

**COMMON COUNCIL PROCEEDINGS**  
**February 18, 2014**

The meeting was called to order at 5:30 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 Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilwoman-at-large Kiyak excused Public Works Director Gugino from the meeting.

Certification of February 04, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, February 4, 2014 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Walter Rutland, 184 West Second Street, Dunkirk spoke in regards to the recent passing of his mother who was a Civil Rights Activist and how he is ready to do his best to help the citizens of Dunkirk. Mr. Rutland also spoke about his displeasure for the coal powering and is happy that the conversion to natural gas will happen soon.

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

Mayor Dolce stated that he had a productive meeting this past week with Councilman Rivera and Councilwoman-at-large Kiyak in regards to the future of the Cable Access Station. He advised there are interested individuals, should have more information by the next Cable Board Meeting on February 26<sup>th</sup> 4:30 PM and hopes to be back broadcasting live soon.

Mayor Dolce advised that the State of the City Address will be held on Friday, February 28<sup>th</sup> at 3:30 PM at the Dunkirk High School large instruction classroom.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from First Ward Falcon Club to use the Stadium and School #7 softball fields on May 10th for the Early Bird Fast Pitch Softball Tournament.

Councilwoman-at-Large advised a motion was needed to approve and refer to DPW, Police, Fire, and Law Departments, contingent on prior proof of appropriate insurance by the

sponsor and by all participating vendors or contractors naming the city as additional insured and that all city property is left in the same condition as prior to the event.

Councilman Michalski made a motion to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Request from First Ward Falcon Club to use the Stadium & Veterans Fields on July 18th to the 20th, waiver of the curfew for all three days, and permission for a food stand around the Stadium for that weekend.

Councilwoman Szukala inquired if there were any problems with the curfew extension.

Police Chief Ortolano advised that this has been done in years past and the responsible individuals are good at keeping things in line.

Councilwoman-at-Large advised a motion was needed to approve and refer to DPW, Police, Fire, and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, obtain Board of Health Certification, if applicable, and that all city property is left in the same condition as prior to the event.

Councilman Rivera made a motion to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Request from Chautauqua County Exceptional Senior All-Star Baseball/Softball Committee to use Promenschenkel Stadium on June 19<sup>th</sup> (June 20<sup>th</sup> rain date) to host the 2014 Chautauqua County Exception Senior All-Star Softball game.

Councilwoman-at-Large advised a motion was needed to approve and refer to DPW, Police, Fire, and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured and that all city property is left in the same condition as prior to the event.

Councilman Rivera made a motion to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Request from Dunkirk City School District modified softball team (as well as the varsity/junior varsity teams) to use Promenschenkel Stadium for practices and games from March 4<sup>th</sup> until approximately May 30<sup>th</sup>.

Councilwoman-at-Large advised a motion was needed to approve and refer to DPW, Police, Fire, and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured and that all city property is left in the same condition as prior to the event.

Councilman Rivera made a motion to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Loudspeaker application from Dunkirk Memorial Post #62 for a live band from 3:00-7:00 PM for a Chicken BBQ.

Councilwoman Szukala made a motion to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of Claim from William Narraway for damages to his vehicle allegedly caused by a pothole on the intersection of Willow Road and Smith Street.

Notice of Claim from Chautauqua County for damages to the North County Transfer Station money attendant booth allegedly caused by a City garbage truck.

Councilman Rivera made a motion to approve to Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

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

Councilman Michalski inquired to Mayor Dolce when design plans would be available and when construction will begin on Lake Front Blvd.

Mayor Dolce advised that the engineers are anxious to give a presentation on the design to Council and the Public and that the City is currently waiting for the State Contracts to be executed. He advised that once more specifics on the grant are available they will be added to the bid specifications with the project then taking approximately 6 months from start to finish.

Councilman Rivera advised that the next Public Safety Meeting is scheduled for Thursday at 10:00 AM in the Mayor's Conference Room and offered his condolences to Mr. Rutland for the recent loss of his mother.

Councilman Gonzalez apologized for not sending a memo to Department Heads and for comments published in regards to his last Personnel Meeting.

Councilman Gonzalez advised that he will be looking into possible changes that could be made to the City Charter to streamline receiving reports and attendance at meetings and offered his condolences to Mr. Rutland for the loss of his mother.

Councilwoman Szukala provided suggestions to Councilman Gonzalez for his Personnel Meetings and advised that she would also be emailing her thoughts and suggestions.

Councilwoman Szukala advised that the Council will be on the radio Thursday at 8:45 AM and that the next Public Works Meeting is scheduled for Thursday the 27<sup>th</sup> at 1:30 PM in the Mayor's Conference Room which will include a short presentation regarding the Waste Water Treatment Plant.

Councilwoman Szukala inquired to Mayor Dolce the status of a leak at the Waste Water Treatment Plant and a water main break on Townsend Street.

Mayor Dolce advised that the Waste Water Treatment Plant leak is significant, operations are as normal with adjustments having been made and the issue will be looked at tomorrow. He also advised that the Streets and Parks Department are working with the 3-man crew in the Water Department to repair the numerous water main breaks throughout the City.

Councilwoman-at-large Kiyak read the following statement:

“Last Thursday, the City was well-represented at meetings of the Chadwick Bay and North County Water groups.

I was fortunate enough to attend, along with councilmembers Rivera and Gonzalez, and other City representatives – Keith Ahlstrom as a legislative member of the water group, Randy Woodbury from DPW, chief water plant operator Bob Laurie, City Attorney Ron Szot and Development Director Steve Neratko.

And while even after nearly two years, a lot of basic information still needs to be collected and analyzed, it was good to get the perspective from so many area community leaders.

It was interesting to hear supervisor after supervisor and mayor after mayor express support for some type of coordinated effort for water in the North County – as long as each community’s rate-payers were not adversely affected by higher rates or fees or charges.

And I just wanted to let the City rate-payers know that before any agreements are reached involving the City, it is our intention to have the proposals carefully studied in order to make sure that City rate-payers are in no way adversely affected.

Thank you.”

Building Inspector Zurawski advised Councilwoman Szukala that the Request for Proposals/Qualifications for Code Compliance Abatement Lawn Mowing/Yard Services is finished and will be advertised shortly.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #20-2014**  
**FEBRUARY 18, 2014**

**BY: THE ENTIRE COUNCIL**  
**AUTHORIZING EXTENSION OF TAX COLLECTION AGREEMENT**  
**(County of Chautauqua)**

**WHEREAS**, pursuant to Resolution No. 50-2010 (July 20, 2010), the Common Council authorized an agreement with the County of Chautauqua for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the City (and Dunkirk School District within the City) would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the city, including the guarantee of all such taxes; and

**WHEREAS**, pursuant to Resolution No. 251-13 (December 2013), the Chautauqua County Legislature authorized and empowered the County Executive to

execute an extension of the existing joint tax collection agreement for a three (3) year term covering the 2014, 2015 and 2016 tax levies; and

**WHEREAS**, it would be appropriate to extend the agreement with the County of Chautauqua under the same terms and conditions for a period of three (3) years; now, therefore, be it

**RESOLVED**, that the Mayor is authorized and empowered to execute an extension of the existing joint tax collection agreement with the County of Chautauqua for a three (3) year term covering the 2014, 2015 and 2016 tax levies.

Carried, all voting aye.

**RESOLUTION #21-2014**  
**FEBRUARY 18, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS**  
**(February 2014)**

**WHEREAS**, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2014, ending December 31, 2014; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

**FUND 1**

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT</u>	<u>LINE</u>	<u>CHANGE</u>
001.3310.4040	Traffic Control	Traffic & Street Signs	\$ 1,500.00
001.1640.4061	Central Garage	Vehicle Fuel	\$ (1,500.00)
<b>TOTAL</b>			<b>\$</b>

**FUND 3**

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT</u>	<u>LINE</u>	<u>CHANGE</u>
003.8131.2000	Laboratory	Equipment	\$ 8,886.23
003.8130.4036	Waste Water	Contracted Services	\$ (5,386.23)
003.8130.4021	Waste Water	Repair / Maintenance	\$ (3,500.00)
<b>TOTAL</b>			<b>\$</b>

Councilwoman Szukala inquired as to the reasons for the line transfers and hoped that on future resolutions a brief description will be included for reference.

Fiscal Affairs Officer Halas advised that the first line transfer was for the material used to make the street signs and that this should be set for the remainder of this year with future expenses falling under repairs and maintenance.

Fiscal Affairs Officer Halas advised that the second budget line transfer was for the breakdown of the Flaskscrubber which is essential to operations and was an emergency situation not anticipated.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:50 PM**

**Nicole Joiner, City Clerk**

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