

**PUBLIC HEARING  
May 19, 2015**

The public hearing was called to order at 5:15 PM by Councilman-at-large Rosas.

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

Also present: City Treasurer Woods and Clerk, Board of Assessors Mleczeko.

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 Local Law #2-2015 to amend Chapter 15, Article II, Sections 15-12 entitled "Fees", and 15-20(C) entitled "Issuance and Contents of Certificate" and add Chapter 31, Article IX entitled "Building Construction Fees" of the Dunkirk City Code.

**PUBLIC COMMENTS:**

Greg Sek, 14 Armadillo Street Dunkirk, advised he would like to see the process of knowing what permits are needed and costs associated in order to build in the City streamlined.

**Public Hearing closed at 5:18 PM**

**Nicole Joiner, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
May 19, 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: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Gugino, Clerk, Board of Assessors Mleczeko, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

Excused: Building Inspector Zurawski

Certification of Tuesday May 5, 2015 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, May 5, 2015 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Mike Civiletto, 436 Swan Street, Representative from Revitalize Dunkirk, thanked City Officials and all involved for getting the hanging baskets up on Central Avenue.

Debbie Gardner, Jerboa Street, spoke in regards to an alleged situation involving a 7-year old child at the Boys and Girls Club event that the City helped assist on called “Pitch, Hit & Run”, advised that the same child no longer wants to participate in the Boys and Girls Club Afterschool Program due to the situation and would like the City to re-evaluate where their money is being spent and who watches their children.

Mike Civiletto, 436 Swan Street, Board member at the Boys and Girls Club, advised that the Boys & Girls Club is not associated with the City.

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

Communication appointing Adam Dolce and John DeTolla and reappointing Ed Eaker, Jim Bunge and John LaMattina to the Dunkirk Cable T.V. and Communications Advisory Board effective May 20, 2015 and to expire on July 02, 2016.

Received and filed.

Mayor Dolce advised that the Cable Access Board is now full and thanked Councilman Rivera for taking the lead at the Cable Board Meetings.

Mayor Dolce advised that the City does partner with the Boys & Girls Club on some events and will speak to the Recreation Department to find out what happened in regards to the situation and concerns Ms. Gardner spoke about.

Mayor Dolce advised that a press release will be put out soon for the Brush and Yard Waste Policy with permits/stickers ready for June 1<sup>st</sup> start date.

Mayor Dolce advised that there will be a CDBG Public Hearing to reallocate HUD money to possibly cover a water line with drainage project and thanked all involved in getting the hanging baskets in place.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Juneteenth Celebration Committee for speakers and musical instruments in Memorial Park on June 13<sup>th</sup> and June 14<sup>th</sup> from 12:00 PM until 8:00 PM.

Dunkirk Moose Lodge for live music at Point Gratiot Large Pavilion on Saturday, August 8<sup>th</sup> from 6:00 PM until 10:00 PM.

Dunkirk Historical Lighthouse for loudspeakers (sporadic noise throughout the day) on August 15<sup>th</sup> from 10:00 AM until 10:00 PM.

Dunkirk Historical Lighthouse for loudspeakers on August 16<sup>th</sup> from 10:00 AM until 3:00 PM.

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

Carried, all voting aye.

Notice of Claim from Jon A Muntz, MD for damages to his vehicle allegedly due to hitting a pot hole on Route 5.

Notice of Claim from Nohade Boorady for injuries allegedly sustained at the Dunkirk Senior Center.

Notice of Claim from Joseph Reading for damages to his vehicle allegedly due to hitting a pot hole on Central Avenue by Third Street.

Councilman Rivera 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 inquired to Mayor Dolce as to when marketing materials will be released for Music on the Pier as well as if any letters soliciting sponsorship will be going out for the Fourth of July Fireworks display.

Mayor Dolce advised that the last major sponsor was finalized the previous Wednesday with the schedule being released within a week or 2, the first band is scheduled for June 18<sup>th</sup> and the letters will go to print soon for the fireworks.

Councilman Rivera advised that he will have a Public Safety Meeting in early June and inquired as to the status of the 4 houses that are to be demolished.

City Attorney Szot advised that the bids have been publicized with hopes to be awarded via Resolution at the June 2<sup>nd</sup> Council Meeting and Mayor Dolce explained that 3 of the 4 houses had asbestos removed.

Councilman Rivera congratulated Mayor Dolce for filling the Cable Access Board, inquired if the Memorial Day Parade will be aired live and thanked Revitalize Dunkirk and all involved for the hanging baskets on Central Avenue.

Mayor Dolce advised that they are aiming for Monday's Parade to be live.

Councilman Gonzalez thanked Recreation Program Coordinator Gornikiewicz as well as explained details from the last Personnel Meeting and inquired to Mayor Dolce as to what happened with a tent the Veteran's wanted to put up to pass out information for Thursday's Music on the Pier as the group was told only July 4<sup>th</sup> was available.

Mayor Dolce advised that Thursday's Music on the Pier has been consistent with no groups soliciting or brochures being passed out, wants to retain the relaxed atmosphere of the night, this is not meant to be disrespectful and the City just contributed \$2,500 to the Memorial Day flags for the graves.

Councilman Gonzalez inquired to the other Council members what their thoughts were.

Councilman Michalski advised he agrees with the Mayor on this situation and Councilwoman Szukala suggested that this should be brought forward at a sub-committee meeting to brainstorm some ideas moving forward.

Councilman-at-large Rosas advised that this has been brought up before, there are people inquiring and would like to be able to provide them information.

Councilwoman Szukala asked Mayor Dolce for an update with the Cable Access Contracts as she has not seen any monthly reports and no meetings have aired live.

Mayor Dolce advised that he will pass around the monthly report tomorrow, has been in constant contact with Mr. Riewaldt, the last few items needed to make this happen have been ordered, understands time is of the essence, City Electrician Sam Zanti will be installing an outlet in the Court Room needed for the live Council meetings and that the Memorial Day Parade is their first priority.

Councilwoman Szukala asked Mayor Dolce for an update on the Union Contract Negotiations and inquired to Mayor Dolce and Public Works Director Gugino for an update on the bids for the emergency seawall repair behind the Water Treatment Plant.

Mayor Dolce advised that he has been meeting regularly with the Unions.

Public Works Director Gugino advised Mayor Dolce, himself, City Engineer Woodbury, Fiscal Affairs Officer Halas and City Treasurer Woods will be meeting tomorrow to review the bids received, total funds needed for the project, possible funding sources and advised that the dollar amounts required are much less than the worst case scenario amount originally assumed.

Councilman-at-large Rosas inquired to Mayor Dolce if any emergency funding grants will be considered for the seawall repair, the reason for the HUD funding re-evaluation, who will be attending the Northern Chautauqua Community Foundation Seminar Thursday at the College and advised that the North County Water District municipal agreements are available to review.

Mayor Dolce explained the different funding options that will be explored and taken advantage of, advised that the housing rehab with COI is not going quickly enough so re-allocating the funding will help it from not being fully utilized, he will be meeting next week with CDBG Administrator Gawronski and the representative from COI to review details and that he will be attending the NCCF Seminar.

**UNFINISHED BUSINESS:**

**RESOLUTION #32-2015**  
**MAY 5, 2015**

**BY: THE ENTIRE COUNCIL**

**LOCAL LAW #2-2015**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW TO AMEND CHAPTER 15, ARTICLE II, SECTIONS 15-12 ENTITLED  
“FEES”, AND 15-20(C) ENTITLED “ISSUANCE AND CONTENTS OF CERTIFICATE”,  
AND ADD CHAPTER 31, ARTICLE IX ENTITLED “BUILDING CONSTRUCTION  
FEES” OF THE DUNKIRK CITY CODE**

**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 15, Article II, Sections 15-12 and 15-20(C), and add Chapter 31, Article IX, to modify and to update various building construction fees.

**Section 2      Amendment of City Code**

Chapter 15, Article II, Sections 15-12 and 15-20(C) of the Dunkirk City Code, is hereby amended as follows:

**AMEND:****§ 15-12.            Fees. [Amended 05- \_\_-2015 by LL #2-2015 (see Chapter 31, Article IX for Fees.)]**

Upon the filing of an application for a permit, the Building Inspector shall determine from the application the appropriate fee and shall enter the same on the application. Such fee is nonrefundable and shall be immediately due and payable in the office of the City Clerk. No permit shall be issued until the fee has been paid.

**DELETE:****§ 15-12.            Fees.**

- A.      Permit fees shall be based upon the following: [Amended 2-6-1990]
- (1)     New buildings and additions.
- (a)    For residences, garages and room additions: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to one thousand five hundred (1,500) square feet, plus one cent (\$0.01) per square foot in excess of one thousand five hundred (1,500) square feet. Floor space shall not include cellars, nonhabitable attic, crawl space or carport, but shall include an accessory garage, detached or nondetached. The minimum fee shall be Ten Dollars (\$10.00).
- (b)    For commercial, business, professional, institutional, educational, fraternal, religious, recreational, hotels, motels, nursing homes, hospitals, convalescent and rest home buildings and other uses and occupancies not within Subsection A(1)(a) and (c): a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to ten thousand (10,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess of ten thousand (10,000) square feet. Floor space shall include garage space, occupied basements and storage areas and heating equipment structures. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).
- (c)    Industrial buildings, including floors used for manufacturing, processing, storing, shipping, offices and restroom: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to twenty thousand (20,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess

of twenty thousand (20,000) square feet. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).

- (2) Alterations (other than additions).
  - (a) Conversions of existing residence buildings to apartment uses: Fifteen Dollars (\$15.00) for each added housing occupancy.
  - (b) Conversions of existing residence buildings to office, business or commercial use: Twenty-Five Dollars (\$25.00).
  - (c) Fees for general remodeling shall be determined by the estimated cost of the proposed improvement. Such cost shall exclude the cost of any item where a specific fee is provided herein: up to Three Thousand Dollars (\$3,000.00), a fee of Ten Dollars (\$10.00), plus Two Dollars (\$2.00) per thousand dollars or fraction in excess of Three Thousand Dollars (\$3,000.00). The minimum fee shall be Ten Dollars (\$10.00) for residential, Fifty Dollars (\$50.00) commercial and Fifty Dollars (\$50.00) for industrial.
- (3) Miscellaneous.
  - (a) Used car sale lots: a fee of Twenty-Five Dollars (\$25.00), plus two cents (\$0.02) per square foot of floor area, outside measure, of all accessory buildings or structures.
  - (b) Open porches and patios, with or without roof, carports with two (2) sides only, swimming pools, tool sheds, play sheds: a fee of Ten Dollars (\$10.00).
  - (c) Demolition: a fee of Ten Dollars (\$10.00) per story for residential and a minimum fee of Fifty Dollars (\$50.00) for industrial for demolition of all buildings or structures.
- B. The permit fee for a building occupied in part for residential use and in part for nonresidential use shall be the sum of the two (2) occupancy fees calculated separately.
- C. In any case where construction has commenced prior to the submission of an application for a permit required by this code, the fee specified shall be double the amount otherwise payable, but the payment of such double fee shall not relieve any person from fully complying with this code, nor from any penalties prescribed herein.
- D. For the purpose of determining the fee to be charged, the use or occupancy classification of a building shall be determined in accordance with the use classification provided in the New York State Uniform Fire Prevention and Building Code. [Amended 3-20-1984; 2-6-1990]

**AMEND:**

**§ 15-20. Issuance and contents of certificate.**

- C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put. **The fee shall be Thirty Dollars (\$30.00).** [Amended 05-\_\_\_-2015 by LL #2-2015 to remove fee; Amended 2-6-1990]

**ADD:**

**CHAPTER 31  
ARTICLE IX**

**Building Permits and Fees  
[Adopted 05-\_\_\_-2015 as L.L. #2-2015]**

**§ 31-52. Intent.**

Upon the filing of an application for a permit, the Building Inspector shall determine from the application the appropriate fee and shall enter the same on the application. Such fee is nonrefundable and shall be immediately due and payable in the office of the City Clerk. No permit shall be issued until the fee has been paid.

**§ 31-53. Permits and Fees.****A. New Residential**

Up to 1,200 sf	\$125.00
1,201 – 1,800 sf	\$175.00
Over 1,800 sf	\$225.00
Multiple Dwelling	\$200.00 plus \$50.00 for each additional unit

**Residential Renovations**

Under \$20,000	\$50.00
Over \$20,000 (Including residential additions and alterations; new accessory structures – i.e. garages, storage sheds, swimming pools; decks, porches, carports, patios, siding, etc.)	\$75.00 plus \$2.00 per thousand thereafter

**B. New Commercial/New Industrial**

Up to 3,500 sf	\$ 150.00 plus 15¢ per sf
3,500 – 10,000 sf	\$ 250.00 plus 15¢ per sf
10,001 – 35,000 sf	\$ 350.00 plus 15¢ per sf
35,001 sf and over	\$1,000.00 plus 15¢ per sf

**Additions to Existing Commercial/Industrial**

Up to 35,000 sf	\$ 150.00 plus 15¢ per sf
3,500 – 10,000 sf	\$ 250.00 plus 15¢ per sf
10,001 – 35,000 sf	\$ 350.00 plus 15¢ per sf
35,001 sf and over	\$1,000.00 plus 15¢ per sf

**Renovations/Alterations to existing Commercial/Industrial Structures**

\$100.00 plus 15¢ per sf

**C. Existing Commercial/Industrial Re-roofing**

\$100.00

**Residential Re-roofing**

\$ 25.00

**D. Demolition Permit Fees**

Residential Structure	\$100.00
Residential Accessory Structure	
Under 600 sf	\$ 25.00
Over 600 sf	\$ 50.00
Commercial/Industrial Structures	\$200.00

**E. Sign Permit**

\$ 50.00

**F. Certificate of Occupancy**

\$ 30.00

**G. Zoning Board of Appeals**

\$150.00

**H. Property Maintenance Board Appeal**

\$ 50.00

**I. Site Plan Review – Planning Board**

New Construction	\$100.00
Signs	\$ 25.00

**J.** In any case where construction has commenced prior to the submission of an application for a permit required by this code, the fee specified shall be double the amount otherwise payable, but the payment of such double fee shall not relieve any person from fully complying with this code, nor from any penalties prescribed herein. **[Formally part of Chapter 15, § 15-12(C)]**

**K.** For the purpose of determining the fee to be charged, the use or occupancy classification of a building shall be determined in accordance with the use classification provided in the New York State Uniform Fire Prevention and Building Code. **[Formally part of Chapter 15, § 15-12(D), Amended 3-20-1984; 2-6-1990]**

**Section 3 Effective Date**

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

Councilwoman Szukala made a motion to remove Resolution #32-2015 from the table. Seconded by Councilman Michalski.

Carried, all voting aye.

Vote on Local Law #2-2015:

Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #33-2015**  
**MAY 19, 2015**

**BY: THE ENTIRE COUNCIL**

**SUPPORTING AGRICULTURAL PRODUCTS MARKETING PROGRAM  
ADMINISTERED BY DLDC**

**WHEREAS**, it would be in the best interests of the City of Dunkirk for the revitalization of an Agricultural Products Marketing Program in the City; and

**WHEREAS**, the Dunkirk Local Development Corporation (the "DLDC"), in conjunction with the Chautauqua County Health Network, is ready, willing and able to provide primary administrative oversight and operation of such Program; and

**WHEREAS**, the Program is anticipated to utilize the Dunkirk Senior Center, located on Franklin Avenue, Dunkirk; now, therefore, be it

**RESOLVED**, that the Common Council hereby supports and authorizes the Mayor, on behalf of the City of Dunkirk, to enter into an Agreement(s) necessary between the City and the Dunkirk Local Development Corporation, for the DLDC to provide primary administrative oversight and operation of an Agricultural Marketing Program in the City, at the Dunkirk Senior Center, every Wednesday, from 9:00 a.m. to 2:00 p.m., from June 17, 2015 through September 30, 2015, and at such other reasonable times as may be practical and business-appropriate.

Carried, all voting aye.

**RESOLUTION #34-2015**  
**May 19, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS  
(May 2015)**

**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 2015, ending December 31, 2015; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

**FUND 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.3310.4040	Traffic Control	Traffic & Street Signs	\$ 4,300
001.1640.4061	Central Garage	Vehicle Fuel	\$ (4,300)
<b>TOTAL</b>			<b>\$ -</b>

Carried, all voting aye.

**RESOLUTION #35-2015**  
**MAY 19, 2015**

**BY: COUNCILWOMAN SZUKALA and COUNCILMAN MICHALSKI**

**REQUESTING CONSENT ORDER DETAIL, ENGINEERING RFP and FINANCING**

**WHEREAS**, the City continues to move forward addressing several items required to be undertaken as a result of a 2009 Consent Order in regard to the City's water treatment and distribution system with the Chautauqua County Department of Health; and

**WHEREAS**, various elements required under the Consent Order remain and it would be in the best interests of the City to confirm the remaining required work to be undertaken, engage such necessary professional services that the City's Department of Public Works is unable to provide and address the source of funding and repayment thereof; now, therefore, be it

**RESOLVED**, that the Common Council requests the Mayor provide in writing, as soon as possible, a detailed breakdown of all remaining projects that will be required of the City in order to complete the required 2009 Consent Order work; and, be it further

**RESOLVED**, that the Mayor publicize, as soon as possible, a request for proposals for engineering services to undertake the design and scope of services required to complete the required 2009 Consent Order work, and to provide a recommended successful applicant for approval by further Council resolution; and, be it further

**RESOLVED**, that the Mayor provide, in conjunction with the to-be-determined engineer, as soon as possible, the anticipated project costs necessary to complete the required 2009 Consent Order work and to initiate all required steps to secure funding for such work, including providing any proposed water rate adjustments necessary for such work.

Councilwoman Szukala advised that this was discussed yesterday at her Public Works Committee Meeting and that the main reason for this Resolution is to make everyone aware what is needed to proceed and what each person's roll is moving forward to complete the consent order in a timely fashion.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:06 PM**

**Nicole Joiner, City Clerk**

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