

COMMON COUNCIL PROCEEDINGS
June 18, 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, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilwoman-at-large Kiyak asked everyone to remain standing for Police Chief Ortolano to address the group.

Police Chief Ortolano asked everyone for a moment of silence in remembrance of retired city police officer Paul Raynor who passed away June 8, 2013.

Certification of June 4, 2013 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, June 4, 2013 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Bob Patterson, Woodrow Avenue, Dunkirk, New York advised he recently submitted a loudspeaker application to the city clerk's office and stated although the application did not make tonight's agenda it is submitted 30 days prior to the event.

James Muscato, 280 Lake Shore Drive West, Dunkirk, New York advised on tonight's agenda appears a letter of Prior Notice he submitted to the city and stated he wanted it noted for the record. Mr. Muscato stated Mr. Nadau, the contractor, and his crew corrected the situation the day after he submitted his letter. Mr. Muscato advised Department of Public Works Director Gugino and Mr. Conti arrived the day after Mr. Nadau arrived and he informed them the contractor corrected the situation and thanked everyone for their quick response and for rectifying the situation.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised Cable Access 12 is now under the leadership of new directors and stated although they are not in attendance for tonight's meeting he will be scheduling a meeting with them to work out any issues in regards to programming. Mayor Dolce announced there will be a Public Hearing before the next common council meeting at 5:15 PM in regard to what residents would like to see in programming.

Mayor Dolce announced the Dutch Bertges property cleanup process should be completed by next week and asked residents not to use this property for parking.

Communication from Mayor Dolce appointing Bob Torrance to the Cable T.V. and Communications Advisory Board to fill an expired term due to the resignation of Christa Haynes effective June 18, 2013 and will expire July 2, 2014.

Received and Filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Sons of Liberty Motorcycling Riding Club to use Point Gratiot on July 27th for a fundraising event for National Puddle Day. Also requesting permission to erect tents, Chinese auction tables, barbecue, kid's games, bounce houses, 50/50 raffles, selling booths for outside companies, live music, fire department assistance and monetary donation.

Councilwoman-at-large Kiyak announced representatives from this group were in attendance tonight to answer questions regarding this event.

Councilman Gonzalez advised representatives from this group have not arrived.

Discussion amongst council members and Department Heads ensued as several had questions and concerns regarding this event. Councilwoman Szukala advised this group is seeking a monetary donation and advised the monetary donation budget line was removed in this years budget therefore the city will not be making a monetary donation to this event.

Councilwoman-at-large Kiyak asked for a motion to refer to the City Clerk to verify specifics of this request and to report back to the council.

Councilman Rivera moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Michelle Heenan, School 7 Principal, requesting Pine Street be closed to traffic between Serval Street and Warsaw Street on Thursday, June 20th from 8:00 AM until 2:00 PM for their end of the year picnic.

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

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from Crystal Christopher for 20 picnic tables and 5 trash cans for a benefit to be held at the VFW Post #1017 on July 27th from 4:00 PM until 10:00 PM. Also requesting the use of the property on Lake Shore Drive East between the Clarion Hotel and Tim Horton's for parking purposes.

Councilwoman Szukala inquired if this organization will be paying a fee for the use of these picnic tables or will this fee be waived.

Mayor Dolce advised picnic table fees are not waived for all clubs or organizations, it is determined on a case by case basis.

Councilman Michalski advised Department of Public Works Director Gugino that he recently met with representatives from VFW Post #1017 stated they asked if the city could work on the street in regard to either patching the street or having the street sweeper sweep the street.

Department of Public Works Director Gugino advised this street is on this year's list for paving and repair and stated he will see to it that the street is taken care of.

Councilwoman-at-large Kiyak advised a motion to approve was needed and referred this to the Department of Public Works and Fire Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Communication from City Assessor Mleczo requesting the assessor's stipend be a permanent increase to the Assessor's salary.

Received and Filed.

Prior Notice from James Muscato informing of potential damage to his automobile allegedly due to the installation of water lines on Lake Shore Drive West.

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 to the Department of Public Works and Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Loudspeaker application from Henry Hooten to use a PA system at 212 Webster Street from 8:00 PM until 10:00 PM.

VFW Post #1017 to use speakers at 111 Deer Street on July 27th from 5:00 PM until 9:00 PM.

Loudspeaker application from Sons of Liberty to use a speaker and microphone at Point Gratiot on July 27th from 3:00 PM until 7:00 PM.

Councilwoman Szukala advised we should not approve the application submitted by the Sons of Liberty since we did not approve the petition.

Councilman Gonzalez advised the representatives from the Sons of Liberty are now in attendance.

Councilwoman-at-large Kiyak advised a motion to approve loudspeaker applications submitted by Henry Hooten and VFW Post #1017 was needed.

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

Carried, all voting aye.

Petition from Sons of Liberty Motorcycling Riding Club to use Point Gratiot on July 27th for a fundraising event for National Puddle Day. Also requesting permission to erect tents, Chinese auction tables, barbecue, kid's games, bounce houses, 50/50 raffles, selling booths for outside companies, live music, fire department assistance and monetary donation.

Kristin Mullen-Thurston, 3742 E. Main Road Lot 43, Fredonia, New York introduced herself as a representative from the Sons of Liberty Motorcycling Riding Club.

Councilwoman-at-large Kiyak had several questions regarding this event for Ms. Mullen-Thurston such as time of event, specific location within Point Gratiot, purpose for fire department assistance, size of tent to be placed in park and how many people are expected to attend this event.

Ms. Mullen-Thurston advised the event is to be held from 3:00 PM until 7:00 PM, would like the tent to be placed behind the large pavilion and can not say how many people she expects to attend as this is the first time this event is being held and is open to the public.

Councilman Michalski asked if there would be alcohol sales at this event.

Representatives from the Sons of Liberty Club advised they do not intend to sell alcohol.

Councilwoman Szukala asked for the purpose of the fire department assistance request.

Ms. Mullen-Thurston advised the event is being held in honor of her nephew who passed away and always like to jump in water puddles and would like water to be brought to the park so the children could jump in water puddles.

Councilman Rivera asked Fire Chief Ahlstrom if providing water at Point Gratiot would be a problem for his department.

Fire Chief Ahlstrom advised providing water for this event would not be a problem and no additional expense will be incurred by his department for this service.

Department of Public Works Director Gugino proceeded to explain an ideal location within the park for this event.

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 filing a loudspeaker permit was needed and referred this to the Department of Public Works, Law Department, Police Department and Fire Department.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from Sons of Liberty to use a speaker and microphone at Point Gratiot on July 27th from 3:00 PM until 7:00 PM.

Councilwoman Szukala moved to approve this application. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised the next Finance Committee Meeting will be held June 24th at 4:15 PM in the Conference Room.

Councilman Michalski asked Department of Development Director Neratko if he has received an update from the DEC regarding the property located between the Clarion Hotel and Tim Horton's.

Department of Development Director Neratko advised he has not received any information from the DEC regarding this property.

Councilman Rivera advised the next Personnel, Judicial & General Welfare, Recreation, Library Regional Planning meeting will be held on June 27th.

Councilman Rivera advised resident's the first Great Lakes Experience Festival was held this past weekend in Memorial Park and hopes this festival will continue in the city in the future and the Dunkirk Historical Society's Park in the Park was also held this past weekend and encouraged Ryan Corbett and the Historical Society to continue to hold this event as the weather the past two years has not been in their favor.

Councilman Gonzalez advised there were three presentations during this morning's Public Works Meeting in regard to new playground equipment for Wright Park and stated proposals will be forthcoming.

Councilwoman Szukala spoke in regard to the Park in the Park event held this past weekend in Washington Park and advised she received a call regarding a scorch mark in the lawn from the chicken barbeque and asked Department of Public Works Director Gugino if he could take care of it.

Department of Public Works Gugino advised he will take care of it.

Councilwoman Szukala advised the council will be on the radio (WDOE) on June 27th at 8:45 AM and thanked Spolk Folk and Rich Goodman for their generous donation of a bicycle and helmets for a raffle held at the Picnic at the Point.

Councilwoman-at-large Kiyak stated "I want to extend a special thanks to everyone who was involved in bringing the Great Lakes Experience to Memorial Park this past Saturday. I've heard that the organizers were pleased with the turnout and it is hoped that this is the first of many years that they will choose Dunkirk as their designated location to present this event.

I also want to acknowledge and thank the County for recognizing the needs of bicyclists having access to the public transit system and applaud the move of installing bike racks on the front of CARTS buses that travel the two fixed routes in the City of Dunkirk.”

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino for an update on the Waste Water Treatment Plant.

Department of Public Works Gugino proceeded to explain the construction and progress of filter bed six at the Water Treatment Plant and advised the Bike Path Project, West End Water Line Project and Millennium Parkway Project (County project) are proceeding well.

Councilwoman-at-large Kiyak inquired about work on Brigham Road.

Department of Public Works Director Gugino advised the county is milling and repaving this road.

Councilwoman-at-large Kiyak asked Department of Development Director Neratko for an update on the Marina.

Department of Development Director Neratko stated “I have not heard anything.”

Police Chief Ortolano reminded residents about the construction on Talcott Street (Millennium Parkway) and asked everyone to pay attention if they are traveling on that road.

Department of Development Director Neratko advised the next and final CDBG Public Hearing will be held Wednesday, June 26th at Noon in the Mayor’s Conference Room.

PRE-FILED RESOLUTIONS:

RESOLUTION #37-2013
June 18, 2013

By Council Members Michalski, Rivera, Gonzalez, Szukala

**FIXING COMPENSATION FOR ELECTIVE OFFICER
(CITY ASSESSOR)**

WHEREAS, pursuant to the Dunkirk City Charter, Section 4.02, the compensation of each elective officer shall be fixed by resolution at meeting held in June prior to the election for such elective officer; now, therefore, be it

RESOLVED, that the salary for the City of Dunkirk Assessor shall be \$36,720.00 *per annum* commencing in fiscal year 2014.

Councilwoman Szukala advised earlier in this meeting the council received and filed a letter from City Assessor Mleczo explaining the additional duties he has incurred due to the elimination of the two part-time assessors and stated she had a list of all the visits and inspections Mr. Mleczo did in 2012 if the public would like a copy. Councilwoman Szukala advised there was much discussion between council members

and stated “we could not come to a resolution as to how we wanted to proceed knowing that money was an issue, didn’t change the fact that the additional duties need to continue; it doesn’t change the fact that Tom is putting in more work but knowing that we needed to have a majority of a vote we came to a resolution, I think, at two percent which increases from \$36,000.00 to \$36,720.00, which was \$720.00 additional pay. It wasn’t what was done in the past but as we know, just because it’s been done in the past doesn’t mean we can continue in that route.” Councilwoman Szukala advised council will be prepared during the next budget season in November to find the additional \$720.00.

Councilwoman-at-large Kiyak stated “not too long ago, I communicated a long list of upcoming expenses – the fate of the NRG plant is still unknown and being our largest tax contributor the potential loss of that revenue could cripple the city’s budget. HUD officials have informed the city that we will indeed be required to pay back some of the misappropriated funds doled out over the last four years. The Fiscal Affairs Officer has recently informed me that worker’s compensation increased this year. We’ve recently committed an estimated \$2.5 million dollars to repair the seawall and adding insult to injury is the out-of-control overtime being incurred by city personnel – as of last weeks report, over \$33,000.00 more has been spent this year as compared to last year. It is difficult to admit that not only are there no new revenues flowing into the city, but recently businesses have closed and moved out of the area.

In light of this long list of expenditures it is my opinion that raising the salary of an elected official is not a prudent expenditure of taxpayer funds and because of that I will be casting a “no” vote for this resolution.”

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

No: Councilwoman-at-large Kiyak.

Carried, 4-1.

RESOLUTION #38-2013
June 18, 2013

By Councilman Michalski:

AUTHORIZING CHANGE ORDER #1 FOR THE CITY OF DUNKIRK BICYCLE AND PEDESTRIAN TRAIL PROJECT, PHASE II, PIN 5757.54, GRANTING AN EXTENSION TO THE ORIGINAL CONTRACT COMPLETION DATE

WHEREAS, the City of Dunkirk has entered into a contract with ERW Enterprises for the construction of the City of Dunkirk Bicycle and Pedestrian Trail Project, Phase II, PIN 5757.54 which contract had a completion date of June 14, 2013; and,

WHEREAS, ERW Enterprises has requested a contract extension from June 14, 2013 to June 30, 2013, citing weather-related issues and delays in utility pole relocations as the reasons for the extension; now, therefore, be it hereby

RESOLVED, that the Mayor is hereby authorized to execute a contract modification on behalf of the City of Dunkirk with ERW Enterprises extending the completion date for the original contract for the Bicycle and Pedestrian Trail Project, Phase II, PIN 5757.54 from June 14, 2013 to June 30, 2013, with no additional costs to the City of Dunkirk.

Carried, all voting aye.

RESOLUTION #39-2013
JUNE 18, 2013

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE
FOR POLICE DEPARTMENT THROUGH COUNTY CONTRACT**

WHEREAS, the City of Dunkirk Police Department is in need of one (1) new automobile for use by the Police Department, and

WHEREAS, one (1) suitable vehicle is available for purchase on County Contract Number GC2012-01, and

WHEREAS, sufficient funds are available in the Police Department's Budget [Rent/Lease Account 001-3120-4150], and

WHEREAS, the cost of one (1) vehicle is \$27,190.90, from DeLacy Ford, Inc. (including financing charges), now, therefore, be it

RESOLVED, that the Mayor is authorized and empowered to execute a two-year lease-to-purchase agreement, on behalf of the City of Dunkirk, with DeLacy Ford, Inc., 10361 Transit Road, Elma, New York 14059-0437, and/or First Niagara Leasing, Inc., for the purchase of one (1) Year 2013 Ford Police Interceptor for the sum of Twenty-Seven Thousand, One Hundred and Ninety Dollars and Ninety Cents (\$27,190.90) (including financing charges), with such funds to come from Account 001-3120-4150.

Councilwoman Szukala stated 'there was some confusion as to this vehicle being purchased; the discussion was, was it the Chief's vehicle that was being replaced that was in an accident or was it other. The answer is we had budgeted money to do a replacement yearly which the department has been very good at doing; takes the oldest vehicle out of service, purchases a new vehicle and then they use the old vehicle for parts; this has been budgeted for, the money is there and we will be pursuing a bid for that vehicle.'

Carried, all voting aye.

Councilman Rivera motioned to meet in Executive Session to discuss the employment history of a particular person or matter leading to the appointment, employment, promotion,

demotion, discipline, suspension, dismissal or removal of a particular person, it is expected that no new business will be taken after the Executive Session concludes. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Executive Session called to order at 6:05 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:52 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 Gonzalez.

Carried, all voting aye.

Adjourned at 6:52 PM

Lacy Lawrence, City Clerk
