

COMMON COUNCIL PROCEEDINGS
May 7, 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, and Police Chief Ortolano.

Absent: Fire Chief Ahlstrom.

Councilwoman-at-large Kiyak advised Councilman Gonzalez will be late to tonight's meeting.

Councilwoman-at-large Kiyak asked everyone to remain standing for a moment of silence in memory of city employee Joseph Yacklon.

Certification of April 16, 2013 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, April 16, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised he met with HUD Officials today, stated the remediation process is lengthy and asked for everyone's patience regarding this matter.

Communication from Mayor Dolce appointing Wilfred Rosas to the Board of Assessment Review due to the result of an expired term effective May 2, 2013 and will expire September 20, 2017.

Received and Filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Amara-Can "Walleye Classic" to hold their annual tournament at Chadwick Bay Marina on July 12th thru July 14th, with the use of picnic tables, trash/recyclable containers,

daily trash pick up, waiver of boat ramp use, time extension of fish cleaning station, fire truck to assist in sendoff celebration and inviting the Mayor and Council Members to attend same.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino would there be any problems for the city in addressing the requests in this petition.

Department of Public Works Director Gugino advised there would not be any problems for the city regarding the petitioner's requests; the city has been providing services for this event for several years.

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.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Dunkirk Local Development Corporation – Festivals Committee for the City's assistance and use of City facilities for their Summer on the Lake events.

Councilwoman-at-large Kiyak advised she has several concerns regarding this petition, stated the DLDC has yet to approve these festivals, asked if there was a contingency plan for payment for the services to the police officer during the Wreck & Roll Festival and noted the Heritage Festival was not included with their request.

Mayor Dolce confirmed the DLDC has yet to approve these festivals; they reimburse the city for the services of the police officer thru the funds they raise from that days event and stated the Heritage Festivals location has yet to be determined which is why it was not listed with their request.

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 Rivera moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Prior Notice from Harriet Towner informing of a dangerous tree on Fifth Street.

Councilman Rivera advised he will be speaking with Ms. Tower regarding this matter.

Mayor Dolce advised Department of Public Works Director Gugino, Streets Supervisor Porpiglia and he looked at the tree and stated the tree has been trimmed.

Department of Public Works Gugino advised the branches are no longer hanging over Ms. Tower's roof.

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

Councilwoman Szukala moved to refer this notice to the Department of Public Works and Law Department. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Claim from Kim Bennice for replacement of a tire on her vehicle allegedly caused by a city street sign base.

Notice of Claim from LoTempio and Brown, P.C. on behalf of Miguel A. Coraliza-Sanchez against the City of Dunkirk Police Department.

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

Councilwoman Szukala moved to refer these to the Law Department. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from the Dunkirk Police Benevolent Association for use of a stereo system on June 26th at the large pavilion at Point Gratiot from 5:00 PM until 9:00 PM.

Loudspeaker application from Dunkirk Elk's Lodge #922 for microphones and speakers at the Dunkirk Lighthouse on June 14th from 6:00 PM until 8:00 PM.

Loudspeaker application from Dunkirk Local Development Corporation – Festivals Committee for professional audio equipment and DJ on May 26th from 1:00 PM until 3:00 PM at Point Gratiot, June 7th from 5:00 PM until 9:00 PM at the City Pier, June 8th from 12:00 PM until 12:00 AM at the City Pier, July 4th from 4:00 PM until 10:00 PM at Memorial Park, August 3rd from 12:00 PM until 11:00 PM at the City Pier and Thursdays June 6th thru August 29th from 6:00 PM until 8:30 PM at the City Pier.

Councilwoman-at-large Kiyak advised a motion to approve these applications was needed.

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

Carried, all voting aye.

Communication from Valerie Pawlak regarding SUNY Fredonia to RecyclingMania and Fredonia Cable Board announcing new board members and Programing.

City Clerk Lawrence read the following:

“Dear Mr. Dolce and Dunkirk Council because I can not attend the Council Meeting of 4/30/2013, I’m requesting someone read my letter pertaining to the two articles enclosed!

The first one pertains to SUNY Fredonia “top Recyclingmania” among other SUNY Colleges! We are so proud of them; after all, they are the ones that help clean our beaches and parks every year! Council must find a way to get a grant of about \$3,000.00 which letters would be sent to every homeowner notifying even their renters to recycle. We not need to impose fines! The school way is not working!

The second article pertains to “Fredonia Cable Board announcing new board members and programming”! As you will see, these members will help oversee idea for programming Fredonia Time Warner Channels 5-17. Yes, I know, their Time Warner comes through Syracuse, New York, I believe! But I have often spoken to them, we are not using our Cable 12, it’s out there with all, we may get! Free! Please call our Time Warner Cable! Believe me, there’s many programs we may get free! Someone needs to make the connections through Time Warner!

Also, Dunkirk residents deserve their Channel 12 back for council meetings. Thank you for reading my letter, please enter it in the minutes of tonight’s council meeting! Again, thank you and God Bless!

Yours truly,

Valerie Pawlak.

Received and Filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised he has made it a point to replace the outdated and unsafe playground equipment in Wright Park and announced last July the Bike Path Program included \$80,000.00 for a playground. Councilman Michalski advised he has entertained the idea to move equipment from the schools to the park but found their equipment to be unsafe, stated the original \$80,000.00 in the Bike Path Program for the playground is now unavailable to the city and asked Department of Development Director Neratko to explain the grant.

Department of Development Director Neratko advised there were funds set aside for a playground in the 2004 Phase I, Bike Path Project, but it is highly unlikely those funds are still available since they had to be expended by December 2010.

Councilman Michalski stated Mayor Frey pursued and received a few estimates for playground equipment prior to leaving office and asked Mayor Dolce and Council Members if the city could fund the playground thru the Bill Cease Fund. Councilman Michalski advised there is \$93,000.00 in that fund; the estimated cost for a new playground is approximately \$30,000.00 to \$35,000.00 and stated if funding is approved Councilman Gonzalez has offered to pursue potential suppliers thru his Public Works Committee.

Department of Development Director Neratko advised he has a list of past quotes and potential suppliers in his office.

Councilman Rivera advised the next Personnel Meeting will be held in June and will announce a specific date and time at a later time.

Councilman Gonzalez advised a Public Works Committee Meeting was held this morning, no one from the public attended, the Wright Park Playground was discussed during this meeting and stated the Bill Cease Fund is probably the best way to fund this project. Councilman Gonzalez advised the next Public Works Committee Meeting date and time will be announced at a later time.

Councilwoman Szukala had several questions and concerns for Department of Public Works Director Gugino and asked who is responsible for replacing resident's broken sidewalks due to the construction on Franklin Avenue, spoke in regard to a large dirt pile on Temple Street by the railroad tracks, a construction cap on Franklin Avenue and brush placed in the small median on Franklin Avenue?

Department of Public Works Director Gugino advised National Fuel will be responsible for replacing residents sidewalks; the dirt pile on Temple Street is on city property and is confused to the sudden concern regarding this pile as there is nothing new going on with that pile; the resident should call the New York State DOT Office in Fredonia regarding the construction cap as he will not step on private property to retrieve this cap (cap is State property) and in regard to the brush on Franklin Avenue, Department of Public Works Director Gugino stated residents in that area are disposing of their brush in the median and the city will pick up that brush during the scheduled Fourth Ward brush pickup.

Councilwoman Szukala advised she will be resigning from the Festivals Committee effective today.

Councilwoman-at-large Kiyak stated "I think I can speak for the entire City when I extend our gratitude to the volunteers who participated on April 21, 2013 to clean up Point Gratiot during the Adopt-a-Beach Earth Week Cleanup. Professors Christina Jarvis, Michelle Kuns and Sam Mason of SUNY Fredonia were the Beach Captains for the project and a total of 64 volunteers removed over 259 pounds of debris. It is unfortunate that most of this debris could be avoided by proper disposal in the first place and it is up to every resident to respect the place they live and play by utilizing trash receptacles. I'd like to thank each volunteer for giving us their time and energy to help clean up one of the most beautiful beaches in all of Western New York."

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

Department of Public Works Gugino advised the current contactor operating under Resolution #8-2011 is five weeks away from completing his tasks and would like bid requests to go out as soon as possible upon the approval of the resolution recognizing Hill Engineering as the lead engineer on Phase 2013 and preliminary work on 2014 items for bid specifications review. Department of Public Works Director Gugino advised he will not deviate from the specifics of this Resolution, stated a lot of time has been lost in regard to this project, time is of the essence and he is trying to keep this project on schedule.

Councilwoman-at-large Kiyak asked City Treasurer Woods if funding is available for this project.

City Treasurer Woods stated “funding is still pending, actual requests for bids and notice of sale have been established; we will have the funding available in plenty of time before any of the invoices come due, which will be at the end of this month.”

Councilwoman-at-large Kiyak asked Department of Development Director Neratko for an update on the Marina and has Mr. Gambino been in contact with him.

Department of Development Director Neratko advised he does not have an update on the Marina and has not been in contact with Mr. Gambino.

Department of Public Works Director Gugino advised he spoke with Mr. Gambino yesterday and stated Mr. Gambino still intends on moving forward with his project improvements at the marina.

Councilwoman-at-large Kiyak asked if Mr. Gambino is aware the city is waiting on him to proceed with the SEQR.

Department of Development Director Neratko advised Mr. Gambino is aware the city is waiting on him and stated he will call him tomorrow.

Councilwoman-at-large Kiyak asked Personnel Administrator Heyden for an update on the summer help program and details regarding the application process.

Personnel Administrator Heyden advised summer help applications are currently being accepted by the city and the deadline to submit applications is May 15th also applications are currently being accepted for a municipal worker position and the deadline to submit applications for that position is the end of this week.

PRE-FILED RESOLUTIONS:

RESOLUTION #24-2013
MAY 7, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING AGREEMENT
FOR
AGRICULTURAL PRODUCTS MARKETING PROGRAM
(COMMUNITY CHAMBER DEVELOPMENT CORPORATION)**

WHEREAS, by Resolution No. 63-2012 (July 31, 2012), the City entered in to an agreement with the Community Chamber Development Corporation (“Chamber”) to provide primary administrative oversight and operation of an Agricultural Marketing Program (“Program”) in the City, which included the use from time-to-time of mutually-agreed-upon portion of Memorial Park; and

WHEREAS, it would be in the best interests of the City of Dunkirk to renew approval for such a Program in the City; and

WHEREAS, the Chamber is ready, willing and able to continue to provide primary administrative oversight and operation of such Program, utilizing the eastern portion of Memorial Park for anticipated multiple day operations; and

WHEREAS, in order to provide for such Program, it is necessary to enter into an Agreement between the City and Chamber to confirm the terms, conditions and understandings among the parties; now, therefore, be it

RESOLVED, that the Common Council hereby authorizes the Mayor, on behalf of the City of Dunkirk, to enter into an Agreement between the City and Community Chamber Development Corporation to provide primary administrative oversight and operation of an Agricultural Marketing Program in the City, including the use from time-to-time of City property (a mutually-agreed upon portion of Memorial Park) for three (3) years, with a three-year option.

Carried, all voting aye.

RESOLUTION #25-2013
MAY 7, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES
Lake Front Boulevard Seawall
(Nussbaumer & Clarke, Inc.)

WHEREAS, the overall condition of Lake Front Boulevard and the adjacent "seawall" from the area of Wright Park to Main Street has deteriorated and poses a threat to the integrity of the roadway, pedestrian walkway and retaining wall; and

WHEREAS, it would be in the best interests of the City to initiate comprehensive engineering design services for the reconstruction and/or repair of Lake Front Boulevard and the adjacent "seawall," seeking any possible appropriate grant funding opportunities; and

WHEREAS, **Nussbaumer & Clarke, Inc.** is ready, willing and able to provide such services for the City in a good and workmanlike manner; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute all necessary documents, including an agreement of services, on behalf of the City of Dunkirk, with **Nussbaumer & Clarke, Inc.**, 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494, in an amount not to exceed Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) to initiate comprehensive engineering design services for the reconstruction and/or repair of Lake Front Boulevard and the adjacent seawall (including but not necessarily limited to field condition and topical survey, design services, agency coordination, general construction services and resident observation), seeking any possible appropriate grant funding opportunities; and, be it further

RESOLVED, that the funds for such engineering services, as well as any presumptive construction-related costs, and the repayment for any bonding, be allocated seventy-five percent (75%) general fund and twenty-five percent (25%) waste water fund.

Councilwoman Szukala stated "I think its great that we've all come to the table and realize that this needs to be done; I don't think there ever is going to be a perfect time to do this project, but it needs to be done nonetheless and this is just the first step in many that we'll have to take to get the wall done."

Councilman Michalski inquired where the \$200,000.00 came from.

Mayor Dolce advised this was an estimate from July 2012.

Councilman Michalski inquired about the process of the seawall study and asked if the Army Corp. of Engineers has to approve this study.

Mayor Dolce advised he does not anticipate any issues as the city is not looking to deviate from the original proposal and will not need any additional permits pertaining to the repair of the seawall.

Councilman Michalski asked if there was a chance the Army Corp. of Engineers could reject our proposal.

City Attorney Szot replied there is always a chance.

Councilman Gonzalez stated "it was about time we got this project moving; I thought I would never see it in my lifetime and hopefully we'll get it done or started."

Councilwoman-at-large Kiyak advised she has several reservations concerning passing this resolution at this time and stated:

"This seawall has been in need of repair for several years and is no doubt an eyesore. There is also the potential for the wall affecting infrastructure along Lake Shore Drive. However, at this time, this is not the case and so we are basically considering replacing the wall for aesthetic purposes.

I know that the argument can be made that the seawall should be addressed while work is being done on the Bike path, which would save on engineering costs, as well as bonding and legal costs. But these costs are nominal when looking at the sum of the overall project.

This project is estimated to cost taxpayers up to \$2.5 million dollars. Let me remind my colleagues of some of the other expenses taxpayers are currently responsible for and what potentially lies ahead in the near future:

The \$17 million Consent Order at the Water Treatment Plant will take 25 years to pay back, burdening not only today's taxpayers but the next generation as well.

We have recently been audited by the state for the previous administrations misappropriating of over \$1.1 million dollars. In addition, the City has received another

report from HUD requiring documentation for \$2.4 million that the City disbursed on behalf of HUD. As of today, we do not know where we stand with reimbursing HUD, and we're not even sure there will continue to be a CDBG program available to the City in future years.

NRG has recently taken a third generator out of service. It is still unknown how this will affect their PILOT payment to the City in 2014.

This year alone, one large manufacturer has left the area and another one is in the process of downsizing.

There is another resolution tonight addressing the necessary remedial work being ordered by the New York State Department of Environmental Conservation mandating the cleanup of the marina property on Lake Shore Drive. The total cost of this cleanup to tax payers is still unknown.

State grants are diminishing overall and we cannot rely on funding like we once did. There is the possibility that there will be grant money available for this project, but there is also the possibility that there won't.

I have asked Fiscal Affairs Officer Richard Halas, as well as City Treasurer Mark Woods if any money has been put aside towards the \$2.5 million this seawall will cost the City. They both responded not to their knowledge. There isn't even a plan in place to pay Nussbaumer the \$200,000.00 being requested tonight outside of borrowing.

In addition, the City has yet to receive the financial results for the 2012 budget for Funds 1, 2 and 3 from our accounting firm.

We have waited almost 10 years to address the seawall. Waiting for another year or two to see what happens with the NRG plant and potential of repaying HUD funds seems like the fiscally responsible and prudent approach this council should be taking.

So I'd like to ask my colleagues: is there something I'm missing here? Do we have money tucked away that I'm not aware of? Can you please tell the taxpayers the plan of how we're going to pay for this project?"

Councilwoman Szukala stated upon research from our Mayor, it was discovered that two of the funds could be used to payback the bonding for the seawall.

Councilwoman-at-large Kiyak reiterated she can not see burdening the taxpayers with an additional 2.5 million dollars at this time especially with the NRG, CDGB and HUD issues still unresolved; agrees the wall needs to be repaired but this is not the time to risk spending the money and advised she will be voting no on this resolution.

Councilman Michalski replied "I don't think there is ever a good time to spend 2.5 million dollars, ever, but the conditions down there are not any getting better, you can see it for yourself, the rate of decay has decreased because of us not salting down there and the lowering of the lake levels."

Councilman Rivera stated he can get physically ill when he thinks about the city's finances and position this council has been put in, however, "I just think it's been put off long enough and I just think we need to move forward with it."

Councilman Gonzalez stated he agrees with most of Councilwoman-at-large Kiyak's comments, the city will never have enough money to fix everything that needs fixing in the city, however, the longer the city waits on fixing the wall, the more it would cost later on; it is time to fix the wall and move on.

Department of Public Works Director Gugino advised he is worried about losing a \$250,000.00 grant that will expire at the end of the this year and stated the city is actually getting two projects out of this one, the Seawall Repair Project and Bike Path Phase III Project. Department of Public Works Director stated "I think that would be criminal to let that grant expire and wait, I thoroughly understand what you are saying. It seems like for nine years there's been a million reasons every year why it's been put off." Department of Public Works Director reminded council they are getting two projects out of this one.

Councilwoman-at-large Kiyak replied this discussion has not changed her mind.

Vote on Resolution:

Ayes: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala.

No: Councilwoman-at-large Kiyak.

Carried, 4-1.

RESOLUTION #26-2013
MAY 7, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING AGREEMENT WITH NYS DEC FOR SPILLS PROGRAM
(8 Lake Shore Drive East, Dunkirk, NY)

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has determined the investigation and remedial work is necessary at 8 Lake Shore Drive East, Dunkirk, NY, real property currently owned by the City of Dunkirk; and

WHEREAS, the NYSDEC has identified the City as a potentially responsible party and has provided the opportunity to a) do the necessary investigation and remediation to the NYSDEC's satisfaction, or b) decline to do any such work and allow the NYSDEC to undertake such investigation and remediation with its own contractor (which may result in responsibility for all costs incurred by the NYSDEC); and

WHEREAS, it would be in the best interest of the City to allow the NYSDEC to undertake such investigation and remediation; now, therefore, be it

RESOLVED, that the Mayor is hereby directed and authorized to execute any necessary documents and agreements by and on behalf of the City of Dunkirk with the New York State Department of Environmental Conservation for necessary investigation and remediation at 8 Lake Shore Drive East, Dunkirk, NY, including a right-of-entry for the NYSDEC, regarding spill number 1100479.

Councilwoman Szukala advised she had concerns with the second paragraph of this resolution where it states the City as a potentially responsible party and has provided the opportunity to do remediation and asked City Attorney Szot for an explanation.

City Attorney Szot stated "in an environmental situations property owners are jointly, severely and strictly liable, which means everybody in the chain of title is responsible equally, even if they had no culpability, so were responsible as the city owns the property (marina property)." City Attorney Szot advised the DEC gives you two options, either the city can remediate the property at the city's expense or the DEC can remediate the property and seek those funds from the city and/or any property owners that were in chain of title.

Councilwoman Szukala confirmed with City Attorney Szot the current individuals leasing the marina are not liable for the cleanup.

City Attorney Szot replied correct.

Councilwoman-at-large Kiyak asked Department of Development Director Neratko for an approximate cost for cleanup?

Department of Development Director Neratko advised he does not know the cost for cleanup.

Mayor Dolce advised cleanup on the Bertges site is set to begin approximately May 20th; 2,800 tons of soil is set to be removed and we do not know the cost for this cleanup.

Councilman Michalski inquired if there would be a delay in this cleanup.

City Attorney Szot advised the cleanup should be completed by the end of this month.

Carried, all voting aye.

RESOLUTION #27-2013
MAY 7, 2013

BY COUNCILWOMAN SZUKALA:

**DIRECTING BUILDING INSPECTOR TO INSPECT PREMISES
(79 West DOUGHTY STREET (79.20-8-74)) AND REPORT RESULT**

WHEREAS, a structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048, (79.20-8-74) appears to be abandoned, dilapidated, deteriorated, decayed or unattractive and appears to be or become a danger to the health, safety or welfare of the public; and

WHEREAS, it would be in the best interests of the public for an inspection of such premises to be undertaken by the City's Building Inspector and for a report of such inspection to be provided to this Common Council; now, therefore, be it

RESOLVED, that the Building Inspector is hereby directed to inspect the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048, (79.20-8-74) and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code.

Councilwoman Szukala advised she has spoken with the Building/Zoning Officer Zurawski and City Attorney Szot regarding the demolition process and asked City Attorney Szot could a lien be placed on the property for demolition costs incurred by the city.

City Attorney Szot advised the city will follow the same process for demolition that it used to demolish the property at 209 Swan Street and as far as financial implications, the city could place a lien on the property but in these two cases it is highly unrealistic the city would recoup these expenses from these property owners.

Councilwoman Szukala asked has recouping money from properties with liens changed at the county level.

City Treasurer Woods explained it has changed and stated "in the past a city account that was unpaid could be relieved on the current years city property tax bill; the city would be guaranteed reimbursement for the entire bill by the county. Three years ago the county changed their stipulation, as far as reimbursement; they will no longer reimburse a city invoice for any type of property maintenance or demolition. We can not relevy it on to a tax bill."

Building and Zoning Officer Zurawski advised there are number of steps in this Chapter 18 process and the city will follow all of the steps.

Carried, all voting aye.

RESOLUTION #28-2013
MAY 7, 2013

BY COUNCILWOMAN SZUKALA:

**DIRECTING BUILDING INSPECTOR TO INSPECT PREMISES
(128 LINCOLN AVENUE (79.19-3-35)) AND REPORT RESULT**

WHEREAS, a structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, New York 14048, (79.19-3-35) appears to be abandoned, dilapidated, deteriorated, decayed or unattractive and appears to be or become a danger to the health, safety or welfare of the public; and

WHEREAS, it would be in the best interests of the public for an inspection of such premises to be undertaken by the City’s Building Inspector and for a report of such inspection to be provided to this Common Council; now, therefore, be it

RESOLVED, that the Building Inspector is hereby directed to inspect the building or structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, New York 14048, (79.19-3-35) and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code.

Carried, all voting aye.

RESOLUTION #29-2013
MAY 7, 2013

BY THE ENTIRE COUNCIL:

**ESTABLISHING STANDARD WORK DAY AND
REPORTING RESOLUTION (NYS COMPTROLLER RS 2417-A)**

BE IT RESOLVED, that the City of Dunkirk, New York (Location Code 601) hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees’ Retirement System, based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	SSN	Reg No	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member in Tier 1)	Not Submitted (Check box if no record of activities completed or time-keeping system)
Elected Officials									
ASSESSOR	THOMAS MLECZKO	xxxx	xxxx	7	1/1/12-12/31/13	Y		<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN	BILL RIVERA	xxxx	xxxx	6	1/1/12-12/31/13	N	7.28	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILWOMAN	STACY SZUKALA	xxxx	xxxx	6	1/1/12-12/31/13	N	7.92	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN	MIKE MICHALSKI	xxxx	xxxx	6	1/1/12-12/31/15	N	1.89	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR	ANTHONY J. DOLCE	xxxx	xxxx	7	1/1/12-12/31/15	N	24.99	<input type="checkbox"/>	<input type="checkbox"/>
TREASURER	MARK WOODS	xxxx	xxxx	7	1/1/12-12/31/13	Y		<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
ATTORNEY	RONALD A. SZOT	xxxx	xxxx	7	1/1/12-12/31/15	Y		<input type="checkbox"/>	<input type="checkbox"/>
CITY CLERK	LACY LAWRENCE	xxxx	xxxx	7	1/1/12-12/31/15	Y		<input type="checkbox"/>	<input type="checkbox"/>
DPW DIRECTOR	ANTHONY GUGINO	xxxx	xxxx	7	1/1/12-12/31/15	Y		<input type="checkbox"/>	<input type="checkbox"/>

Councilwoman Szukala inquired if time sheets had to be completed by individuals who completed time sheets last year.

City Clerk Lawrence advised individuals who completed time sheets last year currently do not need to resubmit new time sheets; Councilman Michalski joined the retirement system at a later date and needed to be added, certain figures needed to be removed and the Resolution needs to be resubmitted.

Councilwoman Szukala asked if Councilman Michalski will have to provide his first time sheet.

City Clerk Lawrence advised Councilman Michalski has already completed and submitted his time sheet.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

Adjourned at 6:20 PM

Lacy Lawrence, City Clerk
