

PUBLIC HEARING

November 4, 2014

The public hearing was called to order at 5:17 PM by Councilman-at-large Rosas.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala, Councilman-at-large Rosas.

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Public Works Director Gugino, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczek, Personnel Administrator Heyden, Recreational Program Coordinator Gornikiewicz and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Rosas.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Mayor Dolce's Proposed 2015 City Budget:

PUBLIC COMMENTS:

Richard Makuch, 747 Deer Street, Dunkirk, New York asked why the library is receiving \$135,000.00, will they be receiving this amount every year and do they have to account where these monies are going. Mr. Makuch stated "with the buildings in disarray in the City of Dunkirk and the equipment in the city garage in disarray, can we afford to give them \$135,000.00 and still take care of the equipment at the city garage?"

Councilman Gonzalez advised the library received this amount last year and will continue to receive this amount unless the city decides to cut it.

Councilwoman Szukala advised she represents the city on the Dunkirk Library Board and stated "the library at this time is looking to change the direction of the library in the next year or so; possible changing it over from a Dunkirk Free Library to a Dunkirk Public Library, which would be in connection with the school system itself, which would eliminate any funding from the city entirely and their options to do funding raising." Councilwoman Szukala further advised there are two libraries in Chautauqua and Erie counties that recently changed from a free library to a public library and stated "the funding would be separately funded through the school system and the educational purposes of books, rather than the city."

Public Hearing closed at 5:20 PM

Nicole Joiner, City Clerk

COMMON COUNCIL PROCEEDINGS

November 4, 2014

The meeting was called to order at 5:30 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, 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, Recreational Program Coordinator Gornikiewicz, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of October 21, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, October 21, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Richard Makuch, First Vice Commander of the Dunkirk Joint Veterans Council, 747 Deer Street, Dunkirk, New York spoke in regard to the annual Memorial Day parade, advised the budget amount for this parade has been reduced, requested the city increase the budget amount from \$1,700.00 to \$3,000.00 and stated "I know that's a lot of money right now but the Memorial Day parade is for the residents of this city and we have to show them that we care about them and we need more money to do that."

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce welcomed Adam Dolce, Community Relations Director, and students from the Cassadaga Job Corps, advised the Job Corps is celebrating its 50th Anniversary and presented Mr. Dolce with the following Certificate of Recognition:

CERTIFICATE OF RECOGNITION

- WHEREAS,** Job Corps is celebrating its 50th Anniversary this year; and
- WHEREAS,** Job Corps is the nation's largest and most comprehensive residential education and job training program for at-risk youth, ages 16 through 24; and
- WHEREAS,** centers combine classroom, practical, and work-based learning experiences to prepare youth for stable, long-term, high-paying jobs and a higher quality of life; and
- WHEREAS,** besides providing education and training skills to students, Job Corps has also incorporated community service projects for the students in order for them to gain a greater understanding of how their individual actions affect the well being of the public; and
- WHEREAS,** by combining education and training with involvement in community service, students have an advantage in real-world experience and may also increase their social connectivity;

NOW, THEREFORE, I, Anthony J. Dolce, by virtue of the authority vested in me as Mayor of the City of Dunkirk, and on behalf of the Dunkirk Common Council, do hereby deem it an honor and pleasure to extend this **Certificate of Recognition** to Job Corps on the occasion of their 50th Anniversary with our sincere congratulations and heartfelt thanks to the leaders and instructors for their commitment and dedication in helping individuals to reach their occupational goals and ultimately - a better life.

Best wishes for many more years of continued success in the future!

ANTHONY J. DOLCE, Mayor

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from The United States Flag Football Association to use the Pangolin Street and Fourth Street Fields on December 6th and 7th for their National Championship Tournament. Also requesting the use of trash barrels.

Councilwoman Szukala asked Department of Public Works Director Gugino if he had any concerns regarding this petition, inquired how this petition was brought to the city's attention and stated she welcomes this event as it will have a positive economic impact on the city.

Department of Public Works Director advised he has no concerns regarding this petition.

Recreation Program Coordinator Gornikiewicz advised this group contacted local resident Rudy Thomas who in turned forwarded this information to him and stated 20 teams throughout the East Coast intend on participating in this tournament.

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 was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of Claim from Jason Berneski for damages to his vehicle allegedly caused by a tree branch.

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

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski asked Department of Public Works Director Gugino for an update on the Seawall Project and will the project be completed before the end of this calendar year.

Department of Public Works Director Gugino advised the project is proceeding well, is approximately one-third completed and was scheduled to be completed by the end of this calendar year; however, due to the weather, a change order resolution may be presented to the council should the company need additional time to complete the project.

Councilman Michalski advised the Common Council will hold a Budget Review Meeting regarding the Mayor's 2015 Proposed Budget this Monday and will address Mr. Makuch's concerns at that time.

Councilman Michalski congratulated the Cassadaga Job Corps on their anniversary and thanked them for attending tonight's meeting.

Councilman Rivera thanked Department of Public Works Director Gugino for his work regarding the streets paving project and asked for an update.

Department of Public Works Director Gugino advised the project is 99.99 percent completed with minor finishing touches to be completed, thanked everyone especially Randy Woodbury and Mike Porpiglia and stated this project was long overdue for the city.

Councilman Gonzalez advised the next Personnel Committee Meeting will be held on Monday, November 17th at 6:00 PM and stated they will be discussing new fees for the Recreational Department as these fees have not been addressed in many years.

Councilman Gonzalez advised he stopped by the Seawall to check on its progress, spoke with the contractor and advised the contractor stated the project was ahead of schedule.

Councilman Gonzalez congratulated the Cassadaga Job Corps on their anniversary.

Councilwoman Szukala asked for an update on the Land Bank Program.

Building/Zoning Officer Zurawski proceeded to explain the progress of the Land Bank Program.

Councilwoman Szukala asked Department of Public Works Director Gugino to explain hydrant flushing to city residents and could the list of streets affected be posted to the city's website.

Department of Public Works Director Gugino advised hydrant flushing began this week; his crews are flushing hydrants at night and advised he will have a list of the streets affected posted to the city's website.

Councilwoman Szukala asked Personnel Director Heyden will he be submitting a resolution regarding who the city uses for its random drug testing in the near future as last year's contract was a one year contract.

Personnel Administrator Heyden advised there will be a resolution in the near future regarding this matter.

Councilwoman Szukala reminded city residents to vote today and that polls will remain open until 9:00 PM.

Councilwoman Szukala advised that she has spoken at length with Mr. Makuch regarding the proposed budget; she has concerns about the budget as a whole and offered her services to the group for fundraising purposes should the group decide to go that route.

Councilman-at-large Rosas had nothing to report at this time.

PRE-FILED RESOLUTIONS:

RESOLUTION #89-2014
NOVEMBER 4, 2014

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, 2014 TO MARCH 31, 2015)**

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, 2014, and terminates on March 31, 2015, and during which reimbursement has been allocated to not exceed Thirty-Two Thousand Four Hundred Forty-Five Dollars and Zero Cents (\$32,445.00); 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, 2014 to March 31, 2015) for which reimbursement shall be in an amount not to exceed Thirty-Two Thousand Four Hundred Forty-Five Dollars and Zero Cents (\$32,445.00) to compensate the City for cleaning and minor repairs for space utilized by City Court.

Carried, all voting aye.

RESOLUTION #90-2014
NOVEMBER 4, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS
(November 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: Treasury Department – Unanticipated purchase of new commercial printer.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1325.2000	Treasury	Equipment	\$ 1,125
001.1325.2005	Treasury	Equipment Non-Capital	\$ (300)
001.1325.4002	Treasury	Supplies	\$ (825)
		TOTAL	\$ -

FUND 2

Description: Water Purification – Repair and maintenance to vehicles expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4023	Water Purification	Repair & Maint to Veh	\$ 250
002.8320.2000	Water Purification	Equipment	\$ (250)
		TOTAL	\$ -

FUND 2

Description: Water Purification – Contracted Services expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4736	Water Purification	Contracted Services	\$ 1,500
002.8320.4115	Water Purification	Sewer Fees	\$ (1,500)
		TOTAL	\$ -

FUND 2

Description: Water Distribution System – Water Main Maintenance line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8340.4125	Water Distribution	Water Main Maint	\$ 15,500
002.8320.4115	Water Purification	Sewer Fees	\$(15,500)
002.8340.4125	Water Distribution	Water Main Maint	\$ 10,000
002.1900.1990	Water General Serv	Contingencies Allow	\$(10,000)
		TOTAL	\$ -

FUND 2

Description: Water Laboratory – Other Expense line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8330.4003	Water Laboratory	Other Supplies	\$ 100
002.8330.2005	Water Laboratory	Equipment-Non-Capital	\$ (100)

001.1420.4034	Legal	Law Library Purchases	\$ (800)
001.1420.4001	Legal	Travel & Training	\$ (200)
001.1420.4002	Legal	Supplies	\$ (200)
		TOTAL	\$ -

FUND 3

Description: Waste Water Treatment – Contracted Services line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4036	Waste Water Treat	Contracted Services	\$ 15,000
003.1900.1990	General Services	Contingencies Allowance	\$(15,000)
		TOTAL	\$ -

Councilwoman Szukala advised city residents every budget modification in this Resolution was reviewed line by line at the last Finance Committee Meeting.

Carried, all voting aye.

RESOLUTION #91-2014
NOVEMBER 4, 2014

BY: COUNCILMAN MICHALSKI

**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 December 15, 2014 through April 15, 2015, 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 #92-2014
NOVEMBER 4, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZING BOARDWALK LEASE AGREEMENT EXTENSION
(L. Campese & Sons d/b/a Campi's Pizza)

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") located at 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk currently has lease arrangements for space in the Boardwalk with **L. Campese & Sons**, to lease a portion of the Boardwalk for retail sales of pizza and related foodstuffs; and

WHEREAS, **L. Campese & Sons** has properly requested a two-year renewal of the lease for such premises; now, therefore, be it

RESOLVED, that the Mayor, is hereby authorized to execute a lease agreement with **L. Campese & Sons d/b/a Campi's Pizza**, 12340 Hanover Road, Silver Creek, New York 14136, for rental of 8 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (May 1, 2015 through April 30, 2017) at an annual rental of Six Thousand Three Hundred Seventy-One Dollars and Zero Cents (\$6,371.00).

Councilman Gonzalez asked will this business be open year round.

Mayor Dolce advised he has spoken with the owner and stated the city's preference is that they remain open longer and proceeded to explain the new lease and other leases at the Boardwalk.

Councilman Michalski asked has the new lease payment increased, decreased or remained the same as they are currently paying.

Mayor Dolce advised the new lease payment will be an increase over their current lease and matches the lease payment that Papaya Arts is now paying, as both sites have the same square footage.

Department of Development Director Neratko advised the lease payment will be a 5.5 percent increase over their current lease payment.

Councilman Rivera asked is there a lease renewal option in the new lease.

Department of Development Director Neratko advised the new lease does not have a lease renewal option.

Vote on Resolution:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala,
Councilman-at-large Rosas.

No: Councilman Gonzalez.

Carried, 4-1.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:53 PM

Nicole Joiner, City Clerk
