Inc., 821 Maple Road, Amherst, New York 14221, for

utility billing and financial management software upgrade, licensing, support and training at a cost of Thirteen Thousand, Ninety Dollars and Zero Cents (\$13,090.00), with financing through KVS for four years at four percent (4%) interest.

Councilman Rivera wanted the public to know of this information system update, as the current is 22 years old, there is too much pad/pencil work, and this will allow for better communication with each other and put together a budget in time.

Vote on resolution: Carried, all voting aye.

RESOLUTION #76-2012
SEPTEMBER 18, 2012

BY ENTIRE COUNCIL:

AUTHORIZING LEASE TERMINATION

Geneve (Robertson) Adamczak and Timothy Adamczak
(doing business as *Kangaroo Café*)

WHEREAS, the City is the owner of certain improved real property, commonly known as the Dunkirk Boardwalk Project (the "Boardwalk"), 8-22 Central Avenue, Dunkirk, New York; and

WHEREAS, Geneve (Robertson) Adamczak and Timothy Adamczak (doing business as *Kangaroo Café*), 15 East 5th Street, Dunkirk, NY ("Kangaroo Café"), and the City are the parties to a certain Commercial Lease Agreement, which provides for the use of 20 Central Avenue, Dunkirk, NY, at the Boardwalk, through March 31, 2013 by Kangaroo Café; and

WHEREAS, Kangaroo Café and the City desire to modify the terms of the lease agreement, whereby the lease between Kangaroo Café and the City will be terminated; now, therefore, be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to terminate the Commercial Lease Agreement with Geneve (Robertson) Adamczak and Timothy Adamczak (doing business as *Kangaroo Café*), 15 East 5th Street, Dunkirk, New York 14048, for the use of 20 Central Avenue, Dunkirk, NY.

Councilman Rivera stated this went as well as it could have gone.

Mayor Dolce thanked Director of Development Steve Neratko for his time and efforts in making this become a reality, and also a special thanks to Councilman Gonzalez.

Councilwoman-at-large Kiyak also stated that Steve has been very instrumental in this.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:30 PM

Lacy Lawrence, City Clerk
