

**PUBLIC HEARING
November 5, 2013**

The public hearing was called to order at 5:20 PM by Councilwoman-at-large Kiyak.

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

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas and Clerk, Board of Assessors Mleczko.

Notice of Public Hearing was read by Councilwoman-at-large Kiyak.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Mayor Dolce’s Proposed 2014 City Budget:

Councilwoman-at-large Kiyak advised the proposed 2014 budget is available for public inspection in the City Clerk’s Office from 9:00 AM until 5:00 PM is available on the City’s website and anyone with questions regarding the budget should submit them in writing to the attention of the City Clerk and they will receive a timely response.

PUBLIC COMMENTS:

No one spoke.

Public Hearing closed at 5:22 PM

Nicole Joiner, City Clerk

**COMMON COUNCIL PROCEEDINGS
November 5, 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, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of October 15, 2013 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, October 15, 2013 be dispensed with.

Motion by Councilwoman Szukala 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 stated he is a community activist for the poor and underprivileged in the City of Dunkirk and commended Police Chief Ortolano, Fire Chief Ahlstrom and Mayor Dolce for their work in the City. Mr. Rutland advised there is a high rate of cancer in the Dunkirk/Fredonia area, lost his partner to cancer one year ago and asked city officials to look at other environmental solutions that could help reduce the cancer rate in our area.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised Absolute Care Facility has discontinued their assessment challenge against the City.

Mayor Dolce advised the city has been successful in obtaining two grants; the first is the Land Bank Grant which will allow the city to demolish approximately 20 houses during the next two years, the second is the Bed Tax Grant. Mayor Dolce stated “the purpose of the bed tax money is to increase the amount of visitors we get to our festivals, our summer festivals and we are to expand our marketing to out-of-the area residents with this money.”

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Harvest Chapel Church requesting permission to use Washington Park on December 7, 2013 from 2:00 PM until 4:00 PM with an additional hour on each end for set-up and clean up for their “Courtney Street Christmas.” Also requesting permission to set-up tents and bring a lawn tractor for train rides and horses for horse and carriage rides and or a petting zoo.

Councilwoman Szukala advised she had concerns about the use of the lawn tractor for the train rides and horse request should the lawn be wet and muddy.

Department of Public Works Director Gugino advised this group has been holding this event for the past four or five years, use the pavement in the park if the lawn is too wet and are good at self policing themselves in regards to cleaning up the park after their event.

Councilwoman-at-large Kiyak 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 the premises are 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 Michalski.

Carried, all voting aye.

Notice of Claim from Barbara Sullivan for personal injuries sustained allegedly due to a fall in front of 109 Mullet Street.

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

Councilman Rivera 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 advised the next Finance Committee Meeting will be held on Monday, November 18th at 4:15 PM and asked Mayor Dolce when the City Engineer position will be filled.

Mayor Dolce advised the City Engineer position will be filled within the next few weeks.

Councilman Rivera announced tonight's council meeting will be broadcast on ACCESS 12 this Thursday at 12:30 PM and is eager to continue work on the 2014 budget review process this Friday.

Councilman Gonzalez advised the next Public Works Meeting will be held on November 18th at 3:00 PM and reminded residence to vote tonight.

Councilwoman Szukala asked Department of Development Director Neratko for an update on the Main Street and SUNY 20/20 grant applications.

Department of Development Director Neratko stated a meeting will be held on November 20th at 6:00 PM at the SUNY Incubator regarding the Main Street Grant, is mainly for the building owners and business owners from that district and is open to the public. Department of Development Director Neratko advised the SUNY 20/20 grant was not awarded last round but they are looking into the next round of SUNY 20/20 and that application is due in early December.

Councilwoman Szukala stated as the winter season is approaching she has concerns regarding potholes in and around the Millennium Parkway Project area, the raised grates on the sides of the road and asked if reflectors could be installed to let motorist know they are approaching a raised grate.

Department of Public Works Director Gugino stated he also has concerns regarding the condition of the streets in that area, spoke with the Inspector of this project about his concerns and stated they are aware of the situation; they will take care of the potholes and stated this is a county project, not a city project.

Councilwoman Szukala inquired about the cracked sidewalks in that area.

Department of Public Works Director Gugino advised those sidewalks should be taken care of as part of the final grade/final completion scope of this project.

Councilwoman Szukala inquired about leaf pickup in the city.

Department of Public Works Director Gugino advised he is looking to start leaf pickup soon and a press release will be issued within the next 24 to 48 hours on when and how the work will be done.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino for an update on the paving project.

Department of Public Works Director Gugino advised the Hot-In-Place, hot patching, cold patching; Bike Path, Phase II and West End Waterline projects have been completed and the Bike Path and West End Waterline projects both came in under budget.

Councilwoman-at-large Kiyak advised it was her understanding a sealant has not been placed on the streets and inquired how will the new pavement be affected by the winter weather without the sealant?

Department of Public Works Director Gugino advised this is a difficult question to answer, the final top coat application on these streets will not be applied until spring and stated "will the application you see done now hold up 100%, no but I would say you've got 90% of the work out of the way and I've got to compliment the contractor that came in."

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino for an update on Water Treatment Plant Consent Order.

Department of Public Works Director Gugino advised filter bed six is complete, bids will go out within the next few weeks for the 2013 phase of work covered under the 4.4 million dollar renovation and the project is on schedule.

PRE-FILED RESOLUTIONS:

RESOLUTION #78-2013
NOVEMBER 5, 2013

BY THE ENTIRE COUNCIL:

**CONSENTING TO TOWN OF DUNKIRK TO SERVE AS LEAD AGENCY
(ROBERTS ROAD WATER SERVICE AREA)**

WHEREAS, the Town of Dunkirk is proposing the creation of the Town of Dunkirk Comprehensive Town Water District, Water Service Area No. 1; and

WHEREAS, the Town must conduct an environmental review of the proposed action in accordance with New York State SEQRA regulations and the Town has concluded that it should be designated as the Lead Agency for any coordinated environmental review; and

WHEREAS, involved/interested agencies, including the City of Dunkirk, are being asked to consent to the Town serving as Lead Agency; now, therefore be it

RESOLVED, that the City of Dunkirk consents to the Town of Dunkirk serving as Lead Agency for the proposed creation of the Town of Dunkirk Comprehensive Town Water District, Water Service Area No. 1, and the Mayor is directed to execute any related consents or similar documentation to this effect.

Councilwoman Szukala advised council has had discussions regarding this Resolution asked Department of Public Works Director Gugino to explain it to the public.

Department of Public Works Director Gugino advised the Town of Dunkirk is looking to expand water service to the residents and businesses in the East Town as they currently have well water. This resolution allows the Town of Dunkirk to be the lead agency in conducting the SEQRA review, the Town is financing the project and stated “we are the initial provider of water to the Town, they’re looking to extend the people to buy the water from the city; to the city it’s a plus plus because it’s added volume, sales, revenue but more importantly for the customers they’re going to get a quality grade of water versus well water.”

Carried, all voting aye.

RESOLUTION #79-2013
November 5, 2013

By: The Entire Council

**APPROVING SETTLEMENT OF ARTICLE SEVEN TAX CERTIORARI LITIGATION
(OGDEN NEWSPAPERS OF NEW YORK, INC.)**

WHEREAS, the City of Dunkirk, through its Department of Assessment, is the taxing jurisdiction that provides assessment valuations for all real property within the City of Dunkirk; and,

WHEREAS, the City has set assessments for all such properties and has afforded an opportunity for all property owners to challenge or to contest their assessments; and,

WHEREAS, the City has been served with a Notice and Petition for proceedings, under NY Real Property Tax Law Article Seven, challenging the City’s assessment of 8-10 East Second Street, owned by Ogden Newspapers of New York, Inc. with a demand that the assessed valuation be reduced from \$557,400 to \$246,000; and,

WHEREAS, after preliminary Court conferences and negotiations with the petitioner, a settlement has been reached that the Department of Assessment and Law Department believe is in the best interests of the City; now, therefore, be it

RESOLVED, that the City of Dunkirk hereby approves a settlement of the NY Real Property Tax Law Article Seven proceeding regarding 8-10 East Second Street, owned by

Ogden Newspapers of New York, Inc., with the assessed value to be set at \$400,000 commencing with the 2013-2014 tax year; and, be it finally

RESOLVED, that all appropriate stipulations or other necessary documents be executed to reflect such settlement.

Carried, all voting aye.

RESOLUTION #80-2013
NOVEMBER 5, 2013

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. 20-12, is authorized to enter into an agreement with the City for such border patrol augmentation services for the period August 1, 2013 through August 31, 2014, with payment in an amount not to exceed \$14,000.00 for overtime wages and an amount not to exceed \$3,500.00 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 August 1, 2013 through August 31, 2014; 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.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:52 PM

Nicole Joiner, City Clerk
