

COMMON COUNCIL PROCEEDINGS
April 07, 2015

The meeting was called to order at 5:31 PM by Councilman-at-large Rosas followed by the Pledge of Allegiance.

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

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

Councilman-at-large Rosas excused Councilman Michalski and Fire Chief Edwards from tonight's meeting.

Certification of Tuesday March 17, 2015 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of March 17, 2015 be dispensed with.

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

Carried, all voting aye (4-0).

Councilman Michalski arrived at 5:35 PM.

PUBLIC COMMENTS:

Walter Rutland, 184 W 2nd Street Dunkirk, thanked the gallery for doing a great job for the City as well as Senator Cathy Young for her donation to help with potentially funding and sending 70 students and 7 teachers to New York City. He then thanked Mayor Dolce, Councilman Rivera and Councilman Gonzalez for supporting his show which will be celebrating its 1 year anniversary in June and advised he hopes Mayor Dolce is re-elected to a second term.

Loretta Slaton Torain, 415 Mullet Street Dunkirk, Chairperson of the Juneteenth Celebration Committee, advised that this was the 20th Year Juneteenth Celebration and expressed she was displeased with the communication and events that lead up to tonight's meeting regarding her request as well as how there was another event scheduled on the same weekend that Juneteenth is to be held yearly.

Frank Torain, 415 Mullet Street Dunkirk, inquired to Police Chief Ortolano as to the status of an investigation and why the original incident was never made public.

Police Chief Ortolano advised that the incident was fully investigated and that if Mr. Torain has any further questions to come speak to him in his office.

Ned Devine, 618 Main Street Dunkirk, expressed his support for the Local Cable Access Program Director Resolution that is tonight's agenda.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised that yesterday he had a promising meeting in regards to Roberts Road property redevelopment with the County IDA and County Executive and that there is a preferred developer for the site.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Loretta Slaton Torain on behalf of the Juneteenth Celebration Committee to use Memorial Park on Saturday, June 13th and Sunday, June 14th for their 20th annual Juneteenth Celebration. Also, requesting the use of picnic tables, electricity, water and portable toilets.

Councilwoman Szukala inquired to Mayor Dolce for an update on the possibility of sharing Memorial Park with The Great Lakes Experience event and advised that portable toilets are not provided.

Mayor Dolce advised that he has a conference call set up for tomorrow with Mr. Torain and Mr. Warren from The Great Lakes Experience Group to work out the details on sharing Memorial Park and that it was up to the Committee to decide if they wanted to change their dates if sharing doesn't work.

Councilman Michalski inquired if the group were interested in another available location.

Mayor Dolce advised that Memorial Park is their preferred location.

Councilman Rivera apologized for the unintentional oversight and advised that he likes the continuity of this yearly event and will work with the group to make sure this happens.

Councilwoman Szukala advised that this should be approved and is contingent upon both groups agreeing to share and that another petition can be brought forward should they not.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from National MS Society to use Point Gratiot as a rest stop for its cyclist's on August 8th. Also requesting permission to setup a tent, tables, chairs and a port-a-potty (if necessary).

Councilwoman Szukala inquired to City Clerk Joiner if other events we scheduled while this would be going on.

City Clerk Joiner advised that no other event is scheduled at Point Gratiot.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Northern Chautauqua Soccer Association, Inc. for a donation from the William Cease Fund to purchase soccer goals.

Received and filed.

Request from Tim Wdowiasz on behalf of the First Ward Falcons Club to use The Stadium on May 16, 2015 for an Early Bird Fast Pitch Softball Tournament.

Councilman Michalski inquired to Recreational Program Coordinator Gornikiewicz if there were any conflicts with this date and other groups that have previously requested the use of the Stadium.

Recreational Program Coordinator Gornikiewicz advised that there were no conflicts.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Chautauqua County Exceptional Senior All-Star Baseball/Softball Committee to use Promenschenkle Stadium on Monday, June 8th (Tuesday, June 9th rain date) to host the 2015 Chautauqua County Exception Senior All-Star Softball game.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Carried, all voting aye.

Request from the Dunkirk Joint Veterans Council to hold the Annual Memorial Day Services & Parade on Monday, May 25th at 10:00 AM with parade to follow; reviewing stands & chairs at Memorial Park & City Hall and participation by the Mayor and City Officials.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Sandy George on behalf of the Nathan George Foundation to use Koch's Field and the Stadium for the Seventh Annual Nathan George co-ed slo-pitch tournament on Saturday, August 8th and Sunday, August 9th (Rain date Saturday, August 15th and Sunday, August 16th).

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Jay Hall on behalf of Section VI NYS Public High School Athletic Association Inc. to use Promenshenkle Stadium on Friday, June 5th, 2015 at 5:00 PM (Rain date Saturday, June 6th at 3:00 PM) for the Far West Regionals.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Phillip Weiss on behalf of Western New York Chapter of the Alzheimer's Association to use the Large Pavilion at Point Gratiot as well as the neighborhood and accompanying bike path for the annual Walk to End Alzheimer's fundraising event on Saturday, September 12, 2015 from approximately 7:00 AM until 12:00 PM. Also requesting use of pop up tents, vendors and live music.

Councilwoman Szukala inquired if this group would need any assistance from the Police Department or DPW and if there was a loudspeaker request submitted yet.

Police Chief Ortolano advised that he does not anticipate assistance to be needed if they stick to the bicycle path.

City Clerk Joiner advised that they have not yet turned a loudspeaker application in.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Request from Teresa Bunge to rename Wright Park Drive or Wright Park Drive Connect to Dan Palmer Drive.

Received and filed.

Loudspeaker application from Clarion Hotel for live bands from May 1st thru October 1st, 2015.

Loudspeaker application from Nathan George Foundation to use loudspeakers on August 8th and 9th (August 15th and 16th Rain date) from 6:00 PM until 10:00 PM for their Annual Softball Tournament at the Stadium.

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

Carried, all voting aye.

Notice of Claim from Cynthia Maslakowski for alleged injuries sustained due to a fall on the sidewalk in front of the Dunkirk Post Office.

Notice of Claim from Gerri Cenedella for damages to her vehicle allegedly caused by a pothole between Lucas Avenue and Newton Street.

Notice of Claim from Michael Briggs for alleged damages sustained due to a frozen water line.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski inquired to Mayor Dolce if there has been any progress with union negotiations.

Mayor Dolce advised that he has had recent meetings.

Councilman Michalski advised that he looks forward to all the activities that are offered in the City and is glad that the facilities are there to offer groups/organizations.

Councilman Rivera inquired to Building Inspector Zurawski for an update on the Land Bank properties and demolition.

Building Inspector Zurawski advised the asbestos abatement should be starting soon and once that is complete the bids will go out for the demolition.

Councilman Rivera inquired to Mayor Dolce for an update on the forming of the Landmark Preservation Board.

Mayor Dolce advised that he just recently met with Ms. Erin Tobin who is the Director of the Preservation Authority for New York State. He then stated they reviewed the duties and abilities of the Landmark Preservation Board and is ready to proceed.

Councilman Gonzalez apologized to the Juneteenth Committee for the conflicts with the date and advised that his next Personnel Meeting is scheduled for April 20th at 4:30 PM.

Councilwoman Szukala inquired to Building Inspector Zurawski for an update on the house fire property.

Building Inspector Zurawski advised that he is waiting for the final fire report on the investigation and once received will be meeting with the property owner to figure out how to proceed.

Councilwoman Szukala inquired to Mayor Dolce about the summer help hiring and if it is open to anyone.

Mayor Dolce advised that they have received more applications than last year, all are welcomed and encouraged to apply and that applications are available on the City's website www.dunkirktoday.com

Councilwoman Szukala inquired to Mayor Dolce and Director of Development Neratko in regards to the Marina Project if there were any promises made under the previous administration for things moving forward with the project that we are not honoring and if there is any forms or paperwork that the City has that Mr. Gambino would be waiting for in order to move forward.

Director of Development Neratko advised that there is no way to know if any promises were made as there are no agreements in place, the types of grants he is looking for are not available, his department will continue to look for potential opportunities for the project and there is no paperwork that he is aware of that Mr. Gambino would be waiting for.

Councilwoman Szukala inquired to Public Works Director Gugino as to the status of ordering cameras to help at the City Barns.

Public Works Director Gugino advised that he is waiting for 3 quotes to satisfy the procurement policy and needs direction on if he should be ordering the camera's right away or wait for the bids to come in.

Fiscal Affairs Officer Halas advised that he and City Clerk Joiner have helped out in securing some bids, do have a few out there and will be reviewing them.

Public Works Director Gugino advised that he is hoping this situation is rectified soon as this has been an ongoing problem and will let Council know when the cameras are installed.

Councilman Gonzalez inquired if this was something DFT should do as we have a contract with them.

Mayor Dolce advised that the contract with DFT is for IT services.

Councilman Gonzalez inquired to Public Works Director Gugino about a sign on Lafayette Street.

Public Works Director Gugino advised that the "No parking here to corner" sign has been installed.

Councilman-at-large Rosas thanked everyone for attending tonight's meeting, apologized to the Juneteenth Celebration Committee Members for the conflicts encountered and advised that their other request should be brought forward at the next meeting.

UNFINISHED BUSINESS:

RESOLUTION #11-2015
MARCH 17, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT
(Daniel Riewaldt and Steve Wright, Jr.)

WHEREAS, it would be in the best interests of the City to revitalize the local access programming opportunities on the City's local cable access channel; and

WHEREAS, Daniel Riewaldt and Steve Wright, Jr., provide a unique prospect for such revitalized opportunities and has agreed to provide the primary production oversight and operational management for the City's local access channel; and

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

WHEREAS, Daniel Riewaldt and Steve Wright, Jr., are ready, willing and able to provide such services to and on behalf of the City in a good and workmanlike manner; and

WHEREAS, there is a need on occasion for the on-site production of access programming; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Daniel Riewaldt, 188 Liberty Street, Fredonia, New York 14063, to provide primary production oversight and operational management for the City's local access channel for the period March 18, 2015 through December 31, 2015, at the cost of Four Hundred Twenty-Five Dollars and Zero Cents (\$425.00) per month, *pro rata*; and, be it further

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Steve Wright Jr., 6999 McKay Road, Mayville NY 14757, to provide primary production oversight and operational management for the City's local access channel for the period March 18, 2015 through December 31, 2015, at the cost of Four Hundred Dollars and Zero Cents (\$400.00) per month, *pro rata*; and, be it further

RESOLVED, that the Mayor is directed and authorized to engage such individuals as may be trained and qualified to provide on-site production of access programming at the cost of Twenty Dollars and Zero Cents (\$20.00) per event, on an as-needed basis; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

Councilman Gonzalez motioned to remove Resolution #11-2015 from the table. Seconded by Councilwoman Szukala.

Vote to remove Resolution from table:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala, Councilman-at-large Rosas.

No: Councilman Gonzalez

Carried, 4-1, REMOVED.

City Attorney Szot advised that this Resolution was pulled off the table to be discussed and acted upon, but given the changes made to it represented in #22-2015 that improves concerns addressed it would be best to vote down #11-2015.

Mayor Dolce advised that the difference between the two Resolutions is that #22-2015 is for 2 months shorter time frame.

Vote on Resolution:

Ayes: None

No: Councilman Michalski, Councilman Rivera, Councilman Gonzalez, Councilwoman Szukala, Councilman-at-large Rosas.

Resolution defeated 0-5.

PRE-FILED RESOLUTIONS:

RESOLUTION #17-2015
APRIL 7, 2015

BY: THE ENTIRE COUNCIL

TRANSFERRING FUNDS FROM THE WILLIAM CEASE FUND

WHEREAS, the William Cease Fund (the "Fund") was created to support youth activities within the City of Dunkirk; and

WHEREAS, the Fund currently has the funds available and designated for youth use in a reserve account; and

WHEREAS, the Northern Chautauqua Soccer Association, which provides positive recreational opportunities for many City youth, has requested financial assistance from the City through the Fund in order to purchase soccer goals for use by its youth program; now, therefore, be it

RESOLVED, that a transfer not exceeding Two Thousand Two Hundred Twelve Dollars and Ninety-Seven Cents (\$2,212.97) be withdrawn from the William Cease Fund account in accordance with the terms of the reserve fund to contribute toward the Northern Chautauqua Soccer Association; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this City, to accommodate the City's share of this project:

<u>ACCOUNT NO.</u>	<u>LINE</u> <u>DECREASE</u>	<u>INCREASE</u>
001-7140-4003	Recreation – Supplies	\$2,212.97
001-0001-5031	Inter-fund Transfer	\$2,212.97
070-0070-2403	Reserve/Youth Programs	\$2,212.97
070-0070-9901-9000	Transfer to General Fund	\$2,212.97

The following journal entries will be recorded upon approval:

070-0070-0200-2016	Cash	\$2,212.97
070-0070-9901-9000	Transfer to General Fund	\$2,212.97
001-0001-0200-0216	Cash	\$2,212.97
001-0001-5031	Inter-fund Transfer	\$2,212.97

Carried, all voting aye.

**RESOLUTION #18-2015
APRIL 7, 2015**

BY: THE ENTIRE COUNCIL

SUBMISSION OF FY2015 CDBG ANNUAL ACTION PLAN TO HUD

WHEREAS, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program; and

WHEREAS, the City develops an *Annual Action Plan* each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year; and

WHEREAS, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three (3) public meetings, one (1) technical assistance session, and a thirty-day public review and comment period has been afforded to City residents; now, therefore, be it

RESOLVED, that the following activities have been included in the 2015 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

2015 CDBG ALLOCATIONS

Administration and Planning		\$ 50,000.00
<ul style="list-style-type: none"> • General Administration • Planning/Studies 	\$40,000.00 \$10,000.00	
Public Facilities and Infrastructure Improvements		\$114,447.00
<ul style="list-style-type: none"> • Street Improvements • Water Line Reconstruction • Park Development 	\$89,447.00 \$15,000.00 \$10,000.00	
Public Services		\$ 47,800.00
<ul style="list-style-type: none"> • Career Explorers – Boys & Girls Club • Meals on Wheels • Rural Ministries Food Bank 	\$15,000.00 \$ 7,000.00 \$25,800.00	
Housing		\$100,200.00
<ul style="list-style-type: none"> • Rental Rehabilitation • Emergency Repairs 	\$50,200.00 \$50,000.00	
Acquisition, Disposition, Clearance, Relocation		\$ 75,600.00
<ul style="list-style-type: none"> • Demolition 	\$75,600.00	
Total 2015 Allocation		\$388,047.00

Councilman Rivera asked Director of Development Neratko for explanation of this Resolution and inquired as to who helped with the planning.

Director of Development Neratko advised that this is the annual plan on the use of the funds, explained how the dollar amounts were allocated and advised that CDBG Administrators Gawronski and Waite as well as community members helped complete everything.

Councilman Rivera thanked Director of Development Neratko and his staff for doing a great job.

Carried, all voting aye.

**RESOLUTION #19-2015
APRIL 7, 2015**

BY: THE ENTIRE COUNCIL

AUTHORIZING THE CITY'S CITIZEN PARTICIPATION PLAN

WHEREAS, the City of Dunkirk is a recipient of US Department of Housing & Urban Development Community Development Block Grant (CDBG) funds, and, as such, the City is required to have a Citizen Participation Plan which serves as a guide for how the City will involve citizens in the process of developing a five-year Consolidated Plan, Annual Action Plans and Consolidated Annual Performance and Evaluation Reports; and

WHEREAS, the City is required to follow a detailed Citizen Participation Plan that describes the City's policies and procedures for public involvement in the Consolidated Plan process, and the use of Community Development Block Grant (CDBG) funds; and

WHEREAS, the City's proposed Citizen Participation Plan was presented at a public hearing on March 12, 2015, and City residents have been afforded a thirty-day (30) comment period in which they could submit their comments to the City regarding this proposed Citizen Participation Plan; and, now, therefore, be it

RESOLVED, that the Common Council hereby authorizes the Mayor to submit the City's Citizen Participation Plan and the public comments received to HUD for its review, comments and final approval.

Councilman Rivera asked Director of Development Neratko what the intention of this Resolution is.

Director of Development Neratko advised this is a HUD requirement that outlines how to communicate and work with the community and processes involved in the 5-year Plan and Annual Action Plan.

Councilman-at-large Rosas inquired if any members from the Juneteenth Committee attended the public hearing.

Director of Development Neratko advised that no one from the community attended.

Councilman Gonzalez inquired as to how the Public Hearing was advertised.

Director of Development Neratko advised that it was advertised in the Observer and on the City's website.

Councilman Gonzalez advised of a few additional methods of publication he would like to see the public hearings advertised in.

Carried, all voting aye.

RESOLUTION #20-2015

APRIL 7, 2015

BY: THE ENTIRE COUNCIL

DENIAL OF APPLICATIONS FOR REFUND AND CREDIT OF REAL PROPERTY TAXES FOR YEARS 2010-12 SUBMITTED BY LEVEL 3 COMMUNICATIONS LLC

WHEREAS, Level 3 Communications LLC (Level 3) filed applications for refunds and credits of real property taxes for years 2010, 2011 and 2012, pursuant to Real Property Tax Law Section 556 for each of the parcels set forth below; and

WHEREAS, the County Director of Real Property Tax denied said applications for refunds and credits on form RP-556, dated August 18, 2014; and

WHEREAS, the Director of Real Property Tax has recommended that the aforesaid applications be denied for the following reasons:

- (1) Applicant's property constitutes real property under Real Property Tax Law (RPTL) Section 102(12)(f) and (i);
- (2) The application fails to establish a clerical error, an unlawful entry or an error in essential fact as defined in Article 5 and Section 550 of the RPTL;
- (3) Applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the RPTL. Applicant failed to follow those procedures and the time period in which to do so under Article 7 has expired;
- (4) No administrative grievance or complaint was filed pursuant to Section 524 of the RPTL;
- (5) The applications contain conclusory allegations with respect to fiber optic cables and fails to contain detailed and sufficient evidence and proof with respect to the identity, location, composition and usage of its property and lines;
- (6) The RCN case, which Applicant relies upon, is factually and legally distinguishable from the circumstances involving the Level 3 property located in Chautauqua County and, in any event, is in a different department and not binding on the courts in the Appellate Division, Fourth Department;
- (7) Level 3 has no right to a refund or credit because it paid the taxes without an appropriate written protest;

- (8) The applications should be denied on public policy grounds because the applicant voluntarily deferred its challenge to the public assessments and exposed the municipalities and school districts to retroactive disruption of their budgets; and
- (9) The applications are untimely and barred by the applicable statute of limitations; now, therefore, be it

RESOLVED, that the applications for refunds and credits submitted by Level 3 Communications LLC for the following parcel are hereby denied for the reasons set forth in numbered paragraphs 1-9 above:

Dunkirk 060300-55.00-5.55..PS4

Carried, all voting aye.

RESOLUTION #21-2014
APRIL 7, 2015

BY: THE ENTIRE COUNCIL

**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 had a successful 2014 summer season utilizing a vendor selected after seeking 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 again expressed a desire to continue 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 recovable 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 15, 2015 through October 31, 2015 (daily 7:00 a.m. to 7:00 p.m.) at a fee of Two Hundred Seventy-Five Dollars and Zero Cents (\$275.00) 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.

City Attorney Szot advised that there was a typo in this Resolution.

RESOLUTION #21-2015
APRIL 7, 2015

BY: THE ENTIRE COUNCIL

**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 had a successful 2014 summer season utilizing a vendor selected after seeking 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 again expressed a desire to continue 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 revocable 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 15, 2015 through October 31, 2015 (daily 7:00 a.m. to 7:00 p.m.) at a fee of Two Hundred Seventy-Five Dollars and Zero Cents (\$275.00) 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 advised that she has received telephone calls from people who frequent the pier and are very pleased with the 2 gentlemen who run the day to day operations and hoped that moving forward we would have another good season.

Councilman Rivera inquired to Mayor Dolce as to how things went last year and what the differences were between this year's and last year's Resolution.

Mayor Dolce advised that Dan Kuzdale and Don Ryan have been consistent with their hours of operation and services provided and the difference is an extra \$25/month in revenue.

Vote on Resolution:

Ayes: Councilman Michalski, Councilman Rivera, Councilman Gonzalez and Councilwoman Szukala.

No: Councilman-at-large Rosas

Carried, 4-1.

RESOLUTION #22-2015
APRIL 7, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT
(Daniel Riewaldt and Steve Wright, Jr.)**

WHEREAS, it would be in the best interests of the City to revitalize the local access programming opportunities on the City’s local cable access channel; and

WHEREAS, Daniel Riewaldt and Steve Wright, Jr., provide a unique prospect for such revitalized opportunities and has agreed to provide the primary production oversight and operational management for the City’s local access channel; and

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

WHEREAS, Daniel Riewaldt and Steve Wright, Jr., are ready, willing and able to provide such services to and on behalf of the City in a good and workmanlike manner; and

WHEREAS, there is a need on occasion for the on-site production of access programming; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Daniel Riewaldt, 188 Liberty Street, Fredonia, New York 14063, to provide primary production oversight and operational management for the City’s local access channel for the period April 8, 2015 through October 31, 2015, at the cost not to exceed Four Hundred Twenty-Five Dollars and Zero Cents (\$425.00) per month, *pro rata*, for any access channel-related services; and, be it further

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Steve Wright Jr., 6999 McKay Road, Mayville, NY 14757, to provide primary production oversight and operational management for the City’s local access channel for the period April 8, 2015 through October 31, 2015, at the cost not to exceed Four Hundred Dollars and Zero Cents (\$400.00) per month, *pro rata*, for any access channel-related services; and, be it further

RESOLVED, that the Mayor is directed and authorized to engage such individuals as may be trained and qualified to provide on-site production of access programming at the cost of Twenty Dollars and Zero Cents (\$20.00) per event, on an as-needed basis; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

Councilman Gonzalez advised he would be voting against this Resolution as he was not happy with the process involved.

Councilwoman Szukala advised she now supports this Resolution, would like to see time logs and communication with Council and hopes that in 6 months the process is running smoothly and another renewal can you brought forth.

Councilman-at-large Rosas advised that he visited the studio and got his questions cleared up by Mr. Riewaldt and is looking forward to the live televised events.

Vote on Resolution:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala and Councilman-at-large Rosas.

No: Councilman Gonzalez.

Carried, 4-1.

ADDITIONAL COMMENTS:

Clerk, Board of Assessors Mleczo advised that STAR Applications are due May 1st, there are currently 132 senior citizens who have not yet re-applied for the Enhanced STAR and residents should stop by or call his office with questions.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:27 PM

Nicole Joiner, City Clerk
