

COMMON COUNCIL PROCEEDINGS
October 7, 2014

The meeting was called to order at 5:31 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, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Absent: Department of Public Works Director Gugino.

Police Chief Ortolano requested a moment of silence in memory of Leonard Drozdziel, retired Dunkirk Police Lieutenant, who passed away on September 20th and had served our community for 35 years.

Fire Chief Ahlstrom requested a moment of silence in memory of Harold Rusch who passed away on September 20th and served the City of Dunkirk Fire Department from 1957-1977.

Certification of September 16, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, September 16, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Walter Rutland, 184 W. Second Street, Dunkirk, New York commended Police Chief Ortolano, Fire Chief Ahlstrom, their Departments and Mayor Dolce for their work. Mr. Rutland spoke in regard to the lack of jobs in our area for our youth, stated he will be speaking with local corporations such as Nestle Purina, Fieldbrook Farms and Cott Industry for donations to send approximately 70 local youths to New York City this summer and advised Silver Creek, New York is constructing a McDonalds, hotel and a waterpark and inquired why the City of Dunkirk is not pursuing such projects. Mr. Rutland further advised a waterpark could be constructed at Point Gratiot and the Council and community should continue to support Mayor Dolce.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce announced Fredonia State University approved the Startup New York Program and complimented Department of Development Director Neratko for his work, advised Police Chief Ortolano and he will be meeting with Chautauqua County Department of Public

Works Director Spanos and will request the County install a stop sign at the corner of Lincoln Avenue and Talcott Street (Millennium Parkway). Mayor Dolce announced paving of city streets is well underway and progressing as the city had planned, there are only a few streets remaining that need paving and complimented City Engineer Woodbury and Department of Public Works Director Gugino for their work.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Dunkirk Midget Football League to use the corners of Fourth Street and Central Avenue, Fifth Street and Central Avenue and W. Doughty Street near the Fire hall to conduct a "Tag Day" fundraiser on October 11th from 9:00 AM until 3:00 PM.

Councilman-at-large Rosas advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured and that all city property is left in the same condition as prior to the event as needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Michalski moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of Claim from Carol Ludwig for personal injuries allegedly sustained from a fall on Lark Street.

Notice of Claim from Amy Harper for personal injuries allegedly sustained from a fall in front of 64 N. Ermine Street.

Notice of Claim from Christopher Kolassa for alleged damages to his vehicle from a pothole on the corner of Central Avenue and E. Green Street.

Councilman-at-large Rosas advised a motion to refer these to the Law Department was needed.

Councilman Rivera moved to refer these to the Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Complaint and Summons from Carmen Rivera vs. the City of Dunkirk.

Councilman-at-large Rosas advised a motion to refer this to the Law Department was needed.

Councilman Michalski moved to refer this to the Law Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski inquired on the status of repaving Lake Shore Drive West by New York State.

Mayor Dolce advised he has spoken with Department of Public Works Director Gugino regarding this matter and stated DPW Director Gugino is hopeful this project will be completed by year's end and that he will follow up on this matter.

Councilman Michalski announced a webinar on Property Tax Cap Review and Tax Freeze Credit Program will be held on Thursday, October 23rd from 10:00 AM until 11:30 AM and recommended city officials participate.

Councilman Rivera asked Mayor Dolce for an update on Cable ACCESS 12.

Mayor Dolce advised everything is progressing well.

Councilman Gonzalez advised the next Personnel Committee Meeting will be held on Monday, November 3rd.

Councilwoman Szukala asked could the large work sign on S. Jerboa Street be removed, asked for clarification regarding the RFP for brush removal on Lucas Avenue and requested letters be sent to users of Fund III Water Fines in an attempt to collect any anticipated revenue for the 2014 budget season.

Councilwoman Szukala advised Mr. Rutland there is a 100 year deed for Point Gratiot which specifies the land remain as "green space" and took offense to his comments this evening and stated "I understand your concerns, there is always more that a community can do; in general I think we are all on the same page, we are all here trying to do the best that we can; some things take time and most things that a lot of money that we just don't have" and asked Mr. Rutland to rephrase his concerns in the future.

Councilman-at-large Rosas advised the next Economic and Development Committee Meeting will be held on Monday, October 20th at Noon.

PRE-FILED RESOLUTIONS:

RESOLUTION #82-2014
OCTOBER 7, 2014

DECLARING CERTAIN WASTE MATERIAL AS SURPLUS

BY: THE ENTIRE COUNCIL

WHEREAS, from time-to-time, as a result of addressing water/sewer line repair and other related projects, as well as a result of undertaking various other municipal projects across the City, the City generates a volume of dirt/gravel fill and other miscellaneous "spoils" for which it generally has no use; and

WHEREAS, it would be in the best interests of the City to have such waste fill declared as surplus and to establish an objective policy for the appropriate disposal of such materials; now, therefore, be it hereby

RESOLVED, that the Common Council, determines and declares that the dirt/gravel fill generally amassed from time-to-time as a result of water/sewer line repair and other, related projects; as well as mulch, wood-chips, tree cuttings, wooden pallets and other rock debris accumulated as a result of undertaking various other municipal projects, shall be declared to be "surplus" and without value to the City; and, be it further

RESOLVED, that the Mayor is hereby authorized to make such agreement(s) to dispose of such materials in a fair and objective manner, in line with the following guidelines:

- Mulch, wood-chips and tree cuttings are to be available without charge to the public, as available, on site or at a City stockpile location (e.g., Lucas Avenue).
- Dirt/gravel fill, gravel, wooden pallets and other rock debris are to be available without charge to the public, as available.
- No delivery shall be made provided by the City for such materials.
- Such materials may be made available on a first-come, first-served basis, as available, with no warranties or guaranties.

Councilwoman Szukala advised this is an attempt to get a policy in place stating the City will no longer deliver certain items in the city as it has in the past unless it is to be delivered to a city specified location.

Councilman Gonzalez advised that although the City will no longer deliver these items, they will still be available and free for pickup by city residents.

Carried, all voting aye.

RESOLUTION #83-2014
OCTOBER 7, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING PARTICIPATION IN LAND BANK PROGRAM AND
AGREEMENT WITH CHAUTAUQUA COUNTY LAND BANK CORPORATION**

WHEREAS, the City of Dunkirk has a large stock of vacant and abandoned residential properties, but lacks the financial resources to adequately and promptly address this blight on the area; and

WHEREAS, by Resolution #63-2013 (September 3, 2013), the Dunkirk Common Council affirmed support for the Chautauqua County Land Bank Corporation's (CCLBC) request for funding, to develop a program to assist in demolishing vacant and abandoned residential properties located in the City through the NYS Office of the New York Attorney General (Community Revitalization Initiative); and

WHEREAS, the CCLBC was successful in obtaining One Million Five Hundred Six Thousand Dollars and Zero Cents (\$1,506,000.00), in order to carry out community revitalization activities within Chautauqua County; now, therefore, be it

RESOLVED, that it is in the best interests of the City to participate with the Chautauqua County Land Bank Corporation, 200 Harrison Street, Jamestown, New York 14701, in the NYS Office of the New York Attorney General Community Revitalization Initiative; and, be it further

RESOLVED, that the Mayor is hereby directed and authorized to execute an Agreement and any related documents with the CCLBC in order to participate and receive certain reimbursement for approved demolition projects; and, it is finally

RESOLVED, that the Mayor is hereby directed and authorized to execute any Agreements with vendors or contractors engaged by or on behalf of the City for work undertaken in furtherance with the CCLBC Agreement, which such agreements are to incorporate by reference, each and every duty and responsibility contained in the agreement between the City and CCLBC.

Councilwoman Szukala asked Mayor Dolce to clarify the amount the city would get, the goal of the Land Bank Program and the number of houses and a time frame involved.

Mayor Dolce advised this is a new program by the Attorney General's Office, the city's portion is approximately \$250,000.00 and stated "their logic is \$25,000.00 per house, so \$250,000.00 theoretically for 2014, and other \$250,000.00 for 2015" and the goal is to have 20 houses demolished by the end of 2015.

Councilwoman Szukala asked is the \$250,000.00 for this year and \$250,000.00 for 2015; will the city's portion of funding come from CDBG funds and has this been approved for this year's action plan or five-year action plan.

Department of Development Director Neratko stated "it's a \$250,000.00 grant, we match that, a portion of that is matched with CDBG funds and the remainder is in-kind time, mainly Al's work regarding these properties." Department of Development Director Neratko advised it all has been approved in this year's action plan and five-year action plan; however, an additional \$100,000.00 will need to be added to the 2015 annual action plan.

Councilwoman Szukala asked Building/zoning Officer Zurawski if all the paperwork and documentation needed could be handled through his department.

Building/Zoning Officer Zurawski advised his office will be working with the Land Bank Director and CDGB Administrator Nicole Waite to make sure all documentation will be there and available if every needed.

Councilman Gonzalez advised there are a few homes and buildings in the city that are beyond repair and stated "adjacent neighbors or people that live next to these houses have the opportunity to buy the lot and put it back on the tax rolls, which is the idea of doing this."

Councilman-at-large Rosas asked if there was a list.

Building/Zoning Officer Zurawski advised a list has been presented which is subject to change.

Carried, all voting aye.

RESOLUTION #84-2014
OCTOBER 7, 2014

BY: COUNCILWOMAN SZUKALA

AUTHORIZING PARTICIPATION IN BORDER PATROL AUGMENTATION PROGRAM

WHEREAS, the County of Chautauqua has received certain grant funds in order to enhance law enforcement preparedness and operational readiness, along the borders of the United States among federal, State, local and tribal enforcement agencies; and

WHEREAS, the County of Chautauqua, through Resolution No. 137-13, is authorized to enter into an agreement with the City for such border patrol augmentation services for the period September 1, 2014 through August 31, 2015, with payment in an amount not to exceed Ten Thousand Dollars and Zero Cents (\$10,000.00), for overtime wages, and an amount not to exceed Two Thousand Six Hundred Twenty-Five Dollars and Zero Cents (\$2,625.00), for fringe benefits; and

WHEREAS, the City is ready, willing and able to provide such augmented border patrol services, through overtime details on land and on water, in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements with the County of Chautauqua, for the City to provide augmented border patrol services through overtime Police Department details on land and on water, in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats, for the period September 1, 2014 through August 31, 2015; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and City Treasurer be directed to create General Ledger to record these funds as follows:

Stone Garden Grant Account No. 001-0001-2288; and, further

Reimburse Police Department appropriation line:

Overtime Account No. 001-3120-1001,

as such funds are received from the County of Chautauqua.

Carried, all voting aye.

RESOLUTION #85-2014
OCTOBER 7, 2014

BY: ENTIRE COUNCIL

**AUTHORIZING LEASE TERMINATION
(PALMER-BRYANT REALTY)**

WHEREAS, the City of Dunkirk, by Resolution #85-2010, entered in to a five-year lease agreement with Palmer-Bryant Realty, for Suite 330-340 in the Stearns Building, 338 Central Avenue, Dunkirk, New York 14048, for office and television studio purposes; and

WHEREAS, there is no longer a need for such space and it would be in the best interests of the City to seek termination of such lease; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute a termination of lease agreement with Palmer-Bryant Realty, 332 Central Avenue, Dunkirk, NY 14048, terminating the lease agreement for Suite 330-340 in the Stearns Building, 338 Central Avenue, Dunkirk, New York 14048 (effective December 31, 2014).

Councilwoman Szukala asked is there an early lease termination fee.

Mayor Dolce advised there is no early lease termination fee.

Councilman Rivera asked Mayor Dolce to explain the purpose of terminating this lease agreement.

Mayor Dolce advised the city currently leases two office spaces in the Sterns Building; ACCESS 12 has moved to the Dunkirk High School studio, therefore, there is no longer a need to rent that space, resulting in a savings of approximately \$12,000.00 per year to the city. Mayor Dolce advised the Department of Development and CDBG offices will remain in the Sterns Building and thanked Access 12 Coordinator Mr. Smock, Dunkirk High School and the School District for making this space available to the city and the community.

Councilman Gonzalez inquired about the ACCESS 12 equipment in the Sterns Building.

Mayor Dolce advised Mr. Smock has categorized and labeled any equipment of value and it is stored at the high school studio, the rest will be discarded.

Carried, all voting aye.

RESOLUTION #86-2014
OCTOBER 7, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING LEASE AGREEMENT –
DEPARTMENT OF PLANNING AND DEVELOPMENT
(Palmer-Bryant Realty)**

WHEREAS, the City of Dunkirk has utilized certain space in Suite 210-220 in the Stearns Building, 338 Central Avenue, Dunkirk, New York 14048, for office and conference room space, for its' Department of Planning and Development; and

WHEREAS, it would be in the best interests of the City to undertake an agreement to continue the utilization of such space; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute a lease agreement with **Palmer-Bryant Realty**, 332 Central Avenue, Dunkirk, NY 14048, for Suite 210-220 in the Stearns Building, 338 Central Avenue, Dunkirk, New York 14048 (effective January 1, 2015), for three (3) years with the monthly rental rate for the first year to be One Thousand Forty-Nine Dollars and Ninety-Seven Cents (\$1,049.97); the monthly rental rate for the second year to be One Thousand Sixty Dollars and Forty-Seven Cents (\$1,060.47); and, the monthly rental rate for the third year to be One Thousand Seventy-One Dollars and Seven Cents (\$1,071.07).

Carried, all voting aye.

RESOLUTION #87-2014
OCTOBER 7, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS
(October 2014)**

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 2014, ending December 31, 2014; now, therefore be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

FUND 1

Description: Sanitary Services – Supply expenses higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.8120.4003	Sanitary Sewer	Supplies	\$ 100
001.8120.4036	Sanitary Sewer	Contracted Services	\$ (100)
		TOTAL	\$ -

FUND 3

Description: Wastewater Treatment – Repair and maintenance to vehicles expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4023	Wastewater Treatment	Repair & Maint to Veh	\$ 250
003.8130.4008	Wastewater Treatment	Safety Supplies	\$ (250)
		TOTAL	\$ -

FUND 1

Description: Building City Hall – Repair and maintenance expenses higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1620.4021	Building City Hall	Repair & Maint	\$ 1,000
001.8170.1000	Street Cleaning Op	Personnel	\$ 1,000)
		TOTAL	\$ -

FUND 2

Description: Water Distribution System - Contracted Services line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8340.4036	Water Distribution	Contracted Services	\$ 1,000
002.8340.4014	Water Distribution	Gas	\$ (1,000)
		TOTAL	\$ -

FUND 1

Description: Fire Department - Repair and Maintenance of Vehicles line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3410.4023	Fire Department	Vehicle Repair	\$ 3,000
001.3410.4021	Fire Department	Repair/Maint Bld	\$ (3,000)
		TOTAL	\$ -

FUND 3

Description: Wastewater Treatment – Repair and maintenance to vehicles expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4023	Wastewater Treatment	Repair & Maint to Veh	\$ 300
003.8130.4060	Wastewater Treatment	Vehicle Fuel	\$ (300)
		TOTAL	\$ -

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:52 PM

Nicole Joiner, City Clerk
