

**COMMON COUNCIL PROCEEDINGS**  
**January 2, 2013**

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

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

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden, and Police Chief Ortolano.

Absent: Fire Chief Ahlstrom.

Certification of December 18, 2012 meeting was read by City Clerk Lawrence.

**RESOLVED:** That the reading of the minutes of Tuesday, December 18, 2012 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Thomas Taylor, 223 Temple Street, Dunkirk, NY had several concerns regarding the appointment of the new Fiscal Affairs Officer and stated the new Fiscal Affairs Officer will be receiving a 25 percent pay increase over the former Fiscal Affairs Officer; wanted to know where the money for his salary was coming from and who would monitor the Fiscal Affairs Officer work hours.

Mayor Dolce stated "I don't think the 25 percent is correct but we will check that," he will monitor the Fiscal Affairs Officer work hours and advised the money was budgeted under contracted services in the fiscal affairs office. Mayor Dolce advised \$44,000.00 plus benefits was budgeted for this position when he took office.

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

Mayor Dolce reminded city residents the new recycling pickup schedule is now in effect with the first pickup scheduled for January 14, 2013.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Richard J. Clark on behalf of "Score This" requesting the use of roads and facilities to host a triathlon event on August 25th, 2013 from 7:00 AM to 1:00 PM in the City of Dunkirk called "Tri Dunkirk."

Councilman Michalski inquired if the City has a backup plan in the event there is construction along the lakefront.

Department of Public Works Director Gugino advised there is no backup plan however; he will take care of the matter in the event of construction.

Councilman Michalski asked City Attorney Szot if there were any repercussions against the City due to the death of a participant in last year's event.

City Attorney Szot acknowledged the City has received no notices of claim to date.

Councilwoman-at-large Kiyak advised a motion to approve was needed contingent upon liability insurance and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

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

Councilman Michalski advised the next Finance Committee Meeting will be held on January 7<sup>th</sup> at 4:30 PM in the Mayor's Conference Room and stated they will continue to work on the audit response.

Councilman Michalski asked Director of Development Neratko if he has received any response regarding the DEC's grant proposal between the Clarion Hotel and Tim Horton's.

Development Director Neratko advised he has not received any response and is expecting a response in January.

Councilman Rivera advised the next Personnel Meeting will be held on January 15<sup>th</sup> at 10:00 AM in the Mayor's Conference Room.

Councilman Gonzalez advised the next Public Works Meeting will be held on January 15<sup>th</sup>.

Councilwoman Szukala offered her condolences to Councilman Rivera on the loss of his grandfather.

Councilwoman Szukala asked Mayor Dolce for an update on the KVS computer system and the status on the Union contracts.

Mayor Dolce stated we are looking to schedule training in February regarding the computer system and progress is being made regarding the Union contracts.

Councilwoman Szukala asked Mayor Dolce if he knew when Council could expect a Resolution regarding the Seawall Project and when is the deadline for these permits regarding this project.

Mayor Dolce advised he received a telephone call today from a representative from Senator Reed's office and stated they are looking to schedule a meeting with the city in the near

future. Mayor Dolce further advised the City needs to be patient regarding this matter and other issues and stated “if we could receive any bit of financial assistance, we will be able to handle the rest out of our operating budget; between Fund II and Fund III.” Mayor Dolce stated our permits are set to expire this year however, without funding this project doesn’t work and he is looking to see if the City can afford this without any additional burden on the city tax and rate payers.

Councilwoman Szukala advised she receive a call from a First Ward resident regarding recycling and stated the resident was upset when a recycling bin blew over on Jerboa Street and the city crew bypassed all the contents that spilled onto the street. Councilwoman Szukala asked if someone could address this matter with the city crew.

Councilman Gonzalez spoke to Department of Public Works Director Gugino regarding recyclable pickup and stated he has a neighbor who places her recyclables out on the appropriate day however, the city has failed to collect her items the last two pickups.

Department of Public Works Gugino asked Councilman Gonzalez if there were any parked cars that would obstruct the crew’s view of the recyclables and asked Councilman Gonzalez to give this resident his phone number so she can call him if this happens again.

Councilwoman-at-large Kiyak had nothing to report at this time.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #1-2013**  
**JANUARY 2, 2013**

**BY ENTIRE COUNCIL:**

**CONSENT TO APPOINTMENT OF FISCAL AFFAIRS OFFICER**

**WHEREAS**, Section 2-10.02 of the City Code provides that the Fiscal Affairs Officer shall be appointed by the Mayor, with the consent of the Common Council, and

**WHEREAS**, pursuant to Section 2-10.02 of the City Code, Mayor Anthony J. Dolce has appointed Richard Halas, Dunkirk, New York, as an independent contractor, to the position of Fiscal Affairs Officer for the City of Dunkirk, subject to the consent of the Common Council, now, therefore, be it

**RESOLVED**, that Richard Halas, as an independent contractor to the City of Dunkirk, be confirmed as Fiscal Affairs Officer for the City of Dunkirk, effective January 7, 2013, at the rate of \$30,000.00 per annum for a minimum of twenty-five (25) hours per week.

Councilwoman-at-large Kiyak stated “I need a motion to amend the Resolution as follows:

Delete “as an independent contractor” and the second WHEREAS clause and

Delete “as an independent contractor to the City of Dunkirk” in the RESOLVED clause.

Councilwoman Szukala asked if there could be a discussion prior to the vote; asking for the reason of the language change to be clarified prior to the amendment.

Councilwoman-at-large Kiyak agreed to a discussion prior to the vote.

Councilwoman Szukala advised a lot of conversation and energy has gone into this Resolution and stated “when we got the Resolution it was as an independent contractor and now we’re changing it to an employee, so I would just like it clarified what those differences will be.”

Mayor Dolce advised this position does not fall under the guise of an independent contractor.

Councilwoman Szukala asked Personnel Administrator Heyden what benefits the Fiscal Affairs Officer is entitled to aside from participating in the New York State Retirement System.

Personnel Administrator Heyden stated this is an appointed position and the benefits he is entitled to are at the discretion of the Mayor. Personnel Administrator Heyden advised payroll taxes will be deducted from his salary; he will be allowed the opportunity to participate in the New York State Retirement System and he is eligible to receive life insurance.

Councilman Rivera thanked Councilwoman Szukala and Councilwoman-at-large Kiyak for their due diligence regarding this matter and thanked Tom Taylor for his concerns.

Councilwoman-at-large Kiyak restated “I need a motion to amend the Resolution as follows:

Delete “as an independent contractor” in the second WHEREAS clause and

Delete “as an independent contractor to the City of Dunkirk” in the RESOLVED clause.”

Councilman Rivera motioned to amend this Resolution. Seconded by Councilman Michalski.

Vote to amend Resolution: Carried, all voting aye.

Vote on Resolution as amended: Carried, all voting aye.

#### **ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:47 PM

Lacy Lawrence, City Clerk

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