

**COMMON COUNCIL INAUGURAL MEETING
January 1, 2014**

The Inaugural Meeting was called to order at 11:00 AM by Councilwoman-at-large Kiyak.

Old Council Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczeko, Personnel Administrator Heyden and Police Chief Ortolano.

Councilwoman-at-large Kiyak led the assemblage in the Pledge of Allegiance, the National Anthem was sung by Marjorie Bohn and Reverend Carlos Llera from Iglesia Getsemani Assemblies of God Church delivered the invocation.

The re-elected Council consisting of First Ward Councilman Michael D. Michalski, Second Ward Councilman William Rivera, Third Ward Councilman Adelino Gonzalez, Fourth Ward Councilwoman Stacy Szukala and Councilwoman-at-large Stephanie Kiyak were administered the Oath of Office by Judge Walter Drag.

The re-elected council took their respective seats and Councilwoman-at-large Kiyak continued on with the ceremony.

Judge Walter Drag also administered the Constitutional Oath of Office to City Treasurer Mark A. Woods and Clerk, Board of Assessors Thomas F. Mleczeko.

COMMUNICATIONS:

Communication from City Clerk Nicole Joiner re-appointing Grace Tarnowski to the position of Deputy City Clerk and Deputy Registrar of Vital Statistics.

Received and filed.

Communication from City Treasurer Mark Woods re-appointing Paula Lakas as Deputy City Treasurer, effective January 1, 2014 and expiring on December 31, 2015.

Received and filed.

PRE-FILED RESOLUTIONS:

**RESOLUTION #1-2014
JANUARY 1, 2014**

BY: ENTIRE COUNCIL

ESTABLISHING PAYROLL PROCEDURE

RESOLVED, that the salaries of all officials and employees of the City of Dunkirk be paid weekly on the Thursday following the pay period, and that the City Treasurer be hereby authorized to draw a general payroll check to be deposited in the payroll fund, and be directed to draw warrants from the payroll fund at the prevailing rates in payment of the same upon receiving the duly certified payroll.

Carried, all voting aye.

RESOLUTION #2-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

BOND PAYMENT AUTHORIZATION

RESOLVED, that the City Treasurer be and hereby is authorized and directed to draw warrants on the proper funds to cover payments of principal and interest of bonds as they mature.

Carried, all voting aye.

RESOLUTION #3-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

ESTABLISHING OFFICIAL DEPOSITORIES

RESOLVED, that the First Niagara Bank, Key Bank, Community Bank, and Manufacturers and Traders Trust Co., be and hereby are designated depositories for all monies and funds belonging to the City of Dunkirk or which shall be received by the City Treasurer from any and all sources during the years 2014 and 2015, it being understood that all monies referred to above shall be deposited with the City Treasurer, subject to withdrawal as provided for in the Charter of the City of Dunkirk.

Carried, all voting aye.

RESOLUTION #4-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

ESTABLISHING CASH MANAGEMENT AND INVESTMENTS POLICY

RESOLVED, that this Common Council hereby adopts the Cash Management and Investments Policy adopted by the Common Council on January 1, 1988, and amended on January 1, 1990, for the years 2014 and 2015, as recommended by the New York State Department of Audit and Control.

Carried, all voting aye.

RESOLUTION #5-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

DESIGNATION OF OFFICIAL CITY NEWSPAPER

RESOLVED, that the Observer, published in the City of Dunkirk, New York, is hereby designated as the official newspaper of the City of Dunkirk, New York for the years 2014 and 2015.

Carried, all voting aye.

RESOLUTION #6-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

DESIGNATION OF OFFICIAL CABLE TV STATION

RESOLVED, that Cable Access Channel 12, overseen by the Cable Television Advisory Board, in the City of Dunkirk, New York, is hereby designated as the official Cable TV Station of the City of Dunkirk, New York for the years 2014 and 2015.

Carried, all voting aye.

RESOLUTION #7-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

PROCEDURES FOR JANUARY 2014 MEETINGS

RESOLVED, that the regular Common Council meetings in January, 2014 be held on January 7th and January 21st, and, be it further

RESOLVED, that pre-filing for the January 21st meeting will be January 16th.

Carried, all voting aye.

RESOLUTION #8-2014
JANUARY 1, 2014

BY: ENTIRE COUNCIL

RULES OF ORDER OF THE COMMON COUNCIL

The following rules shall be the rules of order of the Common Council and shall govern proceedings of this Body subject to controlling provisions of the Charter of the City of Dunkirk:

I. MEETINGS.

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at 5:30 P.M.^{1, 4} in the Common Council Chambers in the City Hall, unless changed at a prior meeting.
2. Special meetings of the Common Council shall be called in accordance with Article IV, Section 4.05 of the City Charter.
3. At all public hearings held by the Council and any other meetings of the Council, when requested by the Presiding Officer, the Chief of Police shall designate one of his uniformed officers to the Council Chambers to act as a Sergeant-at-Arms.

II. QUORUM.

1. A majority of the whole number of Councilmen shall constitute a quorum as provided by Article IV, Section 4.04 of the City Charter.

III. PRESIDING OFFICER.

1. The Councilman-at-Large shall be the presiding officer of the Common Council. In the event of the absence of the presiding officer, the other members of the Council may appoint one of their number to preside.

IV. ORDER OF BUSINESS.

1. Call to order, roll call, and pledge of allegiance to the flag.
2. Approval of the minutes of previous meeting. (Certification of prior meeting.)
3. Privilege of the floor.
4. Communications from the Mayor, including disapproval messages.
5. Communications from the public and petitions.

6. Reports of Standing Committees, Boards and Commissions.
7. Unfinished business, including items referred to Department Heads.
8. Pre-filed Resolutions.
9. New Business.
10. Adjournment.

V. PUBLIC PRIVILEGE OF THE FLOOR.

1. The privilege of the floor shall be extended to any person appearing for himself, in which case each individual appearing shall be limited to three minutes; and to any person representing any group, who shall be limited to a maximum time of five minutes.
2. The City Clerk shall have the duty of maintaining such time limits, and the Chairman may determine, in his discretion, whether individuals are speaking for themselves or representing groups. The Chairman shall maintain good order and may require any speaker to cease speaking if remarks are made in bad taste or are slanderous or not germane to any action taken or contemplated by the Council. The time limits specified above shall be adhered to, except that the Chairman may allow any person speaking to complete a statement or thought started before such time expires, and a longer time may be allowed by the Chair with approval of a majority of the Council.

VI. RESOLUTIONS.

1. The term "resolution" shall mean a formal written or oral proposed action bearing the name of the sponsoring member of the Common Council. A resolution may be sponsored by any member of the Common Council except the presiding officer.
2. Each resolution, except oral resolutions, must be filed with the City Clerk no later than 5:00 P.M. of the Thursday preceding regularly scheduled meetings. Action upon pre-filed resolutions shall not require a second.
3. Any resolution not pre-filed with the City Clerk may be acted upon only after a second. In the event there be no second, said resolution shall be laid on the table for consideration as a pre-filed resolution at the next regular meeting.
4. Motions to lay on the table shall always be in order and shall be decided without a second or debate.

VII. RULES OF VOTING.

1. All members of the Common Council present shall vote upon every question, except that a Councilman may abstain from voting with permission from a majority of the Council because of a direct interest in the questions presented.

VIII. AGENDA.

1. The City Clerk shall prepare an Agenda of each regularly scheduled Common Council meeting, including pre-filed resolutions, and have delivered a copy thereof to each member of the Common Council no later

than the Monday preceding regularly scheduled meetings. The Clerk shall cause a copy of the Agenda to be printed in the local newspaper and posted on the bulletin board in City Hall no later than one day prior to the date of the regular meeting.

2. No Agenda need be prepared or submitted to the Common Council for any Special Meeting of the said governing body.

IX. COMMUNICATIONS FROM THE PUBLIC AND PETITIONS.

1. All written communications should be submitted to the City Clerk's Office and may be addressed to a specific member of the Council. Said written communications must bear a signature.
2. Written communications should not exceed more than 100 words in length.
3. Council shall retain the right to table any action in reference to Communication, for further consideration.
4. Council may refuse to have read any communication considered in poor taste or language.
5. All communications must be received by the City Clerk's Office on Thursday, prior to the scheduled meeting.

X. MISCELLANEOUS.

1. All pre-filed resolutions, communications, reports and items referred to Department Heads directed to the Common Council must be submitted to the City Clerk not later than 5:00 P.M. of the Thursday preceding regularly scheduled meetings in order to be considered at such meeting. Copies shall be made and delivered to each member of the Common Council no later than the Monday preceding regularly scheduled meetings. Any items not received by 5:00 P.M. on Thursday preceding regularly scheduled meetings shall be held for the next regular meeting.
2. The Clerk shall summarize communications and present to the Council for action thereon.
3. All correspondence and communications not germane to the meeting shall not be read by the Clerk, but copies made thereof and sent to each member of the Council. (Monthly reports of Department Heads, etc.)
4. The Clerk shall note the receipt of all communications and the decisions thereon.
5. The Clerk will send minutes of Council meetings to members of the Council within three (3) business days after such meetings.
6. At the organizational meeting of each Common Council to be held on January 1st of every even-numbered year, the Council, by resolution, shall appointed two members of the Council, one of whom shall be designated the Chairman, to each of the following Standing Committees:
 - (a) Finance, Insurance and Property;
 - (b) Personnel, Judicial and General Welfare, Recreation, Library, Regional Planning;
 - (c) Public Works, Streets, Sidewalks, Public Utilities, Parks, Harbor, Buildings, and Transportation;
 - (d) Public Safety, Fire, Police, Emergency Action;

(e) Economic Development (added 1/1/86).

7. Except as otherwise provided herein and in the Charter of the City of Dunkirk, the proceedings of the Common Council shall be governed by the Roberts Rules of Order.

8. **FINANCE COMMITTEE POLICY/PROCEDURE²**

Any resolutions that are within the purview of the Finance Committee, for which full Common Council action is requested, must first be presented to and reviewed by the Council's standing Finance Committee.

The Finance Committee shall convene a regular meeting, on the second and fourth Monday of the month, as needed prior to pre-file Thursday.³

There are adequate opportunities to present any relevant information to the Finance Committee without having to delay any necessary action or to bottleneck City operations.

Any matters/resolutions that need action on an emergency nature may be brought to the Common Council, either as "pre-filed" or as "new business." However, an explanation to the Council of the emergency nature of the matter to be considered must be provided.

Before such items are to be considered, the emergency nature should be described and agreed to by a majority of the Common Council.

Matters that need to be presented to the Finance Committee for approval shall include, but not be limited to:

- (a) Resolutions dealing with the expenditure or receipt of funds, including the hiring of contractor, vendors, *etc.*;
- (b) The transfer of funds between and among accounts;
- (c) The establishing of new accounts.

¹ Time of meeting changed to 7:00 p.m. by DCC Res #170-98 on 11-17-98; time of meeting changed to 6:00 p.m. by DCC Res #62-2010 on 9-21-10.

² Subd. 8 (Finance Committee Policy/Procedure) add by DCC Res #60-98 on 4-7-98.

³ Finance Committee meeting frequency changed by DCC LL#1-2008.

⁴ Time of meeting changed to 5:30 p.m.; and, preview meeting eliminated, by DCC Res #74-2012 on 9-18-12.

Carried, all voting aye.

RESOLUTION #9-2014
JANUARY 1, 2014

BY ENTIRE COUNCIL:

ESTABLISHING STANDING COMMITTEES

RESOLVED, that for the years 2014 and 2015, the Committees of the Dunkirk Common Council shall be as follows:

FINANCE, INSURANCE AND PROPERTY

Councilman Michalski, Chairman
 Councilman Gonzalez
 Councilwoman-at-Large Kiyak

**PERSONNEL, JUDICIAL & GENERAL
 WELFARE, RECREATION, LIBRARY
 REGIONAL PLANNING**

Councilman Gonzalez, Chairman
 Councilman Michalski
 Councilman Rivera

**PUBLIC WORKS, STREETS, SIDEWALKS,
 PUBLIC UTILITIES, PARKS, HARBOR,
 BUILDINGS AND TRANSPORTATION**

Councilwoman Szukala, Chairman
 Councilwoman-at-Large Kiyak
 Councilman Gonzalez

**PUBLIC SAFETY, FIRE, POLICE
 EMERGENCY ACTION**

Councilman Rivera, Chairman
 Councilwoman Szukala
 Councilman Michalski

ECONOMIC DEVELOPMENT

Chairman

Councilwoman-at-Large Kiyak,

Councilman Rivera
 Councilwoman Szukala

**APPOINTMENT TO LIBRARY
 BOARD OF DIRECTORS**

Councilwoman Szukala

APPOINTMENT TO DLDC (ex officio)

Councilwoman-at-Large Kiyak

APPOINTMENT TO DLDC

Councilman Gonzalez

Carried, all voting aye.

RESOLUTION #10-2014
JANUARY 1, 2014

BY ENTIRE COUNCIL:

MODIFICATION OF FISCAL AFFAIRS OFFICER POSITION TO FULL TIME

WHEREAS, the Common Council, by Resolution 01-2013 (January 2, 2013) confirmed the appointment of Richard Halas as Fiscal Affairs Officer (“FAO”), at the rate of \$30,000 *per annum* for a minimum of twenty-five (25) hours per week; and

WHEREAS, it is in the best interests to utilize the services of FAO on a full-time basis; now, therefore, be it

RESOLVED, that effectively January 1, 2014, Fiscal Affairs Officer Richard Halas shall be a full time employee, with pay at the rate of Fifty Thousand Dollars and Zero Cents (\$50,000.00) *per annum*.

Councilwoman Szukala stated “two years ago we discussed the plan of moving forward with a Fiscal Affairs Officer as part-time; it was due to budgetary constraints at that time. However, through the last couple of years, there have been a lot of issues that have been time-sensitive that we feel need a little bit more attention and at this time we’re moving forward with going back to the full-time Fiscal Affairs Officer so that the duties can be performed in a timely fashion and that your tax dollars are being spend properly.”

Councilman Michalski thanked Fiscal Affairs Officer Halas for his work during this past year, stated his financial and accounting knowledge has been a huge asset to the city and advised he has saved the city a tremendous amount of money this past year.

Councilman Gonzalez advised Fiscal Affairs Officer Halas has done a wonderful job since joining the city one year ago and thanked him for his work.

Councilman Rivera commended and thanked Fiscal Affairs Officer Halas for his work.

Councilwoman-at-large Kiyak stated “I am hopeful that Richard Halas will be confirmed as the full-time Fiscal Affairs Officer. In his short tenure as the part-time Fiscal Affairs Officer, Rich has already proven to be an asset to the City of Dunkirk’s Administrative Branch. With an annual budget of more than \$22 million dollars, it is imperative that this position be filled by a person with a degree in accounting and Rich’s vast experience in the private sector also ensures a critical and savvy eye in overseeing tax payer dollars being spent in accordance with the City Charter and the State. This position rounds out the third component of checks and balances between the City Treasurer and the Mayor, and is critical in assuring the public of a transparent, open government.”

Carried, all voting aye.

COMMENTS:

Mayor Dolce advised some highlights of 2013 include the complete cleaning/relining of West End waterline, ongoing North County Water District discussions, beginning of street repair plan with hot in place model, the identification of two HUD specific target areas in the city – Washington Park and eastern entranceways into the city and the budget process was completed and passed 25 days early for the second year in a row. Mayor Dolce announced the city received notice of CFA funding in the amount of \$790,000.00 for reconstruction and development of the Lake Front Boulevard area, this funding will be used in conjunction with an outstanding \$250,000.00 Bike Path Grant and the fantastic news Governor Cuomo delivered recently on the repurposing of NRG and stated “a great sense of community pride, everyone pulling together for a common cause and thanked everyone who was involved, elected officials, stakeholders, and of course, the community that came together.”

Mayor Dolce announced projects to be completed in 2014 include the restoration of the Native American statute, Execute Main Street Grant Funding – primary objective Central Avenue between Lake Shore Drive and Third Street, ongoing festival planning, working with Boardwalk tenets and efforts to engage a developer for the former Bertges site which is now commercially ready. Mayor Dolce continued, close to one million is slated for street repair in 2014 which includes overlay for hot in place 2013 roads and additional road repair and reconstruction and stated “in conjunction with grant monies mentioned prior, we will begin reinvigorating Lake Front Boulevard with Seawall reconstruction, Bike Path Phase III and amenities. A meeting will take place shortly with project engineers and we look forward to releasing details.”

Mayor Dolce advised the city will continue its close relationship with SUNY Fredonia and Incubator – specifically 20/20 grant efforts for Research labs/vessel and StartUP New York possibilities.

Councilwoman-at-large Kiyak thanked Judge Walter Drag for administering the oath of office for all of the elected officials, Reverend Carlos Llera for the invocation and benediction and Marjorie Bohn for singing.

Councilwoman-at-large Kiyak stated “today, the Common Council begins another term in office, the past two years have been at times both difficult and yet rewarding for each of us. As members of the legislative branch, it is our duty to ensure that tax payers are getting the daily services they need, while always eyeing the future as to how we can improve and grow as a City. Each of us has a responsibility to ensure we do our due diligence with regards to expenditures and to maintain a transparent, open government. As we embark on our next two-year term, I know that the same efforts each councilmember has contributed will continue and our motive for serving the public remains unswerving as the primary reason each of us committed to another term. We remain hopeful that the City will continue moving in a positive direction and that together, as a community, we will not only maintain a quality of lifestyle that makes Dunkirk home for so many, but that we become a City where we will attract new residents who want to come here and make Dunkirk their home as well. I know I speak for all of Council when I say we will continue to do our best, on behalf of all citizens of Dunkirk.”

Marjorie Bohn closed the ceremony singing “God Bless America,” and Reverend Carlos Llera gave the benediction.

Councilwoman-at-large Kiyak announced a reception will be held in the Conference Room.

ADJOURNMENT:

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

Carried, all voting aye.

Adjourned at 11:21 AM

Nicole Joiner, City Clerk
