

**PUBLIC HEARING
April 15, 2014**

The public hearing was called to order at 5:20 PM by Councilwoman-at-large Kiyak.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala, Councilwoman-at-large Kiyak.

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Notice of Public Hearing was read by Councilwoman-at-large Kiyak.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Local Law #1-2014 modifying Chapter 63 of the Dunkirk City Code entitled "Sewer Use".

PUBLIC COMMENTS:

No one spoke.

Public Hearing closed at 5:22 PM

Nicole Joiner, City Clerk

**COMMON COUNCIL PROCEEDINGS
April 15, 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, Public Works Director Gugino, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Deputy Director of Development Lawrence, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilwoman-at-large Kiyak excused Director of Development Neratko from tonight's meeting.

Certification of April 01, 2014 meeting was read by City Clerk Joiner.

Councilwoman-at-large Kiyak read the following statement:

"For the record, there is a clerical error in Resolution # 29-2014 regarding the Papaya Arts Boardwalk. The annual rent should have reflected \$6,371.00, not the lower amount in the resolution. The tenants are aware of this different amount, and their letter of intent to renew reflects the correct amount."

RESOLVED: That the reading of the minutes of Tuesday, April 01, 2014 be dispensed with.

Motion by Councilman Gonzalez to accept the minutes with corrections. Seconded by Councilwoman Szukala.

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce complimented Youth and Recreation Director Gornikiewicz for his work on obtaining a grant from New York State in conjunction with The Chautauqua County Youth Board in the amount of \$10,000 to help offset Camp Gross expenditures.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Ryan Corbett to hold a Classic Car Cruise in Washington Park on Friday June 13th from 4:00 PM until 8:00 PM. Also, requesting permission to erect a tent, trash cans, vendors and the closing Washington Avenue between 5th and 6th Streets.

Councilman Gonzalez inquired to Public Works Director Gugino and Police Chief Ortolano if they had any questions or concerns about this event.

Public Works Director Gugino and Police Chief Ortolano advised that there are no issues with this group and everything has worked out fine in the past.

Councilwoman-at-large Kiyak advised a motion was needed to approve and refer to DPW, Police, Fire and Law Department, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that the premises are 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 the Dunkirk Joint Veterans Council to hold the Annual Memorial Day Services & Parade on Monday, May 26th at 10:00 AM with parade to follow; reviewing stands & chairs at Memorial Park & City Hall and participation by the Mayor and City Officials.

Councilwoman-at-large Kiyak advised a motion was needed to approve and refer to DPW, Police, Fire and Law Department, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that the premises are left in the same condition as prior to the event.

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

Carried, all voting aye.

Request from the Chautauqua County Cancer Services Program in cooperation with the Chautauqua County Department of Health and Human Services to hold an outdoor Health Fair in the parking lot at the corner of 3rd Street and Central Avenue on Saturday, August 23rd from 10:00 AM until 3:00 PM.

Councilwoman-at-large Kiyak advised a motion was needed to approve and refer to DPW, Police, Fire and Law Department, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that the premises are 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 Sandra Lewis on behalf of the Juneteenth Celebration Committee to use Memorial Park on Saturday, June 7th and Sunday, June 8th for their 19th year Juneteenth Celebration.

Public Works Director Gugino advised that this event has previously been held at the Chautauqua County Fair Grounds and inquired as to what kind of specifics this event would require from his Department to be held at Memorial Park.

Loretta Slaton Torain, a representative from the Juneteenth Committee, advised that they changed locations due to issues with the previous venue and would be in touch with City Clerk Joiner, Public Works Director Gugino and any other Departments with more details as soon as possible.

Councilwoman-at-large Kiyak advised a motion was needed to approve and refer to DPW, Police, Fire and Law Department, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that the premises are left in the same condition as prior to the event.

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

Carried, all voting aye.

Loudspeaker application from Ryan Corbett on behalf of the Dunkirk Historical Society requesting permission to have speakers and amps for the Car Cruise in Washington Park on June 13th from 4:00 PM until 8:00 PM.

Loudspeaker application from Terry Frazier on behalf of the Moniusko Club requesting permission to have a DJ at the Large Pavilion at Point Gratiot on Saturday August 9th from 12:00 PM until 4:00 PM.

Loudspeaker application from Duane Gilbert on behalf of the Dunkirk Elk's Lodge #922 for microphones and speakers at the Dunkirk Lighthouse on Saturday June 14th from 11:00 AM until 3:00 PM.

Loudspeaker application from Demetris on the Lake for bands, speakers and sound equipment from May 20th thru September 15th.

Councilwoman-at-large Kiyak advised a motion was needed to approve all four loudspeaker permits.

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

Carried, all voting aye.

Notice of Claim from Vieon Santos for damages to his vehicle allegedly due to hitting a pot hole on Newton Street.

Councilwoman-at-large Kiyak advised a motion was needed to refer to the City Attorney.

Councilwoman Szukala made a motion to refer to City Attorney. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski had nothing to report at this time.

Councilman Rivera advised that his next Public Safety Meeting is scheduled for Thursday, April 24th at 4:00 PM in the Mayor's Conference Room and inquired to Mayor Dolce for a status update on Bill Smock and the Cable Access Channel.

Mayor Dolce advised that the Conference Room is now wired and they are waiting on the equipment to arrive with hopes to be able to broadcast sub-committee meetings live in approximately 2 weeks and Common Council Meetings in time for May 20th's Meeting.

Councilman Gonzalez advised that his next Personnel Meeting is scheduled for May 6th at 4:00 PM in the Mayor's Conference Room.

Councilwoman Szukala inquired to Public Works Director Gugino about railroad ties on Chestnut and Point Drive North as well as an update on the Waste Water Treatment Plant report from Siemens.

Public Works Director Gugino advised National Grid, who will repair any damages assumed, had notified him that they are doing trainings and should be complete within the next couple weeks and that Siemens should be attending and presenting at the Public Works Meeting scheduled for April 28th.

Councilwoman Szukala inquired to Building Inspector Zurawski as to the status of the Community Christmas Building and 142 Maple Avenue.

Building Inspector Zurawski advised that the Community Christmas Building has begun repairs/cleanup as the weather breaks and that he has been in contact with the new owners of the Maple Avenue property and is looking at options that are available.

Councilwoman-at-large Kiyak asked Public Works Director Gugino to prepare a list of the streets that are going to be top-coated, streets that are going to be milled and top-coated, and the streets that are going to be hot-in-place and top coated as well as a timeframe of when the work will be started for each category for Council to review and keep the public informed.

Public Works Director Gugino advised that the Streets Department has started hot-patching pot holes and is hoping to get the Hot-in-Place bids out by the end of this month with the rest of the selected streets ready for bid by the end of May with hopes that all paving will be complete before the start of fall.

Mayor Dolce advised that there are also 5 additional streets that are dedicated with HUD Funding remaining from previous years 2012 & 2013.

Councilwoman-at-large Kiyak inquired to Public Works Director Gugino for a status update on Seawall repairs as well as the Consent order at the Water Treatment Plant.

Public Works Director Gugino advised the City has been prepared to put the Seawall Project out to bid for over 3 months but is currently waiting for a letter from New York State, which should arrive any day now, which would allow for it to be advertised. He then advised that line schedules are being finalized, STC Construction has started with the primary work, weather permitting they are currently on schedule, and that Caldwell Tank is looking to sterilize the tank on Willowbrook Avenue with hopes to be put on-line by May.

Building Inspector Zurawski advised Councilwoman Szukala that the Marina demolition of the existing building has been completed and that soil investigation, which is at the cost of the property owner, will begin shortly before any foundation work can begin.

Councilman Gonzalez inquired to Public Works Director Gugino about the status of Park Avenue sidewalks.

Public Works Director Gugino advised that National Fuel has been meeting with their contractors and that this is a normal repair process which must be put back to the City's satisfaction. He then advised that the City and National Fuel are coordinating water line replacement/repairs in that area before everything is put back in place and that any questions or concerns legal or otherwise should be directed to National Fuel.

UNFINISHED BUSINESS:

RESOLUTION #31-2014
APRIL 1, 2014

BY ENTIRE COUNCIL:

LOCAL LAW #1-2014
CITY OF DUNKIRK, NEW YORK

A LOCAL LAW MODIFYING CHAPTER 63 OF THE DUNKIRK CITY CODE
ENTITLED "SEWER USE"

BE IT ENACTED by the Common Council of the City of Dunkirk as follows:

Section 1 Intent.

It is the intent of this Local Law to modify a certain definition contained in the City of Dunkirk's Sewer Use Ordinance, to wit: SLUG, in order that the Sewer Use Ordinance conform to the general pre-treatment requirements contained in 40 Code of Federal Regulations Part 403.

Section 2 Amendment of City Code.

Chapter 63, Article II – Definitions, Section 63-2 – Terms Defined, Subsection 52 “Slug” of the Dunkirk City Code is hereby amended as follows:

DELETE Section 52. **“Slug”** shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

ADD Section 52. **“Slug”** shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Section 3 Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Councilwoman-at-large Kiyak advised a motion was needed to remove Local Law No. 1-2014 from the Table.

Councilwoman Szukala moved to remove Local Law No. 1-2014 from the Table. Seconded by Councilman Michalski.

Vote to remove Resolution from table:

Carried, all voting aye.

Vote on Resolution:

Carried, all voting aye.

PRE-FILED RESOLUTIONS:**RESOLUTION #32 -2014**

April 15, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS
(April 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

Description: Building City Hall –Replenish Contracted services line item needs to be replenished for bare basic services during the remainder of the year. Unanticipated boiler repairs depleted budget line item.

<u>ACCOUNT NO.</u>	<u>DEPARTMENT</u>	<u>LINE</u>	<u>CHANGE</u>
001.1620.4036	Building City Hall	Contracted Services	\$ 2,000
001.1620.4021	Building City Hall	Repair / Maintenance	\$ (2,000)
TOTAL			\$ -

Carried, all voting aye.

RESOLUTION #33-2014
APRIL 15, 2014

BY: COUNCILMAN MICHALSKI AND COUNCILMAN GONZALEZ

**AUTHORIZING MAYOR TO EXECUTE LEASE AGREEMENT
(Deere Credit, Inc.)**

WHEREAS, the Public Works Department Parks Division is in need of additional lawn-mowing equipment to adequately maintain the Park areas throughout the City; and

WHEREAS, NYS Contract provides a 2014 JD 1445 Diesel Front Mower and a 2014 JD 72" Mower Deck at a cost of \$18,465.33 and \$3,856.00 respectively; and

WHEREAS, the Director of Public Works and Fiscal Affairs Officer believe that it would be in the best interests of the City to purchase such needed equipment off of the NYS Contract and to pay for such equipment through a three-year lease-purchase agreement; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a lease agreement with **Deere Credit, Inc., 6400 NW 86th Street, PO Box 6600, Johnson, IA 50131-6600**, for a 2014 JD 1445 Diesel Front Mower and a 2014 JD 72" Mower Deck, for a three (3) year lease at an annual lease payment of Six Thousand Six Hundred Thirty-Two Dollars and Sixty-Three Cents (\$6,632.63); and, be it finally

RESOLVED, that funds for this lease be allocated as follows:

001.7110.2000	Parks	Equipment	(50%)
003.8130.2000	Waste Water Treatment Plant	Equipment	(50%).

Councilwoman Szukala asked Fiscal Affairs Officer Halas to explain the difference in dollar amounts as they do not equal.

Fiscal Affairs Officer Halas advised that there was a trade in of the existing 2005 Front Mower and Mower Deck with a value of \$3,231.33 that offset this cost and that it is split between both departments as it is used equally between them.

Carried, all voting aye.

RESOLUTION #34-2014
APRIL 15, 2014

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING TERMINABLE REVOCABLE LICENSE
FOR BOAT LAUNCH OPERATIONS
(Chadwick Bay Marina Holdings, Inc.)**

WHEREAS, the City of Dunkirk is the owner of certain improved real property located at and designated as the City Pier, which includes a municipal boat launch, harbormaster building (including restrooms) and fish-cleaning station (collectively the "Premises"); and

WHEREAS, the City requested proposals from qualified and interested vendors capable of operating the Premises on a contract basis; and

WHEREAS, Chadwick Bay Marina Holdings, Inc. (Chadwick Bay) has submitted a proposal for consideration to operate and maintain the Premises; and

WHEREAS, Chadwick Bay is ready, willing and able to provide such services in a good and workmanlike manner on behalf of the City and it would be in the best interest of the City to contract for such services with Chadwick Bay; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any necessary documents, including a terminable recoverable license agreement with **Chadwick Bay Marina Holdings, Inc.**, 30 Central Avenue, P.O. Box 263, Dunkirk, New York 14048, for the operation of the municipal boat launch, harbormaster building (including restrooms) and fish-cleaning station for a period from April 16, 2014 through October 31, 2014 (daily 7:00 a.m. to 7:00 p.m.) at a fee of Two Hundred Fifty Dollars and Zero Cents (\$250.00) per month, *pro rata* in advance; and, be it finally

RESOLVED, that the revenue received is to be allocated to Lease of City Property Account Number 001-0001-2410-4112.

Councilwoman Szukala inquired to Mayor Dolce as to who would be responsible for minor issues such as cleaning supplies and to the reasons why the City decided to move in the direction of leasing this out instead of having a Harbor Master.

Mayor Dolce advised that the majority of supplies will be provided by Chadwick Bay and that they decided to explore their options which will now include longer hours of 7:00 AM to 7:00 PM Monday thru Sunday.

Councilwoman Szukala inquired as to who would receive monthly reports as stated in the Contract with Chadwick Bay.

Building Inspector Zurawski advised that the Harbor Commission has usually received those reports.

Mayor Dolce advised that he has normally only seen reports "end of season" but is hoping moving forward a report will be available monthly for review.

Councilman Michalski advised that he was happy with the contract details such as being responsible for the premises, having responsible staff on site, restroom service, staying open for special events such as Music on the Pier, launch operation questions/concerns, and Chadwick Bay obtaining liability insurance at their own expense.

Mayor Dolce advised that the boat launch fees are same as they have been previously and if they were to increase it would have to be brought through Council as a formal Resolution.

Councilwoman-at-large Kiyak advised that the previous position paid out approximately \$10,000 for the year so the City would be saving this money while making the fisherman happy by holding consistent hours of operation.

Carried, all voting aye.

RESOLUTION #35-2014
APRIL 15, 2014

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(Pucci Kids LLC)**

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **Pucci Kids LLC**, to lease a portion of the Boardwalk for retail sales of ice cream and related novelties, sandwiches and other prepared foods to the general public; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute a lease agreement with **Pucci Kids LLC**, c/o Anthony Pucciarelli, 526 Central Avenue, Dunkirk, New York 14048, for rental of 16 Central Avenue, Dunkirk, New York 14048, for the period (April 16, 2014 through March 31, 2016) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00) (\$350 per month, *pro rata*).

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:04 PM

Nicole Joiner, City Clerk
