

COMMON COUNCIL PROCEEDINGS
June 19, 2012

The meeting was called to order at 6:08 PM by Councilman Michalski followed by the Pledge of Allegiance.

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

Absent: Councilwoman-at-large Kiyak and Public Works Director Gugino.

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman Michalski advised that Councilwoman-at-large Kiyak & Public Works Director Gugino were excused from tonight's meeting.

Councilman Michalski called for a motion according to the City Charter to preside as acting Councilman-at-large for this meeting. Motion by Councilwoman Szukala, seconded by Councilman Gonzalez. Carried.

Certification of June 5th, 2012 meeting was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, June 5th, 2012 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Muscato, 280 Lake Shore Dr. West, Dunkirk, NY requested that Resolution #54 be explained in depth later in the meeting, and spoke relative to Flag Day on June 14th. He stated that several people commented on no attendance by City Officials, and advised that this is held yearly by the Elk's Club. He advised that in the last few years it was held at the Lighthouse with its participants, several organizations and the Elk's Club doing an outstanding job. Mr. Muscato further advised that this was held years ago on Central Avenue in front of the club rooms, there were always City Officials present even then, and stated that this Administration was invited to attend that ceremony.

Skeeter Tower, 438 Swan Street, Dunkirk, NY thanked the Council for continuing the bike trail and for choosing two houses in the Academy Heights Neighborhood which are land banked and on the tax rolls. She also thanked Councilman Rivera for his help in removing the house on Swan Street, and questioned the status of Community Gardens, as she turned in an application and would like to move ahead on this.

Nick Penque, 745 Grant Avenue, Dunkirk, NY advised that the CAC recently had new elections, that he was the new Chairperson, and welcomed the Council in hoping that they can work together as well as with the City Officials.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce congratulated Nick Penque, and advised of a meeting with him on June 28th, and a Council Member would also be invited to go over some things. He also complimented Skeeter Tower, as hers was the first application received for the program, and will be looking at the application shortly, and proceed from there.

Mayor Dolce also complimented the sponsors of the summer festivals along with the Development Department, as they also have to work on pressing matters. At this point, Mayor Dolce turned this portion of the meeting over to Director of Development Steve Neratko for an explanation of Resolution #56 and why it was needed to put this through.

Director of Development Neratko advised that we were working closely with SUNY Fredonia, the Incubator and the Center for Regional Advancement. He advised that we have three resolutions tonight for supporting grant applications, and may have more for the next couple of meetings, but the ones tonight are priority because of the due dates. He further stated that the others would depend on staff availability and time.

He advised that the Arbor Day Resolution (#52-2012) for \$1,000 is for trees and planting of the trees. He further advised that the target area is Central Avenue from Lake Shore Drive to the railroad tracks, and we are working closely working with the Incubator who will provide some trees and money as well to help dress up this area.

He also advised that the Forestry Grant Resolution (#53-2012) will provide the resources to do inventory and analysis on how to maintain and go forward with trees for city property, including right-of-way, parks and other city property; and this would also provide availability for more grants in the future for trees and tree management.

Director of Development Neratko also informed that we are working with SUNY Fredonia on a Main Street grant application (#54-2012) and will be working closely with business owners in their target area from Central Avenue and Washington, from Lake Shore Drive to Third Street, including Lake Shore, Second & Third Streets which is basically a block. He stated that this resolution will provide matching funds to business owners who would like to do renovations on their property, and will also provide streetscape improvements (trees, benches, etc) to dress-up the area.

Councilwoman Szukala questioned how this section of the city was chosen, and the possibility of including dressing up the Amtrak area. Development Director Neratko explained that they look at areas with a lot of commercial buildings such as Main Street, and the chosen area has a lot of potential for first floor commercial with upper residential; which is their focus. He advised of speaking with Christina Orsi from the Regional Development Council and Empire State Development as well who felt this was the best location in the City, and is also willing to expand the area to do additional blocks.

Councilwoman Szukala asked if the Flickinger Building was included, and she was advised that this was included along with Paradis and the building on Lake Shore & Washington, and could help out with the Coburn Block as well, and other commercial buildings.

Development Director Neratko explained that the IDA Resolution (56-2012) needed to be approved tonight, as it was time to file our annual documentation in order to comply with public authorities.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Kelly Services to hold a "Picnic in the Park" on July 20th from 11:00 AM to 2:00 PM in Washington Park.

Councilman Rivera moved that permission be granted and referred this to the Public Works Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from the NY Walleye Association to hold the annual Amara-Can Walleye Classic fishing tournament at Chadwick Bay Marina on July 6th, 7th & 8th with picnic tables, trash/recyclable containers, daily trash pick up, waiver of boat ramp use, time extension of fish cleaning station, a fire truck to assist in sendoff celebration, and inviting the Mayor & Council Members to attend same.

Councilwoman Szukala moved that permission be granted and referred this to the Public Works & Fire Departments. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeakers applications from:

Ackeena Sikes for a DJ/Sound System at the large pavilion on July 7th from 3:00 to 7:00 PM.

Councilwoman Szukala moved that permission be granted contingent on two hours for the DJ, and referred this to the Public Works Department. Seconded by Councilman Rivera.

Carried, all voting aye.

Putnam Record Agency for a PA system on September 8th for the parking lot behind 77 E. Fourth Street from 10:00 AM to 2:00 PM.

E&R's Latin Flavor for a loudspeaker & band on July 4th at 45 LSDE from 3:00 to 10:30 PM.

Latin Festival Committee for a loudspeaker & bands on September 1st, 2nd & 3rd between the High Rise & Clarion Hotel from noon to 9:00 PM for their Puerto Rican Festival.

DHS Class of 1982 for a sound system at the Fireman's Grounds from 5:00 to 9:00 PM on June 30th for their class reunion.

Councilman Rivera reminded the public that are requesting loudspeaker permits in the future to do so on time, as a couple of the permits were not within the required time limit.

Councilwoman Szukala moved that the four applications be approved and referred them to the Public Works & Police Departments. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Rivera advised that at the last Personnel Committee Meeting the contract for the Housing Authority Board was discussed, was still to be determined, and will be presented at the next Council Meeting. He also advised that there has been discussion at previous meetings relative to the landlord/property management policy, this was on the back burner, but will be moving forward on this matter.

Councilman Rivera also spoke relative to the discussion/explanation of trees, stating that last year Academy Heights planted trees in the Second Ward, some were lost but others have grown bigger. He therefore requested that if a resident does have one of these trees on their property, to take some time and tie it up so it isn't lost. He further stated that the resolution was for a policy to replant trees vs. taking them down. He also congratulated Nick Penque on his appointment as Chairman of the CAC.

Councilman Gonzalez advised that he was on vacation for the previous Council Meeting, the Public Works Meeting he had scheduled for today had to be cancelled due to a conflict but would be rescheduled for July.

Councilman Gonzalez also addressed the Fire Chief relative to the moving of the Motor Vehicles Department. Fire Chief Ahlstrom advised that this is a cost-saving move for the County; they were looking for less square footage, the lease expired, and this was a cost savings to the taxpayers as well.

Councilwoman Szukala offered condolences to Councilwoman-at-large Kiyak in the loss of her father-in-law, and to David Manzella for the loss of his father.

Councilwoman Szukala also advised of Senior Sweep this coming Thursday, and if anyone wanted to help out to report at City Hall at 9:00 AM. She also commended the Development Office for all of the work down on the waterfront, and that she heard many wonderful comments as well.

Councilman Michalski advised that the next Finance Meeting would on Monday, June 25th at 5:00 PM, with review of the auditors report (Johnson & Mackowiak), and representatives there as well.

PRE-FILED RESOLUTIONS:**RESOLUTION #52-2012****JUNE 19, 2012****BY COUNCILWOMAN SZUKALA:****AUTHORIZING GRANT APPLICATION
NYSDEC QUICK START ARBOR DAY GRANT PROGRAM**

WHEREAS, the City of Dunkirk is applying to the New York State Department of Environmental Conservation ("NYSDEC") for a Quick Start Arbor Day Grant under the Urban and Community Forestry Program, for a project to be located within the territorial jurisdiction of the City; and

WHEREAS, as a requirement of these programs, the City must obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

RESOLVED, that the Dunkirk Common Council does hereby approve and endorse the City's application for a Quick Start Arbor Day Grant under the Urban and Community Forestry Program through the New York State Department of Environmental Conservation for a project located within this community, and authorizes and directs such application be made to the NYSDEC.

Carried, all voting aye.

RESOLUTION #53-2012
JUNE 19, 2012

BY COUNCILWOMAN SZUKALA:

AUTHORIZING GRANT APPLICATION
NYSDEC COMMUNITY FORESTRY GRANT PROGRAM

WHEREAS, the City of Dunkirk is applying to the New York State Department of Environmental Conservation ("NYSDEC") for a project grant under the Urban and Community Forestry Program for a project to be located within the territorial jurisdiction of the City; and,

WHEREAS, as a requirement of these programs, the City must obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

RESOLVED, that the Dunkirk Common Council does hereby approve and endorse the City's application for a grant under the Round 11 Urban and Community Forest Program through the New York State Department of Environmental Conservation for a project located within this community, and authorizes and directs such application be made to the NYSDEC.

Carried, all voting aye.

RESOLUTION #54-2012
JUNE 19, 2012

BY COUNCILWOMAN SZUKALA:

AUTHORIZING GRANT APPLICATION
NYSOCR MAIN STREET PROGRAM

WHEREAS, the City of Dunkirk is applying to the New York State Office of Community Renewal ("NYSOCR") for a project grant under the New York State Main

Street Program for a project to be located within the territorial jurisdiction of the City; and,

WHEREAS, as a requirement of these programs, the City must obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

RESOLVED, that the Dunkirk Common Council does hereby approve and endorse the City's application for a grant under the New York State Main Street Program through the New York State Office of Community Renewal for a project located within this community, and authorizes and directs such application be made to the NYSOCR.

Carried, all voting aye.

RESOLUTION #55-2012
JUNE 19, 2012

BY COUNCILMAN MICHALSKI AND COUNCILWOMAN SZUKALA:

AUTHORIZING EXTENSION OF TAX COLLECTION AGREEMENT
(County of Chautauqua)

WHEREAS, pursuant to Resolution No. 50-2010 (July 20, 2010), the Common Council authorized an agreement with the County of Chautauqua for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the City (and Dunkirk School District within the City) would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the city, including the guarantee of all such taxes; and,

WHEREAS, pursuant to Resolution No. 95-12 (April 25, 2012), the Chautauqua County Legislature authorized and empowered the County Executive to execute an extension of the existing joint tax collection agreement for a two (2) year term covering the 2012 and 2013 tax levies; and,

WHEREAS, it would be appropriate to extend the agreement with the County of Chautauqua under the same terms and conditions for a period of two (2) years; now, therefore, be it

RESOLVED, that the Mayor is authorized and empowered to execute an extension of the existing joint tax collection agreement with the County of Chautauqua for a two (2) year term covering the 2012 and 2013 tax levies.

Carried, all voting aye.

RESOLUTION #56-2012
JUNE 19, 2012

BY COUNCILMAN GONZALEZ:

**APPOINTMENT OF
DUNKIRK INDUSTRIAL DEVELOPMENT AGENCY BOARD MEMBERS**

WHEREAS, the City of Dunkirk Industrial Development Agency (“DIDA”) was created for the benefit of the City of Dunkirk and the inhabitants thereof, by NY General Municipal Law Section 890-A; and

WHEREAS, an active DIDA is essential to promote the best interests of the residents of the City in the area of industrial and economic development; and

WHEREAS, NY General Municipal Law Section 856(2) provides that such agency “shall consist of not less than three (3) nor more than seven (7) members who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority;” now, therefore, be it

RESOLVED, that Steven Neratko is hereby confirmed to membership upon the DIDA Board and shall serve as Chairman thereof, by virtue of being the City’s Director of Planning & Development; and, be it further

RESOLVED, that Michael Michalski, James Oddo, Thomas Murphy, Anthony Popielarz and Lacy Lawrence are hereby appointed to the DIDA Board, effective immediately; and, be it finally

RESOLVED, that the terms of those individuals previously holding the positions of DIDA Board members are hereby terminated, with the thanks of the City for their generous volunteer service to the community.

Acting Councilman-at-large Michalski requested to abstain from voting. Motion by Councilwoman Szukala. Seconded by Councilman Gonzalez.

Vote on abstention: Carried, all voting aye. (3)

Vote on resolution: Carried, all voting aye. (3).

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:35 PM

Lacy Lawrence, City Clerk
