

COMMON COUNCIL PROCEEDINGS
March 5, 2013

The meeting was called to order at 5:30 PM by Councilman Michalski followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez, and Councilwoman Szukala.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden and Police Chief Ortolano.

Absent: Fire Chief Ahlstrom.

Councilman Michalski advised Councilwoman-at-large Kiyak is not present at tonight's meeting as she is currently in Ithaca, New York attending the New York State Farmer's Market Manager Trainee Program.

Councilman Michalski called for a motion according to the City Charter to preside as Acting Councilman-at-large for this meeting. Motioned by Councilwoman Szukala, seconded by Councilman Gonzalez.

Carried, all voting aye.

Certification of February 19, 2013 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, February 19, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

James Muscato, 280 Lake Shore Drive West, Dunkirk, New York asked who is paying for Councilwoman-at-large Kiyak to attend the farmer's market training conference; is this at the city's expense or is she paying for this conference out of her own pocket.

Mayor Dolce advised the city no longer runs the farmers market, it was contracted out to the Chamber of Commerce last year and stated the city is not paying for her to attend this conference, her trip is being paid for thru a county program.

Department of Development Director Neratko advised Councilwoman-at-large Kiyak's trip is being paid for by the Chautauqua County Health Network as they had funding to send 4-5 individuals to this conference.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce announced the State of the City address will be held Friday, March 15th at 3:00 PM at the Dunkirk High School in the Large Group Instruction Room and advised this is open to the public.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from the Town of Pomfret adopting Local Law entitled "A local law for the Year 2013 amending Local Law No. 3 of the year 2007 entitled 'Wind Energy Facilities Law.'" "

Received and Filed.

Petition from the Harbor Commission requesting approval for Commercial Bait Fishing application from Dave's Bait and Tackle.

Acting Councilman-at-large Michalski advised a motion to refer to the City Clerk's Office was needed.

Councilwoman Szukala motioned to refer to the Clerk's Office. Seconded by Councilman Gonzales.

Carried, all voting aye.

City Attorney Szot advised Acting Councilman-at-large Michalski a motion to approve by Council was needed.

Acting Councilman-at-large Michalski advised a motion to approve was needed.

Councilwoman Szukala motioned to approve this application. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from Louis Ippolito for lack of water to his property at 112 Deer Street allegedly due to a broken waterline.

Notice of Claim from Vincent Bomasuto for damages to his vehicle allegedly due to hitting a pot hole on Marauder Drive.

Acting Councilman-at-large Michalski advised a motion to refer to these notices to the City Attorney was needed.

Councilman Rivera moved to refer to these to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from Tim Wdowiasz on behalf of the First Ward Falcon Club for a live band at Promenschenkle Stadium on July 19th from 6:45 PM until 10:45 PM.

Loudspeaker application from the Northern Chautauqua Conservation Club for live bands from May 20th thru October 1st.

Acting Councilman-at-large Michalski advised a motion to approve was needed and referred these to the Department of Public Works, Police Department and City Attorney.

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the DHS Track & Field teams to host the annual “Dunkirk Lakefront 5K Road Race” on August 10th beginning at 9:00 AM.

Councilwoman Szukala asked Police Chief Ortolano should the city be concerned with the proposed route or liability insurance.

Police Chief Ortolano advised his only concern is the possibility of construction along Lakefront Boulevard and to inquire with Department of Public Works Director Gugino regarding this.

Department of Public Works Gugino acknowledged there is no construction scheduled for that area.

Councilman Michalski advised a motion to approve was needed contingent upon receipt of appropriate insurance, general liability, liquor liability as appropriate from the sponsor and any participating vendors or contractors and referred this to the Department of Public Works and Police Department.

Councilman Gonzalez moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Southtowns Walleye Association of WNY, Inc. to use city facilities from June 8th thru June 16th for their annual fishing tournament.

Councilman Rivera asked if there are any changes to this request from last year’s request (dates and times).

Building and Zoning Officer Zurawski advised he has not been in contacted with anyone, if the group has enough volunteers they may need to use the weigh station.

Councilwoman Szukala asked will the city incur any overtime expense from this event.

Department of Public Works Director Gugino advised he does not foresee the city incurring any overtime expense.

Councilman Michalski advised a motion to approve was needed contingent upon receipt of appropriate insurance from the sponsor and any participating vendors or contractors and referred this to the Department of Public Works and Police Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Rivera advised there will be no Personnel Meeting in March as he initially intended but he intends to hold a meeting mid-April.

Councilman Rivera announced his son William 'Liam' Rivera is in attendance tonight and seated with the Department Heads.

Councilman Gonzalez announced the Public Works Committee held a meeting this morning and stated the meeting went well with the exception of the current sequestration in Washington which could prohibit the demolition of some buildings in the city this year.

Councilman Gonzalez asked Department of Public Works Director Gugino to explain what was discussed during this morning Public Works Meeting regarding the inventory of road salt and potholes in the city.

Department of Public Works Director Gugino advised the city is in good shape in regards to the road salt; as of February 28th the city has expended 47.3% for salt, the original budget for salt was \$90,000.00, the city has \$31,868.00 left in the budget and stated the city should be in good shape for November and December. DPW Director Gugino further advised the city has expended 45% of this year's snow removal budget.

Department of Public Works Director Gugino spoke in regard to the potholes in the city, stated he has his third-shift workers compiling a list of potholes that need to be temporarily filled with cold patch and asked city residents if they know of any potholes that need to be filled to call 366-4411, leave their name, date, time and the location of the potholes.

Councilwoman Szukala announced the next Public Safety Meeting will be held on March 26th at 10:00 AM in the Mayor's Conference Room and the next Economic and Development Meeting will be held on March 13th at 11:00 AM in the Conference Room.

Councilwoman Szukala spoke in regard to the Community Christmas Building, it appears the building is not being used as it was originally intended and asked Building and Zoning Zurawski to look into this matter and to keep her updated.

Building and Zoning Officer Zurawski advised the roof was repaired last year and a large amount of debris was removed from that area.

Councilwoman Szukala inquired with Mayor Dolce regarding funding for the Seawall Project and asked when a Resolution would be presented to the council.

Mayor Dolce advised he met with an aide from Congressman Reed's office last Friday, the meeting went well, there was no guarantee of funds nor did he have a timeline as to when he will proceed. Mayor Dolce further advised he will begin looking internally for funding and stated "I don't think this is something we can do thru increased fees, whether it's rates or taxes, so I think we need to look real hard internally. It won't be easy to do, but I think we're all aware the seawall needs to be addressed, sooner rather than later."

Acting Councilman-at-large Michalski advised the next Finance Committee Meeting will be held on Monday, March 11th at 4:15 PM in the Conference Room.

Councilman Michalski recognized his daughter Marissa and her boyfriend Ryan in attendance tonight and stated they are here as part of a high school government class.

Department of Public Works Director Gugino thanked Gary Cerne, Superintendent of the Dunkirk School System and the school district for their help and funding regarding the traffic safety issues at School #4.

Police Chief Ortolano also thanked Mr. Cerne, the school district and Tim Abbey, Director of Building and Grounds and stated he has seen an improvement as a result of the installation of the lights and his department will continue to monitor the area.

Department of Public Works Director Gugino advised Councilman Rivera the signs for the high school are in and weather permitting they will be installed soon.

PRE-FILED RESOLUTIONS:

RESOLUTION #17-2013
MARCH 5, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING CONTRACT FOR JULY 4TH FIREWORKS DISPLAY

WHEREAS, the City has solicited proposals for the annual July 4th fireworks display with one (1) proposal being received and reviewed, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with **Zambelli Fireworks Internationale**, P.O. Box 1463, New Castle, PA 16103-1463, in the amount of \$30,000 for the July 4, 2013 (rain date July 5, 2013) fireworks display in accordance with proposals as opened on February 12, 2013, and, be it finally

RESOLVED, that \$15,000.00 for this display will be available through City Budget Account #001-8020-4247-0000 (DLDC Allotment).

Councilwoman Szukala advised she was speaking on behalf of Councilwoman-at-large Kiyak and stated the Councilwoman-at-large had several concerns regarding this resolution and asked “the resolution states there was \$15,000.00 deducted from account 001-8020-4247-0000 DLDC, can you explain where the additional \$15,000.00 be deducted?”

Mayor Dolce stated “as I brought out last budget season, my goal was to move the Fourth of July into the festivals account; money into the festivals, money

back out to the festivals. Part of that was setting aside Fund I money for DLDC functions, operating expenses and festivals; \$25,000.00 of that \$50,000.00 is for festivals, so what you see on this resolution tonight is \$15,000.00 of that \$25,000.00 coming out of Fund I; the money that was intended to go to the festivals account.” Mayor Dolce further stated “the rest of the \$15,000.00 will come thru donations and vendor fees. So we took out anything related to the Fourth of July from the city budget and moved it through festivals.”

Councilwoman Szukala read Councilwoman-at-large Kiyak’s second question “since there was \$15,000.00 for fireworks but \$30,000.00 authorized, if there was a shortfall coming from donations, do you have a plan on where to take it from Fund I.” Councilwoman Szukala stated “her concerns were just so that the general public knows where it’s coming from since council was already aware of the situation.”

Mayor Dolce stated “we would make adjustments to the other festivals, so we would prioritize our festivals. We’re proposing that we run from Memorial Day just past Labor Day so other adjustments can be made there if we do happen to fall short on the other \$15,000.00.”

Carried, all voting aye.

Councilwoman Szukala motioned to meet in Executive Session to discuss the employment history of a particular person and matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person, it is expected that no new business will take place after the Executive Session concludes. Seconded by Councilman Rivera.

Carried, all voting aye.

Executive Session called to order at 5:54 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:20 PM and reconvene to the regular Council Meeting. Seconded by Councilman Rivera.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Rivera.

Carried, all voting aye.

Adjourned at 6:21 PM

Lacy Lawrence, City Clerk
