

**PUBLIC HEARING****May 20, 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, Public Works Director Gugino, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden 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 #2-2014 modifying Chapter 65 of the Dunkirk City Code entitled "Sidewalks and Streets".

**PUBLIC COMMENTS:**

Mary Rees, 433 Dove Street, expressed support for the Resolution and hopes that it will set the framework for a safer and healthier community as well as attract outsiders to the area.

Steve Rees, 433 Dove Street, advised that he has been in contact with Mayor Dolce and Council, thanked them for their support and asked council for this Resolution to pass and become a law.

Nancy Mayer, Hanford Bay resident, advised that she believes this is an important resolution that will help towards healing the division between communities.

Harriet "Skeeter" Tower, 438 Swan Street, advised that she loves the historic quality of the area, is very excited that this will be considered and hopes that this Resolution will help attract young people to the area.

Diane Hoffner, Brocton/Portland resident, advised that after visiting other areas with the wider sidewalks/bike paths she hopes that by passing this Resolution the potential for tourism will increase.

Hannah Harley, new area resident, advised that riding bicycles along Central Avenue is dangerous and hopes that by having signs and arrows for bikers and walkers the City would become safer and more accessible to and from other local municipalities.

Andy Dixon, on behalf of the Chautauqua County Health Network, thanked everyone for their support in this resolution, advised that there are over 600 communities that have adopted this Local Law and that there are funding sources out there to be utilized to continue to make Dunkirk a beautiful and vibrant place.

**Public Hearing closed at 5:30 PM****Nicole Joiner, City Clerk**  
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**COMMON COUNCIL PROCEEDINGS****May 20, 2014**

The meeting was called to order at 5:32 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, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden and Police Chief Ortolano.

Councilwoman-at-large Kiyak excused Building Inspector Zurawski from tonight's meeting.

Absent: Director of Development Neratko and Fire Chief Ahlstrom.

Certification of May 06, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, May 06, 2014 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Edna Sek, 7 Lake Front Blvd, advised that due to recent water repairs completed at her residence the surrounding street near her property is in dangerous condition.

Walter Rutland, 184 W 2<sup>nd</sup> Street, complimented Mayor Dolce, Police Chief Ortolano, Fire Chief Ahlstrom and Public Works Director Gugino on doing an outstanding job and advised that his new cable access show "Making Progress in Dunkirk with Walter Rutland" should begin airing live after Memorial Day.

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

Mayor Dolce complimented Northern Chautauqua Community Foundation's LED Group for a wonderful job on their Economic Development Forum he attended.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Cynthia Karnes to use Promenschenkle Stadium and Koch's Field on Saturday July 12<sup>th</sup> from 8:00 AM until 10:00 PM; also requesting permission for a food vendor and alcohol sales for the annual Joe Karnes Memorial Co-Ed Softball Tournament.

Councilwoman-at-large Kiyak advised a motion was needed to approve and refer to DPW, Police, Fire and Law Departments, contingent on approval of loudspeaker permit, if applicable, prior proof of appropriate insurance by the sponsor, including liquor liability insurance and proof

of authority to sell, and by all participating vendors or contractors naming the city as additional insured, and that the premises are left in the same condition as prior to the event.

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

Carried, all voting aye.

Request from Lisa Kozlowski on behalf of the Dom Polski Club to close Antelope Street between East 2<sup>nd</sup> and Lake Shore Drive E to traffic from 1:00 PM until 8:00 PM on Saturday, June 14<sup>th</sup> to host a benefit for Kurt Wolnik; Also requesting support from Parks/Street Department for trash cans, bandstands, picnic tables and barricades.

Councilwoman-at-large Kiyak 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, approval of loudspeaker permit if applicable, and that all city property is left in the same condition as prior to the event.

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

Carried, all voting aye.

Request from Councilwoman Szukala to use city picnic tables, trash cans, trash bags and electronic police sign on Wednesday, June 25<sup>th</sup> from 9:00 AM until 12:00 PM for the Annual Senior Sweep Program.

Received and filed.

Loudspeaker application from Dom Polski Club for a band and speakers on Saturday June 14<sup>th</sup> from 3:00 PM until 7:00 PM.

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

Carried, all voting aye.

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

Councilman Michalski advised that the Request for Qualifications for the City's Liability Insurance was completed with only one company, Lawley Insurance, showing interest and that a Resolution will be brought to Council within the next month.

Councilman Rivera advised his next Public Safety Meeting is scheduled for Tuesday, May 27<sup>th</sup> at 3:15 PM in the Mayor's Conference Room and that tonight's meeting is being recorded and will be replayed on the Cable Access Station.

Councilman Rivera inquired to Mayor Dolce for a status updated on Cable Access.

Mayor Dolce advised that live broadcasting will begin after Memorial Day with the possibility of the parade airing live, scheduled a conference call with Time Warner to go over the broadcasting needs, and complimented Access 12 Program Coordinator Bill Smock for doing a great job putting everything together.

Councilman Rivera thanked Mr. Smock for everything that he's doing as it is quite a process and advised he is looking forward to the live broadcasting.

Councilman Gonzalez advised that due to a death in his family he had to cancel the last Personnel Meeting and is hoping to reschedule it before the end of the month.

Councilwoman Szukala asked Mayor Dolce if he has made any progress in the Union negotiations.

Mayor Dolce advised that he met with a group for negotiations earlier in the day.

Councilwoman Szukala inquired to Public Works Director Gugino as to the situation she reported to him at 638 Deer Street.

Public Works Director Gugino advised that they were going to fix that today but got called out for a repair and tomorrow, due to a major issue on Route 5 and Main Street that will take at least two days to complete, they were unable. Mr. Gugino then explained that he is doing his best to schedule it in with the 2 workers he has in that department and that Plumbing Inspector Meyer was made aware of the situation.

Councilwoman Szukala asked Public Works Director Gugino for an update on the Seawall construction.

Public Works Director Gugino advised that the bid opening is scheduled for 2:00 PM on Tuesday the 27<sup>th</sup> and that he is anticipating quite a few bidders.

Councilwoman Szukala advised that the Senior Sweep is scheduled for Wednesday, June 25<sup>th</sup>, anyone interested in volunteering should arrive around 8:45 AM and that this will be her last year chairing the program.

Councilwoman-at-large Kiyak inquired to Public Works Director Gugino as to the lack of "no parking" signs that are usually between Holy Trinity Church and the Plaza during Graduation/Flea Market weekend.

Public Works Director Gugino advised that no formal request was ever sent to him or Police Chief Ortolano from the event sponsor to close the street to parking.

Councilwoman-at-large Kiyak asked Public Works Director Gugino for an update on the Water Treatment Plant Consent Order.

Public Works Director Gugino advised that the electrical bids received were being processed with a recommendation to be presented for the next Council Meeting, explained the process to switch the water tank out and stated that the demolishing of the old tank will be put to bid shortly.

Councilwoman-at-large Kiyak inquired to Public Works Director Gugino for an update on the roadway rerouting due to Millennium Parkway construction.

Public Works Director Gugino advised that he has been working closely with Streets Supervisor Porpiglia, City Engineer Woodbury and Youth and Recreation Director Gornikiewicz who handles the City website to keep everyone updated as status of the road changes along with issuing press releases to the media.

Police Chief Ortolano reminded residents that the Memorial Day Parade is scheduled for Monday and to park accordingly as a portion of Lake Shore Drive and Central Avenue will be closed during that time.

Public Works Director Gugino advised that there was a water-main break in Memorial Park which has since been repaired and while it is not totally dry it should be ok for the events scheduled on Monday.

**UNFINISHED BUSINESS:**

**RESOLUTION #36-2014**  
**MAY 6, 2014**

**BY: ENTIRE COUNCIL**

**LOCAL LAW #2-2014**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW MODIFYING CHAPTER 65 OF THE DUNKIRK CITY CODE**  
**ENTITLED "SIDEWALKS AND STREETS"**

**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 amend the Dunkirk City Code in order to provide a framework to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Dunkirk by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation through a *Complete Streets Policy*.

**Section 2**    **Amendment of City Code**

Chapter 65 – Sidewalks and Street, Section 32 – Complete Streets Policy of the Dunkirk City Code is hereby amended as follows:

**ADD**

**§ 65-32.**        **Complete Streets Policy.**

- A.    **Declaration of Policy.** In the interest of improving inter-modal transportation options, safety and accessibility for all users, the concept of *Complete Streets* has been recognized and adopted in numerous localities across the United States. The City of Dunkirk will make *Complete Streets* practices a routine part of everyday operations, will approach every transportation project and program as an opportunity to improve City streets, will incorporate all relevant existing and future planning documents approved or

adopted by the Common Council, and will work in coordination with other departments, agencies and jurisdictions to achieve *Complete Streets*. *Complete Streets* design and practices include, but are not limited to, sidewalks, crosswalks, curb ramps, accessibility features for people with disabilities, paved shoulders for biking, designated bicycle lanes, off-road paths, signage and traffic-calming measures.

- B. Designs and Practices.** *Complete Streets* designs and practices shall be incorporated in new construction and reconstruction projects in the City, except when the Director of the Department of Public Works demonstrates that one of the following conditions is met:
1. Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, bicyclists and pedestrians will be accommodated elsewhere within the right-of-way of within the same transportation corridor; or,
  2. The cost would be excessively disproportionate to the need based on the following factors: population density, land use, projected and current traffic volumes, projected and current bicycle and pedestrian use; or,
  3. The existing right-of-way does not allow for sidewalks, paved shoulders or other improvements, in which case potential alternatives will include the appropriate use of lane re-striping, signage, traffic-calming measures and/or enhanced education and enforcement; or,
  4. Where severe topographic or natural resource constraints prohibit such accommodations; or,
  5. Where conditions or restrictions outside the purview of the City prohibit such actions.
- C. Guidelines.** *Complete Streets* designs and practices shall be provided and maintained in accordance with guidelines adopted by the U.S. Department of Transportation (USDOT) and NYS Department of Transportation (NYSDOT), and with best practices identified by the City's Department of Public Works.

### **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. 2-2014 from the Table.

Councilwoman Szukala moved to remove Local Law No. #2-2014 from the Table. Seconded by Councilman Gonzalez.

Vote to remove Resolution from table:

Carried, all voting aye.

Councilman Rivera advised he received a lot of interest and thanked everyone for the phone calls, letters and emails and stated that for public interest alone he is in support of this Resolution.

Councilman Gonzalez advised he is in support of passing this Resolution and hopes that this will help enhance the beautiful City we have and thanked everyone for the show of support.

Councilwoman-at-large Kiyak read the following statement:

“This resolution to pass a Complete Streets ordinance has been discussed over the past year in several committee meetings held by Council, through the concerted efforts of Andrew Dickson and Janet Forbes reaching out to the City of Dunkirk and offering us grant funding under the program “Creating Healthy Places for Living, Work and Play”. In addition, the newly formed community group “Revitalize Dunkirk” has played a tremendous role in gathering community support for passage of this resolution, and it is heartening to know that a committed group of citizens have actively participated in gathering information and performing outreach to the greater community. This group, working closely with Andy, volunteered their time and efforts to help collect relevant data that will help us further understand the specific needs of our community, and the Council thanks each and every active volunteer member of the Revitalize Dunkirk group. Lastly, I would like to extend a thank you to all of the organizations and individuals that took the time to reach out to Council, via letter or email, expressing their support for passage of this Local Law.”

Vote on Resolution:

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:55 PM**

**Nicole Joiner, City Clerk**

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