

PUBLIC HEARING
April 2, 2013

Councilwoman-at-large Kiyak called the Public Hearing to order at 5:20 PM.

Present: Councilman Michalski, Councilwoman Szukala, Councilwoman-at-large Kiyak.

Also Present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Fire Chief Ahlstrom, and Lieutenant Polowy.

Absent: Councilmen Rivera, Gonzalez, Building Inspector Zurawski, and Director of Development Neratko.

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

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on a Local Law to amend Article XIII, Department of Assessment Section 13.03 of the Dunkirk City Charter entitled "Annual Board of Assessment Review Meeting."

Councilwoman-at-large Kiyak advised this Resolution has a typographical error designating it as Local Law #2-2013; this Resolution should be listed as Local Law #1-2013.

PUBLIC COMMENTS:

No one spoke.

Public Hearing adjourned at 5:22 PM

Lacy Lawrence, City Clerk

COMMON COUNCIL PROCEEDINGS
April 2, 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 Mleczo, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Lieutenant Polowy.

Councilwoman-at-large Kiyak advised Lieutenant Mark Polowy is filling in for Police Chief Orotolano tonight as he is recuperating from a vehicle accident.

Certification of March 19, 2013 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, March 19, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised he has been working with the Department of Development regarding the outstanding HUD issues and stated this is an ongoing process.

Mayor Dolce advised he will be on a conference call later this evening with our Governor and Lieutenant Governor regarding this years State budget.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Keith Ossman on behalf of the Lake Shore Street Rod Association for partial use of the Point Gratiot parking lot, permission for vendors, extra trash barrels and trash pick-up for their Annual Harbor Cruise on Sunday July 7th.

Councilwoman Szukala asked Department of Public Works Director Gugino will the city incur any overtime expense from this event.

Department of Public Works Director Gugino advised his department will not incur any overtime expense from this event.

Councilwoman-at-large Kiyak asked will the Police Department incur any overtime expense from this event and is the group charged a rental fee for the use of the shelters.

Lieutenant Polowy advised the Police Department will not incur any overtime expense from this event.

Mayor Dolce advised the group pays for the use of the shelters.

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 the premises are left in the same condition as prior to the event and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Tim Wdowiasz on behalf of the First Ward Falcon Club to change the use of the Stadium and School #7 softball fields from May 11th to May 18th for their Early Bird Fast Pitch Softball Tournament.

Councilwoman Szukala asked if the fields are available for use on May 18th.

City Clerk Lawrence advised the Clerk's Office will confirm with the Recreation Department regarding the availability of the field.

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 the premises are left in the same condition as prior to the event and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from SUNY Fredonia/FACE Center for permission to hold beach cleanups at Wright Park Beach and Point Gratiot Beach on April 21st from 12:00 PM until 2:00 PM.

Councilwoman Szukala asked Department of Public Works Director Gugino about the city's cleanup process regarding this event.

Department of Public Works Director Gugino advised the group places what they pickup in garbage bags, leaves the bags in one spot on the beach and his crew picks up the bags the following Monday during their normal work hours.

Councilman Rivera thanked SUNY Fredonia and the FACE Program for their participation and interest in our city and hopes this will continue in the future.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of certification in lieu of insurance naming the city as insured in addition to prior waiver and liability release from all participating parties and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Michalski moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from Hometown Insurance for a band on July 4th from 6:00 PM until 9:00 PM at 200 Lake Shore Drive West.

Loudspeaker application from Lake Shore Street Rod Association for a live band and disc jockey at the large and small pavilions at Point Gratiot on July 7th from 12:00PM until 5:00 PM.

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

Loudspeaker application from Loyal Order of Moose Lodge #89 for a band or DJ from 3:00 PM until 7:00 PM at the large pavilion at Point Gratiot on August 25th.

Loudspeaker application from Demetris for bands, speakers and sound equipment from May 26th thru September 8th.

Loudspeaker application from the Clarion Hotel for bands and DJ's from May 15th thru September 30th.

Councilwoman Szukala advised the city's loudspeaker policy only allows a maximum of four hours per event; one application has five hours listed and stated this groups application will be approved contingent upon the group choosing a four time frame.

Councilman Gonzalez advised two applications do not have times listed.

City Attorney Szot advised there is a blanket policy for the applications (9:00 PM until 1:00 AM), those applications fall under that policy.

Councilwoman-at-large Kiyak advised a motion to approve these applications was needed; Lake Shore Street Rod Association's application will be approved contingent upon the group choosing a four hour time slot.

Councilman Gonzalez moved to approve these applications. Seconded by Councilman Rivera.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised the next Finance Committee Meeting will be held on April 29th at 4:15 PM.

Councilman Michalski advised he will be holding discussions with Fiscal Affairs Officer Halas and a representative from the city's insurance carrier regarding the city's industrial asset appraisal and they will report their findings at the next Finance Committee meeting.

Councilman Rivera advised the next Personnel Meeting will be held on April 16th at 4:30 PM in the Conference Room.

Councilman Gonzalez advised the next Public Works Meeting will be held on April 16th at 11:00 AM in the Conference Room.

Councilwoman Szukala asked Mayor Dolce for an update on the status of the Union contract negotiations.

Mayor Dolce advised he has received a response from one of the Unions and has a meeting scheduled later this month with the other Union.

Councilwoman Szukala inquired with Department of Public Works Director Gugino regarding the Liberty Street drainage project.

Department of Public Works Director Gugino advised he notified Dave Manzella and Mike Porpiglia after the last council meeting informing them this project is of top priority; approximately \$820.00 of additional material will be needed for this project and stated "I'm just giving you notice that when I start this project I will take all my manpower." The goal is to get this project done as quickly and efficiently as possible.

Councilwoman Szukala asked to be notified of the project start date.

Department of Public Works Director advised he will begin this project as soon he receives the materials and weather permitting and will notify her of the start date.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino for an update on the status of the consent order at the Wastewater Treatment Plant and the process of RFP'S and bids.

Department of Public Works Director Gugino stated 7 of 8 filter bed consoles are in place; 6 of 8 filter bed valves and associated plumbing are either completed or in the process of being worked on; a lot of the work is being done in-house and there will be no RFP's or bids issued until there is a signed agreement between the city and the engineer.

Department of Public Works Gugino proceeded to explain filter bed six and stated this filter bed will have a dual media application (uses carbon and sand in the filters) and will save the city 10 to 14 percent per year in carbon costs. Department of Public Works Director Gugino continued "this is the key step, if this filter bed six application works and the Department of Health likes the results after a month of tests we're going to do all the beds, rebuild all the beds, which is going to be under 2014 Resolution. That gives the city for the first time the true capability to filter 10 million gallons a day, that's significant."

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino is rebuilding this filter bed part of the requirements of the consent order and is the project on schedule.

Department of Public Works Director Gugino advised this is part of the consent order; the project is on schedule and stated "this is part of the total new approach to achieving the goal of the consent order, 10 million gallons filtered."

Councilwoman-at-large Kiyak advised the next Economic and Development Meeting will be tomorrow April 3rd at 11:00 AM in the Stern's Building Conference Room.

Lieutenant Polowy reminded city residents the winter parking regulations (overnight parking and alternate parking) will be lifted this weekend.

UNFINISHED BUSINESS:

RESOLUTION #18-2013
MARCH 19, 2013

BY THE ENTIRE COUNCIL:

LOCAL LAW NO. 1-2013
CITY OF DUNKIRK

**A LOCAL LAW TO AMEND ARTICLE XIII, DEPARTMENT OF ASSESSMENT
SECTION 13.03
OF THE DUNKIRK CITY CHARTER
ENTITLED “ANNUAL BOARD OF ASSESSMENT REVIEW MEETING”**

BE IT ENACTED by the City Council of the City of Dunkirk, New York, as follows:

Section 1 **Intent.**

It is the intent of this Local Law to amend Article XIII, Section 13.03 “Annual Board of Assessment Review Meeting” to amend the annual meeting date to hear complaints as to assessments in the City of Dunkirk, and to allow an appropriate opportunity for review of the tentative role.

Section 2 **Amendment of City Code.**

Article XIII, Section 13.03 of the Dunkirk City Charter is hereby amended as follows:

DELETE

§ 13.03. Annual Board of Assessment Review Meeting.

The Board of Assessment Review shall meet annually to hear complaints as to assessments in the City of Dunkirk on the **first** Tuesday in June and so many days thereafter as the Board of Assessment Review deems necessary.

AMEND

§ 13.03. Annual Board of Assessment Review Meeting.

The Board of Assessment Review shall meet annually to hear complaints as to assessments in the City of Dunkirk on the **second** Tuesday in June and so many days thereafter as the Board of Assessment Review deems necessary.

Section 3 **Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilwoman-at-large Kiyak advised a motion to remove Local Law #1-2013 from the table was needed.

Councilwoman Szukala motioned to remove the Local Law from the table. Seconded by Councilman Gonzalez.

Carried, all voting aye. Removed.

Councilwoman Szukala asked Clerk, Board of Assessors Mleczko to explain this Resolution.

Clerk. Board of Assessors Mleczko advised the Annual Assessment Review Meeting has always been held on the second Tuesday of June and it was brought to the Assessors attention the City Charter indicates the review meeting is to be held the first Tuesday of June. Clerk, Board of Assessor Mleczko advised the tentative assessment roll is submitted to the county on June 1st so if June 1st fell on a Tuesday and an individual wanted to review their tentative assessment, they would not have the opportunity to do so.

Vote on Resolution: Carried, all voting aye.

PRE-FILED RESOLUTIONS:

None.

NEW BUSINESS:

Councilwoman Szukala motioned to meet in Executive Session to discuss the employment history of a particular person and matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, it is expected that no new business will take place after the Executive Session concludes. Seconded by Councilman Michalski.

Carried, all voting aye.

Executive Session called to order at 5:48 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:38 PM and reconvene to the regular Council Meeting. Seconded by Councilman Michalski.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

Adjourned at 6:38 PM

Lacy Lawrence, City Clerk
