

COMMON COUNCIL PROCEEDINGS**April 1, 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 Mleczo, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman Michalski advised Councilwoman-at-large Kiyak is excused from tonight's meeting.

Absent: Director of Development Neratko.

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 March 18, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, March 18, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce spoke in regard to Resolution #27-2014 on tonight's agenda appointing William Smock as Cable Access Coordinator; thanked Councilman Rivera for bringing Mr. Smock to the city and stated he is excited about the potential of Access 12. Mayor Dolce advised he has had several conversations with Mr. Smock and they will be looking to install a camera in the conference room so subcommittee meetings and other city meetings could be televised for the public.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from SUNY Fredonia/FACE Center for permission to hold beach cleanups at Wright Park Beach and Point Gratiot Beach on April 27th from 12:00 PM until 2:00 PM.

Acting Councilman-at-large Michalski advised a motion to approve contingent upon the city receiving proof of appropriate valid insurance naming the city as an additional insured from the sponsor and any participating vendors or contractors was needed and referred this to the Police Department, Fire Department, Department of Public Works and Law Departments.

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Dunkirk Historical Lighthouse to use city bandstands, picnic tables and trash cans on August 16th and 17th for their annual Civil War Reenactment.

Acting Councilman-at-large Michalski advised a motion to approve contingent upon the city receiving proof of appropriate valid insurance, general liability and or liquor liability naming the city as an additional insured from the sponsor was needed and referred this to the Police Department, Fire Department, Department of Public Works and Law Departments.

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from the Harbor Commission requesting to approve Commercial Bait Fishing applications to Big Catch Bait and Tackle, Raymond Pauszek and Miller's Bait and Tackle.

Councilwoman Szukala requested clarification on the bait permits as it only allows two permit holders at one time and inquired about the bait permit fees.

Building and Zoning Officer Zurawski advised two bait permit holders are allowed on the pier at one time; bait fishing applications haven't been approved in several years due to disease in the bait fish population and the DEC has guidelines on how to handle bait. Building and Zoning Officer Zurawski further advised bait permit fees are determined by the DEC and are based on the size of the permit holders fishing net.

Acting Councilman-at-large Michalski advised a motion to approve this application was needed.

Councilwoman Szukala moved to approve these bait applications. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from the Southtowns Walleye Association of WNY, Inc. to use city facilities from June 7th thru June 14th for their annual fishing tournament.

Councilwoman Szukala advised there have been issues in the past regarding electric usage and asked Department of Public Works Director Gugino if the Association approached him about electric usage.

Department of Public Works Director Gugino advised they have not approach him however, the Mayor has had discussions with them.

Mayor Dolce advised this is also contingent on the leasing of the Harbor Master Station as free boat launch passes could not be granted if the city is not in control of the Station.

Acting Councilman-at-large Michalski advised a motion to approve contingent upon the city receiving proof of appropriate valid insurance by the sponsor 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 Police Department, Fire Department, Department of Public Works and Law Departments.

Councilman Rivera moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from Francisco Rivera for damages to his vehicle allegedly caused by a pothole on Roberts Road.

Received and filed.

Notice of Claim from Twila Robbins for damages to her yard allegedly caused by a city sidewalk plow.

Received and filed.

Loudspeaker application from the Dunkirk Police Benevolent Association for use of a stereo system on June 20th at the large pavilion at Point Gratiot from 6:00 PM until 10:00 PM.

Loudspeaker application from Rookies on the Lake for live bands, loudspeakers and amplifiers from May 1st thru October 1st.

Loudspeaker application from the Dunkirk Historical Lighthouse to use loudspeakers on August 16th and 17th for their annual "Civil War Reenactment."

Loudspeaker application from Bart's Cove for live bands from May 1st thru November 30th.

Acting Councilman-at-large Michalski advised a motion to approve these applications was needed and referred these to the Police Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Rivera advised the next Public Safety Meeting will be announced within the next few days.

Councilman Rivera advised he is optimistic and excited about Cable Access 12 and asked Mayor Dolce to elaborate on this.

Mayor Dolce advised Mr. Smock will begin by placing a camera in the conference room so subcommittee meetings could be televised, then proceed with the court room to televise Common Council Meetings live, as they have been in the past. Mayor Dolce advised Mr. Smock will take inventory of Cable Access 12, will incorporate the high school studio and will try to televise high school sports activities such as baseball, soccer and track and field. Mayor Dolce announced he has spoken to Mr. Smock regarding the Memorial Day Parade and high school graduation.

Councilman Gonzalez asked would an individual be present at every meeting to record the subcommittee meetings in the conference room.

Mayor Dolce advised Mr. Smock has proposed to setup a camera in the conference room that could be turned on and off by flipping a switch.

Councilman Gonzalez advised there will be no Personnel Meeting this month.

Councilwoman Szukala asked Mayor Dolce for an update on the status of the Union contract negotiation and is he scheduled to meet with them in the near future.

Mayor Dolce advised he has nothing to report and has meetings scheduled.

Councilwoman Szukala asked Building and Zoning Officer Zurawski for an update on the house on Maple Avenue and Community Christmas building.

Building and Zoning Officer Zurawski advised violation letters were sent out last week, one individual came to his office today and they discussed options to resolve their matter.

Councilwoman Szukala asked how much time is given to an individual to respond to a violation letter.

Building and Zoning Officer Zurawski advised an individual is given 15 days to respond to their letter, if no response is received by the individual, a second letter is sent, if no response is received after the second letter then other action is taken.

Councilwoman Szukala inquired about a fire hydrant on the 200 block of Townsend Street.

Department of Public Works Director Gugino advised he will look into this matter and get back to her.

Acting Councilman-at-large Michalski asked for an update on the Chadwick Bay Marina building and soil tests on the property.

Building and Zoning Officer Zurawski advised Mr. Gambino appears to be in the design phase, he has received calls from his engineers and it appears that Mr. Gambino is awaiting financing from the county and soil tests to be completed.

Fire Chief Ahlstrom advised Mr. Gambino recently met with the Industrial Development Agency for funding.

Acting Councilman-at-large Michalski asked Building and Zoning Officer Zurawski is there was a formal list for this year of properties to be demolished.

Building and Zoning Officer Zurawski advised there is a list and he is working in conjunction with the Land Bank regarding houses to be demolished.

Mayor Dolce advised there may be one or two houses that could be rehabilitated but the rest will be demolished as soon as possible.

PRE-FILED RESOLUTIONS:

RESOLUTION #27-2014
APRIL 1, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT
(William Smock)

WHEREAS, it would be in the best interests of the City of Dunkirk to revitalize the opportunities for local access programming on the City's local cable access channel; and

WHEREAS, William Smock provides a unique prospect for such revitalized opportunities and has agreed to provide the primary production oversight and operational management for the City's local access channel; and

WHEREAS, it would be in the best interest of the City to contract for such program director services; and

WHEREAS, William Smock is ready, willing and able to provide such services to and on behalf of the City in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **William Smock, 7038 Main Street, Cherry Creek, NY 14723**, to provide primary production oversight and operational management for the City's local access channel for the period April 2,

2014 through March 31, 2015, at the cost of One Thousand Dollars and Zero Cents (\$1,000.00) per month, *pro rata*; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

Councilwoman Szukala asked will Mr. Smock be submitting a log on a weekly or monthly basis so the city could monitor what he is working and his time and advised Councilwoman-at-large Kiyak had concerns regarding certain language she wanted in the Resolution and asked was it written in the agreement.

Mayor Dolce advised the language was written into the agreement.

Carried, all voting aye.

RESOLUTION #28-2014
APRIL 1, 2014

BY THE ENTIRE COUNCIL:

AUTHORIZING CONTRACT FOR JULY 4TH FIREWORKS DISPLAY

WHEREAS, the City has solicited proposals for the annual July 4th fireworks display with proposals from three (3) vendors being received and reviewed, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with **Zambelli Fireworks Interationale**, PO Box 1463, New Castle PA 16103-1463, in the amount of \$30,000 for the July 4, 2014 (rain date July 5, 2014) fireworks display in accordance with the proposals as opened on March 24, 2014.

Councilwoman Szukala advised there was discussion during this past year's budget season to scale back on the dollar figure for fireworks to \$25,000.00; however, \$30,000.00 was budgeted for fireworks and stated I've had discussions with the mayor and I think for me it's just that we keep going back to the same businesses and clubs year after year for donations and some of them are struggling right now." Councilwoman Szukala stated she would like council to change the dollar figure to \$25,000.00 as time is of the essence because if they do not vote on this Resolution tonight there may not be a fireworks display going forward, stated "I think it's a strong message that we send if we were to cut back somewhat in what we're putting out there and what we're asking the community to give back" and advised she will be voting no on this Resolution.

Councilman Michalski asked Mayor Dolce how much money he raised last year for fireworks.

Mayor Dolce advised \$10,000.00 was raised in donations in 2013, down from the normal \$15,000.00 to \$20,000.00 the prior year and stated this may have been due to the fireworks donations request being combined in the same letter with the festival request

donations. Mayor Dolce advised the city tax dollars were combined into the DLDC allotment line during the past budget year, streamlined and cut approximately \$20,000.00 each year (2013 and 2014). Mayor Dolce stated "if we were to go with \$25,000.00, what in essence that would do is there would be \$5,000.00 less for fireworks but \$5,000.00 more that would be spent on the other festivals. We felt the most cost-effective amount for the fireworks is the \$30,000.00 and that's why this resolution is before council tonight."

Department of Public Works Director Gugino advised all bid proposals were examined and spending \$5,000.00 less would result in 430 fewer shells and stated "from a personal standpoint, I think that this is one of the few things that Dunkirk's got going consistently well every year; it's a phenomenal no-brainer. It brings a lot of people to the city and reducing by \$5,000.00 even after the money was approved in the budget to me personally is not where I would cut \$5,000.00 from, because of the value it brings to everybody that comes from out of town, in some regards from out of state." Department of Public Works Director Gugino announced his family has already pledged money towards the fireworks.

Councilman Gonzalez stated the city should be more aggressive in seeking donations and should look to expand the list of potential donors.

Mayor Dolce advised they have expanded the list of potential donors this year.

Councilwoman Szukala advised her family drives to Silver Creek every year to watch their firework display and stated "I wouldn't decide not to go just because the show was smaller. I'm just trying to move forward in a direction where we're trying to cut corners wherever we can and I would never vote to eliminate the fireworks. I just think it's sending the message to the companies that are struggling that we're trying to do our best with our money as well."

Councilman Rivera advised he understands Councilwoman Szukala's position regarding cutbacks, this should be addressed during the next budget season and stated residents deserve to see where their taxpayer dollars are being spent and the fireworks is one example of their tax dollars at work.

Ayes: Councilman Rivera, Councilman Gonzalez, Acting Councilman-at-large Michalski.

No: Councilwoman Szukala.

Carried, 3-1.

RESOLUTION #29-2014

APRIL 1, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BOARDWALK LEASE AGREEMENT EXTENSION
(Papaya Arts, 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 currently has lease arrangements for space in the Boardwalk with **Papaya Arts, Inc.**, to lease a portion of the Boardwalk for retail sales of Lake Erie Beach Glass Jewelry, wall art, and museum-quality reproductions of pre-Columbian pottery; and

WHEREAS, **Papaya Arts, Inc.** 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 **Papaya Arts, Inc.**, c/o Kenia Ciraulo, 22 Central Avenue, Dunkirk, New York 14048, for rental of 22 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (April 1, 2014 through March 31, 2016) at an annual rental of Six Thousand Thirty-Seven Dollars and Fifty Cents (\$6,037.50).

Carried, all voting aye.

RESOLUTION #30-2014

APRIL 1, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS
(April 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 3

Description: Refrigerated All-Weather Sampler (new) and associated equipment.

<u>Account Number</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8135.2000	Waste Water Treatment	Equipment	\$ 11,000
003.1900.1991	Waste Water Treatment	CapitalReplacement Proj	\$ (11,000)
TOTAL			\$ -

Carried, all voting aye.

RESOLUTION #31-2014
APRIL 1, 2014

BY ENTIRE COUNCIL:

INTRO NO. 1 TO
LOCAL LAW #1-2014
CITY OF DUNKIRK, NEW YORK

A LOCAL LAW MODIFYING CHAPTER 63 OF THE DUNKIRK CITY CODE
ENTITLED "SEWER USE"

BE IT ENACTED by the Common Council of the City of Dunkirk as follows:

Section 1 **Intent.**

It is the intent of this Local Law to modify a certain definition contained in the City of Dunkirk's Sewer Use Ordinance, to wit: SLUG, in order that the Sewer Use Ordinance conform to the general pre-treatment requirements contained in 40 Code of Federal Regulations Part 403.

Section 2 **Amendment of City Code.**

Chapter 63, Article II – Definitions, Section 63-2 – Terms Defined, Subsection 52 "Slug" of the Dunkirk City Code is hereby amended as follows:

DELETE **Section 52.** **"Slug"** shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

ADD **Section 52.** **"Slug"** shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Section 3 **Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.

Acting Councilman-at-large Michalski advised he needed a motion to table Local Law #1-2014 with a Public Hearing to be held on April 15, 2014 at 5:20 PM.

Councilman Gonzalez motioned to table this Resolution. Seconded by Councilman Rivera.

Carried, all voting aye. TABLED.

Police Chief Ortolano reminded residents alternate parking changes back to weekly instead of daily this Sunday, also, overnight parking ends this Sunday.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:01 PM

Nicole Joiner, City Clerk
