

COMMON COUNCIL PROCEEDINGS
November 19, 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: City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden and Police Chief Ortolano.

Councilwoman-at-Large Kiyak advised that Mayor Dolce and Fire Chief Ahlstrom are attending a meeting with Governor Cuomo and excused from tonight's meeting.

Certification of November 05, 2013 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, November 05, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Rob Sciarrino, 425 Townsend Street, Dunkirk, New York spoke in regards to a water problem at his property as well as neighboring houses, money that he has spent to try and fix the issue, and sewage backup problems. He is hoping the City will be able to help him resolve these water/sewage issues.

Walter Rutland, 184 W. Second Street, Dunkirk, New York spoke in regards to the waterfront property development he would like to see happen in the city, environmental issues/concerns with coal vs. natural gas, and also thanked the men and women of the Police force as well as the Fire Chief for doing a good job.

Jim Kuras, 418 Townsend Street, Dunkirk, New York spoke in regards to an article from the Dunkirk Observer dated April 3, 2013 that stated the drainage problem on Liberty Street was a top priority for the City and stated he can not do anything to displace the water in his basement without proper drainage from the City.

Councilwoman Szukala advised that she obtained a map of the areas and will be researching which sections affected are actually city property, received an email from Mayor Dolce stating that within 3 weeks the Vac-Com Truck will be brought over to suction out all of the man-hole covers in the area, and urged the residents to keep letting her know whenever there is an issue so she can help to resolve it.

Public Works Director Gugino advised that he has given the Streets Department "clear guidance" to clean all the mains in the area, reminded residents to make sure that all plumbers

hired for services are licensed, and stated that he will have this taken care of sooner than the 3 weeks mentioned.

Councilwoman Szukala reminded residents to keep the leaves out of the sewer area as this causes the water to drain improperly which can back-up the whole system at the Wastewater Treatment Plant.

Harriet "Skeeter" Tower, 438 Swan Street, Dunkirk, New York stated she was happy with the berm being cut and hoped to see that continue. She commended Councilwoman Szukala for responding to a need in her community and stated she was displeased with the lack of communication she received from her and another resident's Councilmember.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

No communications from Mayor.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Fire Chief Ahlstrom requesting permission to add Josh Szukala, Rey Cruz and Jacob Oliveras to the active fire roll.

Received and filed.

Notice of claim from Norman Yonkers for damages allegedly sustained to his vehicle from tree branches adjacent to 272 King Street.

Councilwoman-at-large Kiyak advised a motion to refer to the Law Department was needed.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that the Finance Committee is looking to establish a procedure to recoup monies spent during the asbestos/demolition process for fire damaged/uninhabitable properties that will be torn down in the City.

Councilman Michalski advised that the Finance Committee will recommend issuing RFP's for services such as Lawn Cutting, Cable Access Management, and Assistant to Building Inspector to ensure best service received for monies spent.

Councilman Michalski congratulated and thanked the Police Department for their quick action over the alleged robbery that happened earlier in the week.

Councilman Rivera advised that tonight's Common Council Meeting is being recorded and will air on 12:30 PM Thursday.

Councilman Rivera congratulated Mayor Dolce, Council, and Department Heads for completing the 2014 Budget in a timely manner and ensured that Council takes the future and what possibilities could happen when making their recommendations.

Councilman Gonzalez advised that the next Public Works Meeting has been rescheduled for Tuesday, December 3rd at 3:00 PM and reminded residents that his email address, and cell/home phone number (with voicemail) are publically listed should anyone need to contact him.

Councilwoman Szukala reminded residents, especially during times of high winds, to put out recycling on the morning it is supposed to be picked up to ensure that the containers/items are properly secured.

Councilwoman Szukala inquired to Police Chief Ortolano about the blinking light by School #3 as well as street lights that are currently out in the City.

Police Chief Ortolano advised that his night shift took a tour of the city, recorded all lights that need attention, and forwarded this list to Public Works Director Gugino to get in touch with National Grid for repair.

Councilwoman Szukala reminded residents that she will accept calls for all areas, and that if you can't get in touch with your Councilmember to please call another and they will help you make contact.

Councilwoman-at-large Kiyak advised that the next Economic Development meeting will be Monday, December 02 at 11:00 AM in the conference room.

Councilwoman-at-large Kiyak stated "Tonight, council will be voting on resolutions that address the Proposed Fiscal Year 2014 Budget. I'd like to thank the mayor for compiling a budget that addresses balancing the needs of the city with the fiscal realities of residents and businesses. As this year comes to a close, we can look at the budget we worked with in 2013 and know that it was a fairly realistic budget. It is my hope that the 2014 budget being passed is equally realistic when it comes to our revenues and expenses."

Councilwoman-at-large Kiyak advised that there will be a public hearing for the adopted 2014 City Budget on December 3, 2013 at 5:15pm in the courtroom, prior to the regularly-scheduled council meeting at 5:30 PM. "The budget is available for public inspection at the City Clerk's office here in City Hall from 9-4:45 PM daily, as well as on the City's website. Any questions should be submitted in writing to the attention of the City Clerk and you will receive a timely response. Written or oral comments may be presented at the hearing".

Councilwoman-at-large Kiyak inquired to Public Works Director Gugino as to the status of the Water Treatment Plant Consent Order.

Public Works Director Gugino advised that leaf pick-up crews are currently in the Forth Ward and will be heading over to the First Ward area shortly and then finishing up in the Second Ward. He advised that we are in "excellent shape" and under budget in regards to road salt.

Public Works Director Gugino advised that the EPA is at the Waste Water Treatment Plant conducting their 5-year Inspection for the next 2 days. He informed Council that the annual inspection at the Water Treatment Plant was conducted by the State & County Department of

Health. They reviewed all consent order items, will be issuing everyone a report once complete (2-3 weeks), currently had no concerns, and advised funding is in place for next year.

Director of Development Neratko informed that tomorrow at 6:00 PM the NY Mainstream Grant Meeting will take place at the Incubator, and an all day CDBG Technical Assistance Meeting for walk-ins will be held Thursday as well as a 6:00 PM Revitalize Dunkirk Meeting at the Incubator.

PRE-FILED RESOLUTIONS:

RESOLUTION #81-2013
NOVEMBER 19, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING BID ACCEPTANCE – DEMOLITION
(79 West Doughty Street (79.20-8-74))**

WHEREAS, by Resolution No. 27-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 34-2013, the Building Inspector was directed to service a notice to repair or remove upon the owner, and all other persons having an interest in the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 52-2013, the Building Inspector was directed to take all appropriate steps and procedures as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), in that such is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, sealed bids for demolition services were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on November 4, 2013, with one (1) bid being received for asbestos removal; and

WHEREAS, such bids have been reviewed by the Building Inspector; now, therefore, be it

RESOLVED, that the lowest responsible bid of **S. St. George Enterprises**, in the amount of Eight Thousand Nine Hundred Ninety-Nine Dollars and Zero Cents (\$8,999.00) be accepted for demolition at 79 West Doughty Street, Dunkirk, New York; and, be it further

RESOLVED, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, for such demolition services; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

Carried, all voting aye.

RESOLUTION #82-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

AUTHORIZING PRE-FILE DATE CHANGE
(DECEMBER 3, 2013 COMMON COUNCIL MEETING)

WHEREAS, the Rules of the Common Council (Section VI(2)) provide that resolutions must be filed with the City Clerk on the Thursday preceding a regularly-scheduled meeting; and

WHEREAS, the scheduled pre-file date for the Tuesday, December 3, 2013 meeting would fall on Thursday, November 28, 2013, which is Thanksgiving Day; now, therefore, be it

RESOLVED, that the pre-file date for the Tuesday, December 3, 2013, Common Council Meeting shall be Wednesday, November 27, 2013.

Carried, all voting aye.

RESOLUTION #83-2013
NOVEMBER 19, 2013

BY: THE ENTIRE COUNCIL

APPROVING USE OF RESTORE NY GRANT FUNDING FOR ATWATER CAPITAL,
LLC

(ROBERTS ROAD REDEVELOPMENT PROJECT)

WHEREAS, by Resolution No. 24-2009, the Common Council supported the RESTORE NY Grant Program and a certain application for the proposed Roberts Road Redevelopment Project (the “Program”); and

WHEREAS, after new Requests for Proposals were issued by the County of Chautauqua, Atwater Capital, LLC (“Atwater”) was designed as the preferred developer for the Roberts Road Redevelopment Project, as amended pursuant to Atwater’s plans (the “Project”); and

WHEREAS, the NYS Empire State Development Corporation has determined that the project is appropriate under the terms of the Program, and the Project is consistent with the existing local plan; now, therefore, be it

RESOLVED, that the City of Dunkirk supports the use of RESTORE NY Grant Program (the “Program”) funding for the Project, and the Project shall be eligible for the entire amount of any such grant funding received through the Program by the City pursuant to and consistent with the terms and conditions of the Program, with no cost to the City.

Councilwoman Szukala asked Director of Development Neratko to explain the purpose of this Resolution.

Director of Development Neratko advised that a few years ago the City, in conjunction with the County, received \$2.4 million worth of tax credits for work that would be done at the Roberts Road Edgewood Warehouse facility. Since the original project fell through, a new Developer is now interested in doing an \$8-10 million rehab of the structure for Warehousing and is looking for confirmation from Council that the tax credits would be authorized to them should they follow through with the project.

Carried, all voting aye.

RESOLUTION #84-2013
NOVEMBER 19, 2013

BY COUNCILMAN RIVERA:

**AUTHORIZING LEASE AGREEMENT WITH
CHAUTAUQUA COUNTY FAIR ASSOCIATION**

WHEREAS, the CHAUTAUQUA COUNTY FAIR ASSOCIATION (the “Fair Association”) is the owner of certain premises commonly known as the Chautauqua County Fair Association Agricultural and Commerce Building (the “Premises”), formerly known as the Roll Arena, which is located on the Fair Association’s property on Central Avenue, Dunkirk, NY, at the Chautauqua County Fairgrounds; and

WHEREAS, the City wishes to lease the Premises from the Fair Association in order to utilize it for recreational programs and activities; and

WHEREAS, the Fair Association is ready, willing and able to lease the Premises to the City for such uses; now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized to execute a Lease Agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the Roll Arena building at the Fairgrounds from January 1, 2014 through March 31, 2014, at a cost of Two Hundred Dollars and Zero Cents (\$200.00) per month) plus the cost of the ordinary and customary utilities for such building (e.g., natural gas, electricity, etc.); and, be it finally

RESOLVED, that the funds for such payments be made from

Account No. 001-7140-4150

Carried, all voting aye.

RESOLUTION #85-2013
NOVEMBER 19, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING BUDGET MODIFICATIONS (FY 2013)

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 2013, ending December 31, 2013; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2013 budget:

<u>Account Number</u>	<u>Department</u>	<u>Line</u>	<u>Increase</u>	<u>Decrease</u>
001.1310.1000	Fiscal Affairs	Personal Service	\$4,770.00	
001.1310.2000	Fiscal Affairs	Equipment	\$877.80	
001.1310.4036	Fiscal Affairs	Contracted Services		(\$4,770.00)
001.1310.4002	Fiscal Affairs	Supplies		(\$780.50)
001.1310.4001	Fiscal Affairs	Travel and Training		(\$97.30)
001.1620.4036	City Hall - Building	Contracted Services	\$2,000.00	
001.3410.4002	Fire Department	Supplies	\$1,500.00	
001.3410.2000	Fire Department	Equipment		(\$1,500.00)
001.5110.1010	Street Maintenance	Personal SVC-Part Time	\$5,000.00	
001.5110.4023	Street Maintenance	Repair & Maint. Vehicles		(\$5,000.00)
001.5182.4013	Street Lighting	Electric		(\$8,000.00)
001.7110.4023	Parks Division	Parks Vehicle Maint.	\$6,000.00	
TOTAL			\$20,147.80	(\$20,147.80)

002.1900.1990	General Services	Contingencies Allowance		(\$12,000.00)
002.8320.4015	Water Pur/Pumping	Chemicals		(\$3,000.00)
002.8320.4013	Water Pur/Pumping	Electric		(\$3,500.00)
002.8320.4736	Water Pur/Pumping	Contracted Services	\$6,500.00	
002.8340.4125	Water Distribution	Water Main Maint.	\$12,000.00	
TOTAL			\$18,500.00	(\$18,500.00)
GRAND TOTAL			\$38,647.80	(\$38,647.80)

Carried, all voting aye.

RESOLUTION #86-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

ADOPTION OF FY 2014 BUDGET

WHEREAS, Mayor Dolce submitted the proposed FY 2014 Budget to the Common Council on October 15, 2013, and was received and filed at the October 15, 2013 Common Council meeting; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2014 Budget and desires to make amendments to such Budget as herein below detailed; now, be it

RESOLVED, that Mayor Dolce's proposed FY 2014 Budget, be amended as follows:

General Fund Appropriations

001.1210.1000	6	Mayor's	Personnel Services	\$	300
001.1355.1000	7	Assessors	Personnel Services	\$	300
001.1410.1000	7	Clerk's	Personnel Services	\$	15,750
001.1420.1000	8	Law	Personnel Services	\$	300
001.1430.1000	8	Personnel	Personnel Services	\$	300
001.1490.1000	9	Public Works	Personnel Services	\$	37,000
001.1640.1000	10	Central Garage	Personnel Services	\$	2,100
001.1680.4050	11	Central Data Processing	Computer Program	\$	4,855
001.3120.1000	12	Police	Personnel Services	\$	77,760
001.1900.1990	12	General Serv	Contingencies	\$	750
001.3410.1000	13	Fire	Personnel Services	\$	160,000
001.3120.4150	13	Police	Rent/Lease	\$	2,000
001.3120.4080	13	Police	Prisoner Meals	\$	250
001.3410.2000	13	Fire	Equipment	\$	(5,000)
001.3120.4537	13	Police	Safety Educational	\$	250

001.3620.1000	15	Safety Ins	Personnel Services	\$ 750
001.3620.4036	15	Safety Ins	Contracted Services	\$ (5,000)
001.3620.4036	15	Safety Inspections	Contracted Services	\$ (4,855)
001.5110.1000	16	Maintenance of Streets	Personnel Services	\$ 3,000
001.5110.2000	16	Maintenance of Streets	Equipment	\$ (105,000)
001.5110.1010	16	Maintenance of Streets	Personnel Services - PT	\$ 2,000
001.5142.1000	17	Snow Removal	Personnel Services	\$ (16,944)
001.7110.1000	19	Parks	Personnel Services	\$ 2,500
001.7140.1000	20	Rec	Personnel Services	\$ 20,000
001.7140.1001	20	Recreation Department	Overtime	\$ 1,000
001.7310.1000	21	Youth	Personnel Services	\$ 5,300
001.7310.4803	21	Youth Programming	Peer Education Group	\$ (1,000)
001.8020.1001	23	Dept of Development	Overtime	\$ 750
001.8160.1000	24	Refuse	Personnel Services	\$ 5,140
001.8160.2000	24	Refuse/Garbage Collection	Equipment	\$ (115,000)
001.8560.1000	25	Tree Trimming and Removal	Personnel Services	\$ 16,944
			Net Change ->	\$ 106,500

General Fund Revenue

001.0001.1110	1	Sales and Use Tax		\$ 45,500
001.0001.2288	2	Stone Guard Grant		\$ 1,000
001.0001.2018	2	Emergency Medical Receipts		\$ (5,000)
001.0001.2650	4	Sale of Scrap & Excess Materials		\$ 65,000
			Net Change ->	\$ 106,500

Water Fund Appropriations

002.8320.1000	31	Water Purif	Personnel Services	\$ 15,000
002.1900.1990	31	General Services	Contingencies	\$ (17,000)
002.8340.1000	33	Water dist	Personnel Services	\$ 2,000
			Net Change ->	\$ -

Waste Water Fund Appropriations

003.8130.1000	39	WW Treat	Personnel Services	\$ 20,000
003.1900.1990	39	General Services	Contingencies	\$ (17,500)
003.1900.1991	39	General Services	Cap Projects	\$ (17,500)
003.8131.1000	40	WW Lab	Personnel Services	\$ 15,000
003.8131.4015	40	WW Lab	Chemicals	\$ 10,000
003.8130.4015	45	WW Treat	Chemicals	\$ (10,000)
			Net Change ->	\$ -

and, it is

further

RESOLVED, that Mayor Dolce's proposed FY 2014 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2014 Budget, and, it is finally

RESOLVED, that the City of Dunkirk Fiscal Year 2014 Budget requires the raising of taxes in the amount of **\$4,837,477.00**.

<u>Totals by FUND:</u>	<u>Revenues</u>	<u>Expenditures</u>
General	\$15,347,760	\$15,347,760
Water Treatment	\$ 3,094,544	\$ 3,094,544
Waste Water Treatment	<u>\$ 3,632,043</u>	<u>\$ 3,632,043</u>
<u>Grand Total</u>	<u>\$22,074,347</u>	<u>\$22,074,347</u>

Carried, all voting aye.

RESOLUTION #87-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

APPROVE FY 2014 APPROPRIATIONS

WHEREAS, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2014; now, therefore, be it

RESOLVED, that the specified amounts in the column labeled Adopted Budget in the General, Water Treatment and Wastewater Fund Budgets, be approved for expenditure for such items, effective January 1, 2014.

Carried, all voting aye.

RESOLUTION #88-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

AUTHORIZING WARRANT FOR FY 2014 BUDGET

WHEREAS, the FY 2014 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure; now, therefore, be it

RESOLVED, that the attached warrant be delivered to the City Treasurer and a tax levy of **\$4,837,477.00** be established at a rate of **\$17.301632** per \$1,000 of assessed valuation, based upon the total City assessed valuation of **\$279,596,568.00**.

Carried, all voting aye.

RESOLUTION #89-2013
NOVEMBER 29, 2013

BY: THE ENTIRE COUNCIL

**DECLARING November 25th THROUGH December 1ST AS
SHOPTAUQUA WEEK**

WHEREAS, the Chautauqua County Chamber of Commerce has continued a buy-local initiative entitled "**SHOPTAUQUA**," which helps raise awareness regarding the importance of buying local, in order to support local businesses and the local economy; and

WHEREAS, buying local, supports local businesses and keeps jobs in the community; now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby declares the week of November 25, 2013 through December 1, 2013, to be **SHOPTAUQUA WEEK** and supports the buy local initiative of the Chautauqua County Chamber of Commerce.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:00 PM

Nicole Joiner, City Clerk
