

COMMON COUNCIL PROCEEDINGS
February 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: 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, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of February 5, 2013 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, February 5, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce welcomed Patrick Brennan to the meeting, advising that he worked with the Chadwick Bay Group. He thanked him for taking the time to come down and answer any questions arising during resolution time. Mayor Dolce stated that we are ready to take on the role of "lead applicant", amending the resolution, and stated that this is another step in a lengthy process, but excited to be doing this.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from First Ward Falcon Club to use the Stadium and School #7 softball fields on May 11th for the Early Bird Fast Pitch Softball Tournament.

Councilman Rivera moved that permission be granted with referral to the Public Works, Police, Fire and Law Departments, and contingent on prior proof of appropriate insurance by the Sponsor, and by all participating vendors or contractors naming the City as additional insured. Seconded by Councilman Michalski.

Carried, all voting aye.

Request from First Ward Falcon Club to use the Stadium & Veterans Fields on July 19th to the 21st, waiver of the curfew for all three days, and permission for a food stand around the Stadium for that weekend.

Councilman Gonzalez questioned if any other food stands would be allowed.

Public Works Director Gugino advised that this is usually opened up to outside vendors, and they solicit several different vendors every year.

Councilwoman Szukala moved that permission be granted with referral to the Public Works, Police, Fire and Law Departments, and contingent on prior proof of appropriate insurance by the Sponsor, and by all participating vendors or contractors naming the City as additional insured. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski congratulated Police Chief Ortolano on the arrest for the series of recent burglaries. He stated that hopefully through the efforts of our Police Department along with the Fredonia Department, this will not continue to happen.

Councilman Rivera also thanked the Police Chief for his investigation work on the robberies.

Councilman Rivera also advised that a Personnel Meeting would be held sometime in March. He also stated that there was no one present tonight concerning the work on "property management," but he would be meeting with the Mayor in a couple weeks to get this moving along in the future.

Councilman Gonzalez also thanked the Police Chief for the excellent work.

Councilwoman Szukala advised that two industrial water meters were not installed, that the Consent Order states that it's at 100%, and questioned if a letter from the City Attorney was necessary to move the process along.

City Attorney Szot stated he did not know the issue with the industries, why delinquent or in violation, but if she will need to let him know which industries.

Councilwoman Szukala also questioned the progress on the Union Contracts. Mayor Dolce stated that a meeting is scheduled for March 7th and he was waiting for a call back on the other one.

Councilwoman Szukala further stated that Council requested the daily activities when employees are not picking up recyclables.

Public Works Director Gugino stated that the request was sent last week, he was on vacation, and this was forwarded to Mike Porpiglia. He advised that there was no recyclable pick up yesterday, she will be provided with this, and there are usually four to five people available daily when there's no recycling.

Councilwoman Szukala also questioned why time cards were not signed last week by the Supervisor for some employees in the Public Works Department.

Public Works Director Gugino advised that they were signed today, that the Mayor has the option to sign them, waited until he got back, and they reviewed them.

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

PRE-FILED RESOLUTIONS:

RESOLUTION #12-2013
FEBRUARY 19, 2013

BY ENTIRE COUNCIL:

**AUTHORIZING AGREEMENT TO PROVIDE RANDOM DRUG TESTING
(COMPLETE TESTING SERVICES)**

WHEREAS, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

WHEREAS, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

WHEREAS, Complete Testing Services has satisfactorily performed this function for the City in the past and is ready, willing and able to provide such services in a good and workmanlike manner; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with Complete Testing Services, 4200 Sheva Lane, Hamburg, New York 14075 for the administration of the standard random selection drug testing program.

Carried, all voting aye.

RESOLUTION #13-2013
FEBRUARY 19, 2013

By The Entire Council:

**AUTHORIZING CITY AS LEAD APPLICANT
(Efficiency Implementation Grant)**

WHEREAS, the New York State Department of State has made funding available for 2013 Local Government Efficiency Grant Programs to assist applicants in implementing plans to improve local government efficiency and cost savings; and

WHEREAS, the City of Dunkirk is a constituent member of the Chadwick Bay Region of Communities (CBRC) and the Chadwick Bay Regional Development Corporation (CBRDC); and

WHEREAS, the following communities in the Chadwick Bay Region deem it advantageous to join together in seeking an Efficiency Implementation Grant from the Department of State, to wit: City of Dunkirk, Village of Fredonia, Town of Sheridan, Town of Pomfret, Town of Dunkirk, Town of Portland, and Village of Brocton; and

WHEREAS, the City is an eligible applicant for this program in conjunction with the Co-Applicants the Town of Dunkirk, Town of Sheridan, Village of Brocton, Village of Fredonia, Town of Pomfret, Town of Portland and the support of the CBRDC; and

WHEREAS, the CBRDC has passed a resolution in support of this application and will supply the required 10% matching funds for this grant; and

WHEREAS, the application will seek \$400,000 in total monies, \$360,000 in a Department of State Grant, and \$40,000 for a local share for the Chadwick Bay Regional Water Development Water System Project; and

WHEREAS, the City is the optimal lead applicant based on its position within the potential project and technical abilities; now, therefore be it

RESOLVED, that the Common Council confirms that the City of Dunkirk shall act as lead applicant for an Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the NYS Department of State for the purposes of the Chadwick Bay Regional Water System Development; and it is further

RESOLVED, that the City of Dunkirk shall be not be responsible for any portion of the local share and that should the CDBRC or other related entity be required to contribute to any local share, the City, being one-seventh of the CBRDC, would be responsible for no more than one-seventh of the net local share balance required to fund the local share contribution (\$5,715.00 maximum contribution); and it is further

RESOLVED, that the Mayor is hereby authorized and directed to execute all necessary Grant Application Documents for submission to the Department of State Local Government Efficiency Grant Program; and, it is finally

RESOLVED, that the City of Dunkirk shall assume the role of Lead Applicant and Steve Neratko, City Director of Planning & Development shall act as the Lead Applicant Contact Person.

Councilwoman-at-large Kiyak called for a motion to amend this resolution as follows:

Delete in the second Resolved clause as follows:

"and that should the CDBRC or other related entity be required to contribute to any local share, the City, being one seventh of the CDBRC, would be responsible for no more than one

seventh of the net local share balance required to fund the local share contribution (\$5715.00 maximum contribution)"

and Add as follows:

"whether directly or through an assessment to the CBRC or CBRDC"

Motion to amend by Councilman Rivera. Seconded by Councilwoman Szukala.

Vote on amendment: Carried, all voting aye.

RESOLUTION #13-2013
FEBRUARY 19, 2013

By The Entire Council:

AUTHORIZING CITY AS LEAD APPLICANT
(Efficiency Implementation Grant)

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WHEREAS, the City of Dunkirk is a constituent member of the Chadwick Bay Region of Communities (CBRC) and the Chadwick Bay Regional Development Corporation (CBRDC); and

WHEREAS, the following communities in the Chadwick Bay Region deem it advantageous to join together in seeking an Efficiency Implementation Grant from the Department of State, to wit: City of Dunkirk, Village of Fredonia, Town of Sheridan, Town of Pomfret, Town of Dunkirk, Town of Portland, and Village of Brocton; and

WHEREAS, the City is an eligible applicant for this program in conjunction with the Co-Applicants the Town of Dunkirk, Town of Sheridan, Village of Brocton, Village of Fredonia, Town of Pomfret, Town of Portland and the support of the CBRDC; and

WHEREAS, the CBRDC has passed a resolution in support of this application and will supply the required 10% matching funds for this grant; and

WHEREAS, the application will seek \$400,000 in total monies, \$360,000 in a Department of State Grant, and \$40,000 for a local share for the Chadwick Bay Regional Water Development Water System Project; and

WHEREAS, the City is the optimal lead applicant based on its position within the potential project and technical abilities; now, therefore be it

RESOLVED, that the Common Council confirms that the City of Dunkirk shall act as lead applicant for an Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the NYS Department of State for the purposes of the Chadwick Bay Regional Water System Development; and it is further

RESOLVED, that the City of Dunkirk shall be not be responsible for any portion of the local share whether directly or through an assessment to the CBRC or CBRDC; and it is further

RESOLVED, that the Mayor is hereby authorized and directed to execute all necessary Grant Application Documents for submission to the Department of State Local Government Efficiency Grant Program; and, it is finally

RESOLVED, that the City of Dunkirk shall assume the role of Lead Applicant and Steve Neratko, City Director of Planning & Development shall act as the Lead Applicant Contact Person.

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

RESOLUTION #14-2013
FEBRUARY 19, 2013

BY: ENTIRE COUNCIL

**ACCEPTING NY MAIN STREET PROGRAM GRANT
(NYS Division of Housing & Community Renewal)**

WHEREAS, the City submitted an application, pursuant to Resolution No. 54-2012, for a grant to the NYS Division of Housing & Community Renewal (“NYSHCR”) for a project grant under the New York State Main Street Program for a project to be located within the designated target area (the “Project”); and

WHEREAS, such application was approved for a New York Main Street award in the amount of Two Hundred, Fifty Thousand Dollars and Zero Cents (\$250,000.00); and

WHEREAS, such Project would enhance the City and provide greater opportunities for the use and re-development of the Project area; now therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with the NYS Division of Housing & Community Renewal to accept and utilize funds for use by the City of Dunkirk for the New York State Main Street Program for a New York Main Street award in the amount of Two Hundred, Fifty Thousand Dollars and Zero Cents (\$250,000.00); and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and make the necessary budget line modifications to properly account for the receipt and use of the monies for the New York Main Street Program.

Carried, all voting aye.

RESOLUTION #15-2013
FEBRUARY 19, 2013

BY THE ENTIRE COUNCIL:

CONFIRMING SUPPORT FOR NYS CONTACT INFORMATION LEGISLATION

WHEREAS, vacant, abandoned and foreclosed homes have proliferated throughout New York State for several years; and

WHEREAS, such vacant structures that are not maintained for months-at-a-time degrade and depreciate the value of the vacant structure, as well as the value and character of the surrounding properties; and

WHEREAS, lending institutions that hold mortgages on such vacant structures do not always provide appropriate contact information for a party responsible for the maintenance of such structure; and

WHEREAS, NY Assembly Bill A.88 and NY Assembly Bill A.824, currently pending in the NYS Legislature, would make it mandatory for lending institutions to provide appropriate contact information of parties responsible for such vacant structures and would require a good-faith effort in obtaining a foreclosure; now, therefore be it

RESOLVED, that the Common Council confirms that the City of Dunkirk support passage of NY Assembly Bill A.88 and NY Assembly Bill A.824.

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with the NYS Division of Housing & Community Renewal to accept and utilize funds for use by the City of Dunkirk for the New York State Main Street Program for a New York Main Street award in the amount of Two Hundred, Fifty Thousand Dollars and Zero Cents (\$250,000.00); and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and make the necessary budget line modifications to properly account for the receipt and use of the monies for the New York Main Street Program.

Carried, all voting aye.

RESOLUTION #16-2013
FEBRUARY 19, 2013

BY COUNCILMAN RIVERA:

**AUTHORIZING AWARD OF WEST END 12" WATER MAIN
CLEANING AND LINING CONTRACT
(Mainlining Service, Inc.)**

WHEREAS, sealed bids for the **West End 12" Water Main Cleaning and Lining Project** were received and opened on February 7, 2013 at 10:00 a.m. local time, with four (4) bidders responding, now, therefore, be it

RESOLVED, upon the review and recommendation of Director of Public Works Gugino and Nussbaumer and Clarke, Inc., that the low bid of **Mainlining Service, Inc.**,

555 Pound Road, Elma, New York 14059, be accepted in the amount of **\$536,678.00** for the above noted project, and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute any necessary documents on behalf of the City of Dunkirk with Mainlining Service, Inc., for the above described Cleaning and Lining Project in accordance with the bid documents and that funding shall be allocated from Capital Projects Fund 15, and, be it further

RESOLVED, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts in Capital Projects Fund 15 necessary for this project, and, be it finally

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

Councilwoman Szukala questioned if this was done periodically, when done on the west and, and if it was part of the Consent Order.

Public Works Director Gugino advised that this was never done, is part of the Consent Order, part of the thinking for the future, being an integral part for the City with points for future needs for the Water Filtration Plant and filtered water.

Mayor Dolce advised that this was the project that Senator Young proposed for a \$250,000 grant to be applied for this.

Vote on resolution: Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:45 PM

Lacy Lawrence, City Clerk
