

**COMMON COUNCIL PROCEEDINGS**  
**September 15, 2015**

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

Present: Councilman 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 September 01, 2015 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, September 01, 2015 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Walter Rutland, 184 West Second Street, advised everyone to watch "The Walter Rutland Show" on Wednesday, September 16<sup>th</sup> at 4:00 PM on the Cable Access station.

Mike Civileto, 219 Willow Road, Dunkirk, invited everyone to attend the CAC Meeting tomorrow at 6:30 PM in the Mayor's Conference Room.

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

Mayor Dolce advised that he had a meeting this morning in regards to the Dredging Resolution and is hopeful that it happens this year but is concerned with timing in regards to the change of seasons approaching.

Mayor Dolce advised that the City will be receiving \$330,000 from the Brownfield Opportunity Grant and will be forming a Steering Committee to bring focus to the planning and marketing of the Al Tech site as well as other portions of the City.

Mayor Dolce advised that the Office of Community Renewal will be in the City on Wednesday, September 23<sup>rd</sup> to inspect the Colburn Block and that the County has submitted an EFC Grant on behalf of the City which could possibly help with the Phase 3 Consent Order work at the Water Treatment Plant.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Fire Chief Edwards to add William Rivera, 434 Swan Street, to the City of Dunkirk Fire Roll.

Councilman-at-large Rosas inquired to City Attorney Szot if this would be a conflict of interest for Councilman Rivera in regards to a vote.

City Attorney Szot advised that no action needs to be taken as this is to be received and filed.

Received and filed.

Request from Dunkirk Yacht Club to use the City Pier for repairs to their docks.

Councilwoman Szukala inquired to Public Works Director Gugino if the City Pier is able to handle the weight of the equipment.

Public Works Director Gugino advised that the contractor doing the work will need to provide the appropriate insurances and that the Pier can handle the additional weight.

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 Michalski.

Carried, all voting aye.

Loudspeaker application from Iglesia Pentecostal for microphones, amplifiers, drums and speakers on Saturday, October 10<sup>th</sup> from 5:00 PM until 9:00 PM at the pavilion on Third & Park Avenue.

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

Carried, all voting aye.

Notice of Claim from Rudy Thomas for alleged damages to his bicycle while riding on East Second Street and Columbus Avenue.

Notice of Claim from Pomco Group for injuries allegedly sustained on City Property.

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

Carried, all voting aye.

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

Councilman Michalski advised that his next Finance Meeting is scheduled for Wednesday, September 23<sup>rd</sup> at 3:00 PM in the Mayor's Conference Room and inquired to Mayor Dolce for an update with the Wright Park Funding.

Mayor Dolce advised that the latest proposal was submitted on August 28<sup>th</sup>, is awaiting a response and will contact them shortly if they he doesn't hear back soon.

Councilman Rivera inquired to Mayor Dolce as to who does the lawn care on 2 Land bank properties on Swan Street.

Mayor Dolce advised that the Land bank is responsible for those and if there are any issues we can forward them on.

Councilman Rivera inquired to Public Works Director Gugino for an update on the demolition associated with the Brownfield Grant and if the Howard Avenue bridge section is associated with this.

Public Works Director Gugino advised that the construction fund has dried up so the demolition project is going to bid in October, will be awarded after the first of the New Year to be completed by spring 2016 and that Howard Avenue issue has no relation to this grant but there could be opportunities available with CDBG funding.

Councilman Gonzalez inquired to Fiscal Affairs Officer Halas if the work currently being done on 7<sup>th</sup> Street is on budget.

Fiscal Affairs Officer Halas advised that he has not been informed of anything going over budget with that specific project.

Public Works Director Gugino advised that they have uncovered quite a bit of history under the streets and that all projects should be completed in less than 2 weeks.

Councilman Gonzalez advised his next Personnel Meeting is scheduled for October 6<sup>th</sup> at 4:00 PM, inquired to Public Works Director Gugino for an update on what can be done to repaint and clean under the railway underpasses and asked Mayor Dolce if former Deputy Director of Development Lawrence and former Director of Development Neratko were still on City payroll.

Mayor Dolce advised that this is a personnel matter and would discuss this with him at the appropriate place/time.

Public Works Director Gugino advised that the City does power wash underneath underpasses, has contacted CSX multiple times with no response to try and get repainting complete, was told people can paint lower wing walls only as well as walkways due to liability and suggested starting a community project with various groups to paint what is able.

Councilwoman Szukala inquired to Public Works Director Gugino for an update on the broken garbage trucks as well as the Hoyt Street paving project and asked Mayor Dolce if he had any updates on Union Contracts and Water Treatment Plant updates.

Mayor Dolce advised until they hear back about the grant they do not see any reason to start the short list at this time and that there is currently no updates on the Union negotiations.

Public Works Director Gugino advised that 2 of the 3 are still not operational, they have been renting from Casella to keep on schedule, one will be back tomorrow and that it is unrealistic for the paving to be completed by the end of the year but will do the waterline project as all the materials have already been purchased and are ready to go with the paving then completed in 2016.

Councilwoman Szukala inquired to Public Works Director Gugino if the same process could be completed on the brick portion of Nevins Street as well as she has received calls from residents in that area.

Public Works Director Gugino advised that the same thing could be done and to get in contact with City Engineer Woodbury and CDBG Administrator Gawronski to start surveys and funding research.

Councilman-at-large Rosas inquired to Mayor Dolce for an update on the Waste Water Treatment Plant Grant and for an update on the North County Water District.

Mayor Dolce advised that the grant was submitted by September 4<sup>th</sup>, is waiting to hear a response and that no timeline was given.

Discussion was had between Council, Mayor Dolce and City Attorney Szot in regards to the North County Water District.

Councilman-at-large Rosas advised that he also had some concerns about Land bank properties on 31 and 37 Pangolin Street.

Mayor Dolce advised that he will refer those concerns to Building Inspector Zurawski.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #68-2015**  
**SEPTEMBER 15, 2015**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT WITH CHAUTAUQUA COUNTY  
(DUNKIRK HARBOR DREDGING)**

**WHEREAS**, a dredging project has been proposed for the Dunkirk Harbor, and with the assistance of Chautauqua County officials and departments, contemporaneous with a similar dredging project proposed by the Town of Hanover for dredging the recreational channel in Cattaraugus Creek; and

**WHEREAS**, bids for both projects were advertised, noticed in accordance with the law and the Dunkirk Common Council, by and through Resolution No. 54-2015 (July 21, 2015), approved work for the Dunkirk Harbor component of such dredging, for a sum not to exceed One Hundred Sixteen Thousand Five Hundred Dollars and Zero Cents (\$116,500.00) for dredging and disposal of sediment and dredged materials, together with an additional sum of Fifty-Two Thousand Eight Hundred Eighty-Five Dollars and Zero Cents (\$52,885.00), for mobilization, staging and demobilization costs, which sum is one-half of the total mobilization, staging and demobilization costs stated by Dean Marine & Excavating, Inc., for said work in both contracts in the City of Dunkirk and Town of Hanover, to wit: total mobilization, staging and demobilization costs for both are One Hundred Five Thousand Seven Hundred Seventy Dollars and Zero Cents (\$105,770.00); and

**WHEREAS**, pursuant to Chautauqua County Resolution 58-14, the Chautauqua County Legislature authorized certain funding to assist the City with the cost of such dredging, to wit: One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) from the 2% Occupancy Tax Lakes and Waterways Reserve Fund, and dedicated Sixty Thousand Dollars and Zero Cents (\$60,000.00) from the Lake Erie Management Commission (LEMC), to be distributed equally (Seventy Thousand Dollars and Zero Cents (\$70,000.00) each) to the City of Dunkirk, Town of Hanover, and Town of Westfield to assist with funding their dredging projects; and

**WHEREAS**, Chautauqua County was awarded Two Hundred Seventy-Five Thousand and Zero Cents (\$275,000.00) from the New York State Department of Environmental Conservation (NYSDEC) funding with One Hundred Thousand Dollars and Zero Cents (\$100,000.00) pledged to the City of Dunkirk to assist with funding their dredging project; and

**WHEREAS**, the County, through its Department of Planning and Economic Development, is coordinating with New York State, the municipalities, the contractor and the stakeholders to ensure that the project is undertaken in a timely fashion and within budget; and

**WHEREAS**, the City of Dunkirk and the Town of Hanover, are receiving monies from the State of New York and the County of Chautauqua to finance said project, to wit: One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the State of New York and Seventy Thousand Dollars and Zero Cents (\$70,000.00), from the County of Chautauqua, to each; now, therefore, be it

**RESOLVED**, that the Mayor, subject to the contingencies required by Common Council Resolution 54-2015, is hereby authorized to enter into an agreement with the County of Chautauqua, Gerace Office Building, Mayville, New York 14757, relative to the funding obligations of the City and County for the dredging of the Dunkirk Harbor with the City accepting from the County an amount not to exceed One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) in such County and/or New York State funds, such funds to be paid out upon completion of the Dunkirk Harbor dredging work; and, be it finally

**RESOLVED**, that the Fiscal Affairs Officer is authorized and directed to make the following amendments to the 2015 Budget:

009.0009.2285 NYS & Chautauqua County Dredging Grant

Councilwoman Szukala inquired if anything has changed since they had previously discussed the dredging.

City Attorney Szot advised that this is an Agreement for what is obligated with the County relative to the receipt of the funds as a pass-thru account.

Carried, all voting aye.

**RESOLUTION #69-2015**  
**SEPTEMBER 15, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING RENEWAL AGREEMENT WITH  
STATE OF NEW YORK UNIFIED COURT SYSTEM  
(CITY COURT CLEANING and MINOR REPAIRS – CONTRACT NO. C300342)  
(APRIL 1, 2015 TO MARCH 31, 2016)**

**WHEREAS**, the City's five-year contract with the New York State Unified Court System reimburses the City for cleaning and minor repairs for space utilized for City Court; and

**WHEREAS**, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2015, and terminates on March 31, 2016, and during which reimbursement has been allocated to

not exceed Thirty-Four Thousand Three Hundred Eighty-Eight Dollars and Zero Cents (\$34,388.00); now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2015 to March 31, 2016) for which reimbursement shall be in an amount not to exceed Thirty-Four Thousand Three Hundred Eighty-Eight Dollars and Zero Cents (\$34,388.00) to compensate the City for cleaning and minor repairs for space utilized by City Court.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:58 PM**

**Nicole Joiner, City Clerk**

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