

COMMON COUNCIL PROCEEDINGS
March 4, 2014

The meeting was called to order at 5:30 PM by Councilman Michalski followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez and Councilwoman Szukala.

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.

Councilman Michalski advised Councilwoman-at-large Kiyak is not present for tonight's meeting.

Councilman Michalski called for a motion according to the City Charter to preside as Acting Councilman-at-large for this meeting.

Motioned by Councilwoman Szukala. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Certification of February 18, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, February 18, 2014 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, NY, local community activist, spoke in regard to 500 IBM jobs coming to Buffalo, New York, stated he approached this council several months ago advising them to approach IBM to come to Dunkirk and stated "where there is no vision the people perish." Mr. Rutland also advised the city should pursue restaurants such as the Golden Corral, Burger King and McDonald's to open up in Dunkirk as many city residents do not have vehicles to drive to Fredonia and commended Police Chief Ortolano, Fire Chief Ahlstrom and Mayor Dolce their work.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce thanked everyone who attended the State of the City Address this past Friday, advised he, Al Zurawski and Steve Neratko will be meeting in the near future with Mark Geise from the County Land Bank Program and announced the County has secured a significant grant which will be used to demolish and rehabilitate several homes in the city.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from the Lake Shore Humane Society to use Point Gratiot from 8:30 AM until 3:00 PM on June 28th (June 29th Rain Date) for their annual "Pat Magee Memorial Dog Walk."

Acting Councilman-at-large Michalski advised a motion to approve contingent on the City receiving proof of appropriate, valid insurance (general liability and/or liquor liability) naming the city as an addition insured from the sponsor and any participating vendors or contractors (including amusement devices), all city property is left in the same condition as prior to the event and receipt of copies of any required permits from other government agencies (Board of Health, ABC, etc.) was needed and referred this to the Police Department, Fire Department, Department of Public Works and Law Department.

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the DHS Track & Field teams to host the annual "Dunkirk Lakefront 5K Road Race" on August 9th beginning at 9:00 AM.

Councilwoman Szukala advised this petition should be approved contingent upon submission of an alternate race route due to the Seawall Reconstruction Project scheduled for this summer.

Acting Councilman-at-large Michalski advised a motion to approve contingent on submission of an alternate race route, the City receiving proof of appropriate, valid insurance naming the city as an addition insured from the sponsor and any participating vendors or contractors, all city property is left in the same condition as prior to the event and receipt of copies of any required permits from other government agencies was needed and referred this to the Police Department, Fire Department, Department of Public Works and Law Department.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from The Northern Chautauqua Conservation Club, Inc. for live bands and speakers from May 1st thru October 1st.

Acting Councilman-at-large Michalski advised a motion to approve contingent on the City receiving proof of appropriate, valid insurance naming the city as an addition insured from the sponsor and any participating vendors or contractors, that all city property is left in the same condition as prior to the event and receipt of copies of any required permits from other government agencies was needed and referred this to the Police Department, Fire Department, Department of Public Works and Law Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Rivera advised a Public Safety Meeting was held in February; he will not hold a meeting in March and will announce the April meeting date in the near future.

Councilman Gonzalez advised the next Personnel Meeting will be held on March 17th.

Councilwoman Szukala asked Mayor Dolce about the Clarion Hotel HUD payback funds; where is the money and will the city be able to use those funds for future loans.

Mayor Dolce advised those are Federal Funds (not city funds) currently held in the DLDC checking account, will remain in that account until the city receives instruction what to do with those funds and is highly doubtful those funds could be used for future loans.

Councilwoman Szukala advised Department of Public Works Director Gugino she has outlined her concerns regarding the complete streets packet and will present them to him after tonight's meeting and inquired about the hydrant surrounding the 200 block of Townsend Street.

Department of Public Works Director Gugino advised this leak was called into his Department this afternoon, is a minor hydrant valve leak, and will be addressed within the next two days as his department is currently working on four other leaks.

Councilwoman Szukala announced the next Public Works Meeting will be held on March 24th at 3:00 PM.

Acting Councilman-at-large Michalski advised the next Finance Committee Meeting will be held on March 10th at 4:15 PM.

Department of Public Work Gugino presented council with an update on this season's waterline repair breaks, advised there have been 28 water breaks to date with an additional four breaks today and stated the overtime account in Water Maintenance is 69% expended and the Fund for Water main Maintenance is 38% expended. Department of Public Works Director Gugino expressed his concern regarding the strain this has placed on the Water Department due to the shortage of manpower in that department; he has had to pull personnel from the Street Department and Parks Department and is looking for proposals from council to alleviate this issue.

PRE-FILED RESOLUTIONS:**RESOLUTION #22-2014**
MARCH 4, 2014**BY: THE ENTIRE COUNCIL****APPOINTMENT OF CHAUTAUQUA COUNTY WATER AGENCY MEMBER**

WHEREAS, by Resolutions 211-13 and 246-13, the Chautauqua County Legislature established, and amended, a County Water Agency (the "Agency") pursuant

to Article 5-A of the New York State County Law to evaluate water supply needs in northern Chautauqua County; and

WHEREAS, among the members of such Agency is to be a member appointed by the Common Council of the City of Dunkirk; now, therefore, be it

RESOLVED, that the Common Council of the City of Dunkirk hereby appoints **Stephanie Kiyak**, 635 Eagle Street, Dunkirk, New York 14048, to the Chautauqua County Water Agency.

Carried, all voting aye.

RESOLUTION #23-2014
MARCH 4, 2014

BY: COUNCILMAN MICHALSKI and COUNCILWOMAN SZUKALA

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(BLIND TIGER, INC.)**

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 has available space in the Boardwalk and desires to enter into an agreement with **BLIND TIGER, INC.**, to lease a portion of the Boardwalk for retail sales of domestic, craft and imported beers and beer-related novelty items, gourmet sauces, condiments and snacks to the general public; now, therefore, be it

RESOLVED, that Mayor, Anthony J. Dolce, is hereby authorized to execute a lease agreement with **BLIND TIGER, INC.**, P.O. Box 907, Dunkirk, New York 14048, for rental of **12 Central Avenue**, Dunkirk, New York 14048, for a two (2) year period (May 1, 2014 through April 30, 2016) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00).

Councilwoman Szukala advised there has been a lot of discussion on how to move forward with the Boardwalk businesses and stated "I think slowly we're moving in the right direction on the prices that we are charging for each spot; I just want to point out that the last lease for the Blind Tiger was \$3,528.00 per year, it's going up now to \$4,200.00, also the spots that have water hookups are responsible for their own water at this time, which was not done in the past."

Councilman Michalski advised both tenants renewing their lease agreements tonight are current on their lease payments.

Carried, all voting aye.

**RESOLUTION #24-2014
MARCH 4, 2014**

BY: COUNCILMAN MICHALSKI and COUNCILWOMAN SZUKALA

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(Wendy Rodriguez d/b/a Water's Edge Gifts)**

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 has available space in the Boardwalk and desires to enter into an agreement with **Wendy Rodriguez d/b/a Water's Edge Gifts**, to lease a portion of the Boardwalk for retail sales of locally-made products (soups, sauces, hand-crafted jewelry, candles, soaps, etc.), and art pieces (paintings, wood pieces), and Life Is Good products to the general public; now, therefore, be it

RESOLVED, that Mayor, Anthony J. Dolce, is hereby authorized to execute a lease agreement with **Wendy Rodriguez d/b/a Water's Edge Gifts**, 10177 Patterson Lane Fredonia, New York 14063, for rental of 14 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (May 1, 2014 through April 30, 2016) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00).

Councilwoman Szukala advised there is also a rental price increase in this agreement as the last lease agreement was for \$3,192.00 annually and the new lease agreement is now \$4,200.00 annually.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:49 PM

Nicole Joiner, City Clerk
