

**PUBLIC HEARING
January 20, 2015**

The public hearing was called to order at 5:17 PM by Councilman-at-large Rosas.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilman-at-large Rosas

Also present: City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Gugino, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Recreational Program Coordinator Gornikiewicz and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Rosas.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on a Local Law to amend Chapter 31, Article I, Section 31-2 of the Dunkirk City Code entitled "Recreation Services Fee Schedule".

PUBLIC COMMENTS:

No one spoke.

Public Hearing closed at 5:18 PM

Nicole Joiner, City Clerk

**COMMON COUNCIL PROCEEDINGS
January 20, 2015**

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

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilman-at-large Rosas.

Also present: City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Gugino, Clerk, Board of Assessors Mleczo, Building Inspector Zurawski, Director of Development Neratko, Personnel Administrator Heyden, Recreational Program Coordinator Gornikiewicz, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-large Rosas requested a moment of silence in memory of former Mayor Leon Damian.

Councilman-at-large Rosas excused Mayor Dolce from tonight's meeting as he is in Albany to attend Governor Cuomo's "State of the State".

Certification of Tuesday January 06, 2015 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, January 06, 2015 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 W 2nd Street Dunkirk, advised that Senator Cathy Young will be a guest on his cable access show “The Walter Rutland Show” on February 18th at 4:10 PM with a reception to follow and thanked Councilman Rivera, Public Works Director Gugino, City Clerk Joiner and Councilman-at-large Rosas for their support.

Steve Rees, a representative of Revitalize Dunkirk, extended an open invitation to Council to attend their meetings held at the Incubator on the 3rd Thursday of each month at 6:30 PM to hear the opinions and thoughts from constituents who do not normally attend the Common Council Meetings.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

No communications from the Mayor.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Scott Mekus on behalf of Dunkirk Senior High School’s Class of 1989 to host the first annual “Marauder Trotter 5K Run/Walk” on City Streets located near Dunkirk High School Saturday, July 4th, 2015 starting at 9:00 AM.

Councilman-at-large Rosas advised that after previous discussion between Council and Department Heads he would need a motion to reject this request.

Councilwoman Szukala made a motion to deny this petition. Seconded by Councilman Michalski.

Carried, all voting aye. Petition denied.

Request from Lake Shore Street Rod Association for partial use of the Point Gratiot parking lot, permission for vendors, bandstands, extra trash barrels and trash pick-up on Sunday July 12th for their 14th Annual Harbor Cruise.

Councilman-at-large Rosas 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 Gonzalez made a motion to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from Lake Shore Street Rod Association for a live band and DJ at the large pavilion at Point Gratiot on July 12th from 12:00 PM until 4:00 PM.

Carried, all voting aye.

David Newcomb for alleged property damages due to a storm drain located in front of his driveway.

John LaMattina for alleged injuries sustained from a fall on a city sidewalk located in front of Pizza, Wings, and Things.

Notice of Petition from Level 3 Communications LLC.

Councilwoman Szukala made a motion to refer to the Law Department. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that at the last Finance Meeting they reviewed charges associated with the Building/Zoning Office as the fees have not been adjusted in over 20 years and will meet again with Building/Zoning Officer Zurawski at the first meeting in February with a report of what other municipalities charge.

Councilman Rivera advised Fire Chief Ahlstrom that he would like to set up a meeting to go over the Fire Hall Study that was conducted, congratulated Mr. Rutland for the success of his show and thanked Mr. Rees for extending the invitation to a Revitalize Dunkirk meeting.

Councilman Gonzalez congratulated Mr. Rutland on getting Senator Young to appear on his show and advised that his January Personnel Meeting that was cancelled will be rescheduled in February.

Councilwoman Szukala advised that Council will be on WDOE at 8:45 AM on Thursday and that the next Public Works Meeting is scheduled for January 26th at 4:00 PM in the Mayor's Conference room.

Councilwoman Szukala inquired to Police Chief Ortolano about the status of a stop sign on Millennium Parkway and Lincoln Avenue.

Police Chief Ortolano advised that he is going under the assumption that they are ignoring as it has been 2 months but will let them know that the city would like an answer one way or another.

Councilwoman Szukala inquired to Public Works Director Gugino for an update on the software upgrades for the gas pumps on Lucas Avenue.

Public Works Director Gugino advised that City Engineer Woodbury was calling around today for quotes, will be seeking at least 2 bids and will have something available soon.

Councilman-at-large Rosas advised that businesses within the city can get grant writing and technical assistance by contacting the Department of Development and that his next Economic Development Meeting is scheduled for January 27th at 12:30 PM in the Mayor's Conference room.

UNFINISHED BUSINESS:**RESOLUTION #1-2015**
JANUARY 6, 2015**BY: THE ENTIRE COUNCIL****INTRO NO. 1 TO LOCAL LAW #1-2015**
CITY OF DUNKIRK, NEW YORK**A LOCAL LAW TO AMEND CHAPTER 31, ARTICLE I, SECTION 31-2**
OF THE DUNKIRK CITY CODE
ENTITLED "RECREATION SERVICES FEE SCHEDULE"

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

Section 1 **Intent**

It is the intent of this Local Law to amend Dunkirk City Code, Chapter 31, Article I, Section 31-2, to modify and to update various recreation services fees.

Section 2 **Amendment of City Code**

Chapter 31, Article I, Section 31-2 of the Dunkirk City Code, is hereby amended as follows:

DELETE:**§31-2. Fee Schedule.**

Effective December 1, 2005, the following fees are hereby established.

<u>Type</u>	<u>Fee</u>
<u>Facility Rentals</u>	
City softball fields:	
Single game	\$ 50.00
Single day	\$ 75.00
Tournament (multiple days)	\$150.00
Picnic table, per day	\$ 2.50
[Added 5-21-1992 by L.L. #4-1992]	
(Rental of tables is limited to Churches, Clubs and Schools)	
Bandstand, per 8x8 section, per day	\$ 5.00
[Added 5-21-1992 by L.L. #4-1992]	
<u>Youth Program</u>	
Sports clinics, except for swimming, sailing and tennis	\$ 10.00
Dance program	\$ 10.00
Floor hockey	\$ 10.00

Swim clinic	\$ 25.00
Sailing program	\$ 25.00
Tennis program	\$ 25.00

Adult Program

League fees (basketball, football, softball, floor hockey, soccer)	
City Residents	\$ 15.00
Non-Dunkirk City Residents	\$ 20.00
Player disqualification fees	\$ 30.00
Volleyball	\$150.00
Walking	\$ 1.00
Soccer	\$ 2.00
Golf	\$ 30.00
Hockey (daily admission)	\$ 1.00

Recreation Center:**Rollerskating Program**

Youth admissions	\$ 1.00
Adult admissions	\$ 2.00

Birthday Parties

1 1/2 hours (maximum of 10 children)	\$ 40.00
Each additional child	\$ 4.00

Group Rentals (Church, scouts, family)

25 people and under	
Per hour	\$ 30.00
For 1 1/2 hours	\$ 40.00
26 - 50 people	
Per hour	\$ 35.00
For 1 1/2 hours	\$ 45.00
51 people or over	
Per hour	\$ 40.00
For 1 1/2 hours	\$ 50.00

Team Rentals (Little League, Babe Ruth, Hockey, etc.)

Teams of less than 25 people	
Per hour	\$ 15.00

Ice-Skating Program

Youth admissions	\$ 1.00
Adult admissions	\$ 2.00

Summer Camp Program

[Added 4-29-1992 as L.L. #3-1992; Amended by L.L. #8 (Intro No. 12) 1993]

City Residents

First child, per session	\$ 30.00
Each additional child, per session	\$ 20.00

Non-Dunkirk City Residents

First child, per session	\$ 40.00
Each additional child, per session	\$ 25.00

Rental of Pavilions at Point Gratiot [Amended 03-01-11 as L.L. #4-2011]

Effective April 4, 2011, the following fees are hereby established:

Large Pavilion

Entire Pavilion (capacity 216)	
City Residents	\$ 75.00
Non-Dunkirk City Residents	\$ 150.00

Lower Pavilion

Entire Pavilion (Capacity 96)	
City Residents	\$ 50.00
Non-Dunkirk City Residents	\$ 100.00

Koch's Pavilion

Entire Pavilion (Capacity 96)	
City Residents	\$ 50.00
Non-Dunkirk City Residents	\$ 100.00

NOTE: There will be no fee charged to groups of handicapped individuals or to groups of Senior Citizens who reserve the pavilions

AMEND TO:

§31-2. Fee Schedule. [Amended 10-4-2005 as L.L. #2-2005; Amended 5-21-1992 by L.L. #4-1992; Amended 4-29-1992 as L.L. #2-1992, and by L.L. #8 (Intro No.12) 1993]

Effective February 1, 2015, the following fees are hereby established.

Type

Fee

Facility Rentals

City softball fields:	
Single game	\$ 50.00
Single day	\$ 50.00
Tournament (multiple days) (per event day)	\$ 50.00
Picnic table, per day	\$ 2.50

[Added 5-21-1992 by L.L. #4-1992]

(Rental of tables is limited to Churches, Clubs and Schools)

Bandstand, per 8x8 section, per day \$ 5.00
[Added 5-21-1992 by L.L. #4-1992]

Youth Program

Sports clinics/activities (per person, per session)
 City resident \$ 3.00
 Non-City resident \$ 4.00

Adult Program

League fees (per team)
 Basketball \$150.00
 Flag Football \$150.00
 Softball (slo- and fast-pirch) \$150.00
 Floor Hockey \$150.00
 Game Protest Fee \$ 50.00
 Player Ejection Fee (per player, per incident) \$ 30.00

Open Play (per person, per session)
 Dodgeball, Soccer, Hockey, Basketball, etc. \$ 4.00

Recreation Center:

Roller-Skating Program (per person, per session) \$ 1.00
 Walking (per person, per session) \$ 1.00
 Playday (per person, per session) \$ 1.00

Group/Birthday Rentals
 City resident (one hour) \$ 30.00
 Non-city resident (one hour) \$ 40.00

Youth Team Rentals (one hour) \$ 15.00

Summer Camp Program

[Added 4-29-1992 as L.L. #3-1992; Amended by L.L. #8 (Intro No. 12) 1993]

City Residents

First child (per session) \$ 40.00
 Each additional child (per session) \$ 30.00
 Junior counselor (per session) \$ 15.00

Non-City Residents

First child (per session) \$ 50.00
 Each additional child (per session) \$ 40.00

Rental of Pavilions at Point Gratiot [Amended 03-01-11 as L.L. #4-2011]

Effective April 4, 2011, the following fees are hereby established:

Large Pavilion - Entire Pavilion (capacity 216)
 City Residents \$ 75.00
 Non-City Residents \$150.00

Lower Pavilion - Entire Pavilion (Capacity 96)

City Residents	\$ 50.00
Non-City Residents	\$100.00

Koch's Pavilion - Entire Pavilion (Capacity 96)

City Residents	\$ 50.00
Non-City Residents	\$100.00

NOTE: No fee will be charged to groups of handicapped individuals or to groups of Senior Citizens who reserve the pavilions

Section 3 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Michalski made a motion to remove Local Law #1-2015 from the table. Seconded by Councilman Rivera.

Carried, all voting aye.

Councilwoman Szukala inquired to Recreational Program Coordinator Gornikiewicz if he thought any of the fees could have been increased more and if he researched fees charged in any other communities.

Recreational Program Coordinator Gornikiewicz advised that the Youth and Recreation Board recommended the fees, this Resolution also adjusts to show the new programs that are offered and that he did not research other municipalities.

City Attorney Szot informed that no one appeared or presented written comments during the Public Hearing held before this Council Meeting at 5:15 PM.

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #2-2015
JANUARY 20, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR (N. Waite)
(Community Development Block Grant Program)

WHEREAS, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City's participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Nicole M. Waite (“WAITE”), 723 Washington Avenue, Dunkirk, New York 14048, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **NICOLE M. WAITE**, 723 Washington Avenue, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City’s Community Development Block Grant program, **commencing January 21, 2015 and extending through December 31, 2015**, with payment of Twenty Dollars and Zero Cents (\$20.00) per hour, as services may be needed by the City, up to fifteen (15) hours per week, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Discussion was had between Council and Director of Development Neratko in regards to the total hours worked between both CDBG Administrators as well as the time needed to train and transition.

Director of Development Neratko advised that the hours worked between the two would not go over the 30hrs that CDBG Administrator Waite previously worked weekly, HUD supports keeping her on as she has been point person and stated that as these positions are both part-time without benefits the extra hours are written into each Resolution to cover should someone be out of the office for any reason.

Councilwoman Szukala made a motion to amend Resolution #2-2015 by changing “December 31, 2015” to “April 21, 2015”. Seconded by Councilman Michalski.

Vote to amend Resolution:

Ayes: Councilman Michalski, Councilman Gonzalez, Councilwoman Szukala.

No: Councilman Rivera, Councilman-at-large Rosas

Resolution amended, 3-2.

RESOLUTION #2-2015
JANUARY 20, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR (N. Waite)
(Community Development Block Grant Program)

WHEREAS, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City’s participation with the U.S. Department of Housing & Urban Development (“HUD”) Community Development Block Grant (“CDBG”) program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Nicole M. Waite (“WAITE”), 723 Washington Avenue, Dunkirk, New York 14048, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **NICOLE M. WAITE**, 723 Washington Avenue, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City’s Community Development Block Grant program, **commencing January 21, 2015 and extending through April 21, 2015**, with payment of Twenty Dollars and Zero Cents (\$20.00) per hour, as services may be needed by the City, up to fifteen (15) hours per week, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Vote on Resolution:

Ayes: Councilman Michalski, Councilman Gonzalez, Councilwoman Szukala.

No: Councilman Rivera, Councilman-at-large Rosas

Carried, 3-2

RESOLUTION #3-2015
JANUARY 20, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR (L. Gawronski)
(Community Development Block Grant Program)

WHEREAS, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City’s participation with the U.S. Department of Housing & Urban Development (“HUD”) Community Development Block Grant (“CDBG”) program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Lauri Gawronski (“Gawronski”), 77 East Seventh Street, Dunkirk, New York 14048, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **Lauri Gawronski**, 77 East Seventh Street, Dunkirk, New York 14048, as an independent contractor to

provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City's Community Development Block Grant program, **commencing January 26, 2015, and extending through December 31, 2015**, with payment of Twenty Dollars and Zero Cents (\$20.00) per hour for up to twenty-five (25) hours per week, as services may be needed by the City, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Carried, all voting aye.

Councilwoman Szukala motioned to meet in Executive Session to discuss the employment history of a particular person or 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 be taken after the Executive Session concludes. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Executive Session called to order at 6:04 PM.

Councilman Michalski moved to adjourn the Executive Session at 6:45 PM and reconvene to the regular Council Meeting. Seconded by Councilwoman Szukala.

Carried, all voting aye.

ADJOURNMENT:

Councilman Gonzalez moved to adjourn. Seconded by Councilman Rivera.

Carried, all voting aye.

Adjourned at 6:46 PM

Nicole Joiner, City Clerk
