

COMMON COUNCIL PROCEEDINGS
August 19, 2014

The meeting was called to order at 5:30 PM by Councilman Rivera followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez and Councilwoman Szukala

Councilman Rivera advised a motion was needed to appoint him as Acting Councilman-at-Large for tonight's meeting.

Councilman Michalski made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.

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

Acting Councilman-at-large Rivera excused Fire Chief Ahlstrom from tonight's meeting.

Absent: Public Works Director Gugino

Certification of Monday August 04, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Monday, August 04, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised that the Dunkirk TV Club will be starting a morning show that will be broadcasted 7:30 AM until 7:50 AM Monday – Friday on Cable Access 12 and that everything is set for broadcasting High School Football and Soccer during the season.

Mayor Dolce thanked everyone for the support during the restoration of the “Whispering Giant” statue. He advised that work will now begin on fundraising for the enclosure with help from Gena Kron and The Chamber of Commerce. The Chamber will also help in trying to secure a grant through the Northern Chautauqua Community Foundation with hopes of the statue being enclosed by end of year.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Gary Cerne, Dunkirk City School District Superintendent, for police supervision for their High School Football games on September 12th, 19th, October 3rd, 16th & late October date TBA.

Councilwoman Szukala inquired to Police Chief Ortolano about payment for services.

Police Chief Ortolano advised that payment goes directly through the PBA and school district.

Acting Councilman-at-large Rivera advised a motion was needed to refer to the PBA.

Councilwoman Szukala made a motion to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Claim from Josephine Tooley for alleged damages to her vehicle due to pothole on Main Street.

Notice of Claim from Randall Benderson and David Baldauf for alleged property damage.

Acting Councilman-at-large Rivera advised a motion was needed to refer to Law Department.

Councilwoman Szukala made a motion to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski inquired to Director of Development Neratko about a report in regards to DLDC/CDBG funds that were going to be spent on the Flickinger building for environmental services that he read about in the Observer.

Director of Development Neratko advised that these were past funds from 2012 & 2013 that were allocated towards that work and are available to be used for a future developer or re-allocated to other projects.

Councilman Gonzalez apologized for the confusion with the cancellation of his Personnel Meeting and advised that his committee meetings will now be rescheduled for after 5:30 PM due to work obligations.

Councilwoman Szukala inquired to Building Inspector Zurawski and Director of Development Neratko for updates on Zoning and Planning Board trainings.

Building Inspector Zurawski advised that 3 members completed the training, 1 member resigned and that he is anticipating the other member to complete.

Director of Development Neratko advised that 2 have completed the training and referred the other 3 to potential available courses and that he will keep up on this as training must be complete by the end of the year.

Councilwoman Szukala inquired to Mayor Dolce for an update on the street list for paving and if there has been any preliminary work on the 2015 Budget.

Mayor Dolce advised that the bid opening for street paving is next week with Council hopefully approving the resolution at the September 2nd Council Meeting and that he has not yet started the 2015 Budget process.

Councilwoman Szukala inquired to Police Chief Ortolano about possible signage changes for Point Gratiot as she has noticed several vehicles that were driving on the bike path and is concerned for bikers/walkers safety.

Police Chief Ortolano advised that this should be referred to City Engineer Woodbury to look into possible changes in signage and markings to make drivers more aware.

Acting Councilman-at-large Rivera advised that while he does not currently have one scheduled, he will be holding a Public Safety Meeting in September and inquired about work on the AI-Tech site.

Building Inspector Zurawski explained the lengthy process involved to get the building ready for demolition and that while it is scheduled to be complete by end of year different situations could prolong the process past that time frame.

Acting Councilman-at-large Rivera inquired as to the removal of various materials piled at the City Barns.

Councilwoman Szukala advised that this situation was discussed at her Public Works Meeting and explained the steps involved to permanently remove the pile.

PRE-FILED RESOLUTIONS:

RESOLUTION #68-2014
AUGUST 19, 2014

BY: THE ENTIRE COUNCIL
APPOINTMENT OF CHAUTAUQUA COUNTY WATER AGENCY MEMBER

WHEREAS, by Resolutions 211-13 and 246-13, the Chautauqua County Legislature established, and amended, a County Water Agency (the "Agency") pursuant to Article 5-A of the New York State County Law to evaluate water supply needs in northern Chautauqua County; and

WHEREAS, among the members of such Agency is to be a member appointed by the Common Council of the City of Dunkirk; and

WHEREAS, the Council (by Resolution No. 22-2014) appointed **STEPHANIE KIIYAK** to the Chautauqua County Water Agency as its representative, and it is now appropriate to appoint a successor representative; now, therefore, be it

RESOLVED, that the Common Council of the City of Dunkirk hereby appoints **WILLIAM RIVERA** to the Chautauqua County Water Agency.

Carried, all voting aye.

RESOLUTION #69-2014
AUGUST 19, 2014

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT TO PROVIDE RANDOM DRUG TESTING
(LANGFORD TESTING AND CONSULTING)**

WHEREAS, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

WHEREAS, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

WHEREAS, Complete Testing Services was contracted to perform this function for the City, per Resolution No. 14-2014 (January 21, 2014), but has noticed the City that it is no longer to be in business; and

WHEREAS, Langford Testing and Consulting can provide without interruption the required services in a good and workmanlike manner; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with **Langford Testing and Consulting**, 52 Berry Road, Fredonia, New York 14063, for the administration of the standard random selection drug testing program for the balance of 2014.

Councilwoman Szukala inquired to Personnel Administrator Heyden as to the reasoning behind this resolution.

Personnel Administrator Heyden advised that the current company/owner retired and that this company has previously provided the same services to the City.

Carried, all voting aye.

RESOLUTION #70-2014
AUGUST 19, 2014

BY: THE ENTIRE COUNCIL

**TRANSFERRING CITY FUNDS
(18 Lake Shore Drive West, Dunkirk)**

WHEREAS, certain real property commonly known as 18 Lake Shore Drive West, Dunkirk, NY (the "Property"), is currently owned and controlled by DLDC Real Property, LLC ("Real Property, LLC"), a subsidiary of the Dunkirk Local Development Corporation (the "DLDC"); and

WHEREAS, the Property is subject to a certain Note & Mortgage which provides, *inter alia*, for a payment of Fifty Thousand Dollars and Zero Cents (\$50,000.00) on or before September 1, 2014; and

WHEREAS, the DLDC has no available monies which are available to fund such payment; and

WHEREAS, the Property is a very valuable development location within the City of Dunkirk (the "City"), and it would be in the best interest of the City for the City to assist the DLDC and Real Property, LLC in maintaining ownership of the Property; now, therefore, be it

RESOLVED, that the City agrees to transfer, as below detailed, certain monies to the Dunkirk Local Development Corporation and DLDC Real Property, LLC to provide for the September 1, 2014 Note & Mortgage payment in the amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00), subject to the condition that the City be guaranteed that such money shall be repaid to the City out of any net proceeds from the sale or lease of the Property; and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

FUND 1

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.8020.1990.0000	Development	HUD Repayment	(\$22,826.52)
001.1325.1000.0000	Treasury	Personal Services	(\$22,173.48)
001.8050.2005.0000	Cable TV	Equipment	(\$ 5,000.00)
001.8020.4247.0000	DLDC	Allotment	\$ 50,000.00

Councilwoman Szukala advised that she only voted to make the payment last year with hopes that the property would have been sold or close to it by the time the 2014 payment would become due. "With the long list of items that we have to do within the city including our fire halls needing work, a dredging grant that we need to match funds for, equipment in DPW, a seawall to pay for as well as aging infrastructure with 58 water breaks this year, I think our priorities need to be elsewhere rather than a vacant piece of property to yet again bail out the DLDC". She then advised that she believed that ample time was given to do what they had needed to do so she could not support this resolution.

Councilman Gonzalez advised that he "will echo the same sentiments" as Councilwoman Szukala and will vote no.

Councilman Michalski advised that he would like to see the mortgage holder work with the City as a good-faith gesture to restructure payments, will be voting no, and inquired where the responsibilities of the environmental bill would fall should the City continue with payments.

Acting Councilman-at-large Rivera advised that he would also like to see the City reach out to the mortgage holder to see if they could work anything out. "The City is in a position right now where we need ever cent we can get", advised he feels "like we're throwing good money after something bad" and will also be voting no.

Vote on Resolution:

Ayes: None

No: Councilman Michalski, Councilman Rivera, Councilman Gonzalez, and Councilwoman Szukala.

Resolution defeated 0-4.

NEW BUSINESS:

RESOLUTION #71-2014
AUGUST 19, 2014
NEW BUSINESS

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(August 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 1

Description: Building City Hall – Supplies are understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.1620.4004	Building City Hall	Supplies	\$ 200
001.7180.1000	Beach Operations	Personal Services	\$ (200)
		TOTAL	\$ -

FUND 1

Description: Building City Hall – Repair /Maintenance line item is understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.1620.4021	Building City Hall	Repair/Maint	\$ 3,000
001.7180.1000	Beach Operations	Personal Services	\$(3,000)
		TOTAL	\$ -

FUND 1

Description: Maintenance of Streets – Part time personal services are understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.5110.1010	Maintenance of Streets	Personal Service - PT	\$ 4,000
001.5110.1000	Maintenance of Streets	Personal Services	\$(4,000)
		TOTAL	\$ -

FUND 1

Description: Parks Division – Supplies are understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.7110.4002	Parks Division	Supplies	\$ 200
001.7550.4009	Celebrations	Other	\$(200)
		TOTAL	\$ -

FUND 1

Description: Parks Division – Contracted Services are understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.7110.4036	Parks Division	Contracted Services	\$ 2,000
001.8506.1000	Tree Trimming & Removal	Personal Services	\$ (2,000)
		TOTAL	\$ -

FUND 1

Description: Sanitary Sewer – Contracted Services are understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.8120.4036	Sanitary Sewer	Contracted Services	\$ 10,000
001.8506.1000	Tree Trimming & Removal	Personal Services	\$(10,000)
		TOTAL	\$ -

FUND 2

Description: Water Distribution System – Overtime is understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
002.8340.1001	Water Dist. System	Overtime	\$ 10,000
002.1900.1990	Water General Services	Contingencies Allowance	\$(10,000)
		TOTAL	\$ -

FUND 3

Description: Industrial Pretreatment – Overtime is understated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
003.8135.1001	Industrial Pretreatment	Overtime	\$10,000
003.1900.1991	Wastewater Gen. Services	Capital Replacement	\$(10,000)
		TOTAL	\$ -

FUND 1

Description: Building, City Hall – Numerous Boiler related repairs, maintenance, and replacement of 30 yr. old tank.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.1620.4036	Building City Hall	Contracted Services	\$ 3,000
001.5680.1000	Harbormaster	Personal Services	\$(3,000)
		TOTAL	\$ -

Councilwoman Szukala moved to sponsor this Resolution. Seconded by Councilman Michalski.

Councilwoman Szukala advised that all the transfers were discussed at the Finance and Public Works Committee Meetings held yesterday.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:52 PM

Nicole Joiner, City Clerk
