

**COMMON COUNCIL PROCEEDINGS**  
**August 20, 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, City Treasurer Woods, Fire Chief Ahlstrom, Fiscal Affairs Officer Halas, Director of Development Neratko, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden and Police Chief Ortolano.

Absent: Public Works Director Gugino and Building/Zoning Inspector Zurawski

Certification of August 5, 2013 meeting was read by City Clerk Lawrence.

**RESOLVED:** That the reading of the minutes of Monday, August 5, 2013 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Robert Wright, Real Property Analyst 2 Agricultural Valuation Specialist from the New York State Department of Taxation and Finance spoke on behalf of the STAR Program. Mr. Wright advised that the basic STAR Recipients will be receiving a letter in the mail that will contain a code needed to register for the program. He advised that this will be a one-time process brought forth to cut down on fraud and that any questions can be directed to [www.tax.ny.gov](http://www.tax.ny.gov) or by telephone.

Harriet "Skeeter" Tower, 438 Swan Street spoke on behalf of the Academy Heights Neighborhood Committee and brought to the attention of the Council that there has been loud noise in her neighborhood from motorcycles and radios recently. She also brought to the attention of council the need for a Litter Policy and the need to enforce or amend it. Ms. Tower advised that the "yarn bombing" has been completed for the first historic house tour taking place on September 7<sup>th</sup> and inquired to the advertising promised by the Department of Development. She also advised that the Burchfield Penny will be in the City to display the original artwork of City native George W Edgars. Ms Tower inquired to the credentials for new positions that were posted and wanted assurance that the people hired were qualified.

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Dolce advised Harriet Tower that he has worked closely with Personnel Director Heyden to make sure that the positions met all of the Chautauqua County Civil Service requirements and qualifications.

Mayor Dolce complimented the Dunkirk Lighthouse for their work on The Civil War re-enactment of Battle of Lighthouse Point.

Mayor Dolce advised that V3 is absent today due to scheduling/traveling conflicts and that Public Works Director Gugino is on special assignment researching ways to restore the Native American statue on Lake Shore Drive.

Mayor Dolce advised that the hiring process for advertised positions brought 30 resumes, and from 10 interviews 4 Candidates were chosen for a follow-up with hopes that the new Clerk along with the CDBG Administrator will be appointed at the September 3<sup>rd</sup> Common Council Meeting.

Mayor Dolce advised that the Heritage Fest has been cancelled due to lack of sponsorship. He stated that going forward, he would like to keep the same venue, but shorten the proposed hours to be more accommodating to the neighbors in the area.

Mayor Dolce advised that Music on the Pier will take place on September 5<sup>th</sup> and September 12<sup>th</sup> with the previously cancelled performers and the possibility of adding additional musical acts.

Mayor Dolce advised that the street paving project will not be completed this year but that the hot-in-place streets are looking good with a target date for completion by end of September. More details will be available at the September 3<sup>rd</sup> Council Meeting.

Mayor Dolce advised that the Wright Park basketball court is in serious need of attention and repairs will be addressed in the near future.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Dunkirk Midget Football League to use the corners of 4<sup>th</sup> Street and Central Ave., Central Avenue and 5<sup>th</sup> Street, 4<sup>th</sup> Street and Main Street and W. Doughty Street near the Fire hall to conduct a "Tag Day" fundraiser on September 21<sup>st</sup> from 9:00 AM until 3:00 PM.

Councilwoman Szukala advised that while she supports the event the Main and 4<sup>th</sup> Street location does not adhere to the City Policy.

Police Chief Ortolano advised that the Main Street location is not on the approved list as it is a state highway and has different regulations.

Councilwoman-at-large Kiyak advised a motion to approve without additional location and refer to DPW, Police, Fire and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Joseph Gullo III to use the corners of Central Avenue and Fourth Street on August 30<sup>th</sup> from 9:00 AM until 4:00 PM, Central Avenue and Fourth Street and West Doughty

Street in front of Hose #4 Fire Hall on August 31<sup>st</sup> and September 1<sup>st</sup> from 8:00 AM until 4:00 PM for their annual "Muscular Dystrophy Association Telethon".

Councilwoman-at-large Kiyak advised a motion to approve and refer to DPW, Police, Fire and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured.

Councilwoman Szukala moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Alan Gens, Director of Athletics for police coverage on September 20<sup>th</sup>, 27<sup>th</sup>, October 4<sup>th</sup> & 18<sup>th</sup>, for their Fall Season sporting events.

Councilwoman Szukala asked Police Chief Ortolano if there would be any additional costs to the city.

Police Chief Ortolano advised that payment would be made directly from the school to the PBA.

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from Les Johnson owner of Hollyloft Ski and Bike for use of Memorial Park on Wednesday August 21<sup>st</sup> from 5:00pm until 8:00pm for a specialized bicycle demonstration.

Councilwoman Szukala advised that City property is not the place for a business that is not non-profit to hold an event and there is currently no policy in place for this.

Councilman Michalski inquired as to how this is any different than the Farmers Market.

Councilwoman-at-large Kiyak advised that this event is scheduled for tomorrow and that she agreed with Councilwoman Szukala in regards to the utilizing of City Property for a private business. She also advised that she did not believe the Farmers Market falls in the same scope as it is used to attract people to the area and benefits all residents.

Councilwoman Szukala moved to deny. Seconded by Councilman Rivera.

Ayes: Councilman Rivera, Councilman Gonzalez, Councilwoman Szukala,  
Councilwoman-at-large Szukala

No: Councilman Michalski.

Carried, 4-1.

Petition from Ramon Ramos Sr. of DK Bandits Motorcycle Club for use of Washington Park on Saturday, August 24<sup>th</sup> from 1:00PM until 4:00PM for a community school supply/back to school give-away for children in need in the community.

Councilwoman Szukala asked Police Chief Ortolano to speak in regards to this.

Police Chief Ortolano advised that he is not in favor of using Washington Park for the event as he has received nuisance complaints involved with burnouts and noise issues.

Councilwoman Szukala advised the group that liability insurance would be needed to have the event at Washington Park and suggested that having the event at their Clubhouse would help alleviate some negative press that the group had been receiving.

Councilman Rivera advised that while he supports the idea he is concerned with the timing and would have liked more correspondence from the group.

Councilman Gonzalez advised that while he believes this is an excellent idea, after listening to Police Chief Ortolano and Councilwoman Szukala's suggestions he also believed it was best for the group to have this on their own property and inquired to the members in attendance if this was something they were interested in.

Petitioner removed the request.

Received and filed.

Prior notice from Chris Dillenburg for a dangerous tree adjacent to her property on 235 Lord Street.

Councilwoman-at-large Kiyak made a motion to refer to Law, DPW, and City Clerk who maintains a "prior notice" register.

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala

Carried, all voting aye.

Notice of Claim from Carmen Rivera for injuries allegedly sustained due to the sidewalk on Ruggles Street.

Notice of Claim from Dawn Wood for damages allegedly sustained to her vehicle from a manhole cover while driving on Brigham Road.

Notice of Claim from Cornelia Helwig for damages allegedly sustained to her vehicle while driving by the water tower on Willowbrook Road.

Councilwoman-at-large Kiyak made a motion to refer to Law Department.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application DK Bandits Motorcycle Club to use DJ System at Washington Park on August 24<sup>th</sup> from 1:00 PM until 4:00 PM.

Received and filed.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski asked Mayor Dolce if the paving he mentioned would be accessing the CHIPS Money.

Mayor Dolce advised that is where the money will be coming from and we are not in jeopardy of losing that funding. He also stated that, due to timing, the part that will not get done until next season is the section that is tied to HUD.

Councilman Michalski asked City Attorney Szot if there is a policy in regards to setting up tents/camping on City property as he noticed some set up last weekend near the Clarion Hotel.

City Attorney Szot advised that not only is this a health concern but the individuals could also be arrested/issued appearance tickets for trespassing if they are on City Property. He advised that after the 4<sup>th</sup> of July Holiday the Department was going to start working on setting up specific City Codes sections that are easier to designate as being violated as opposed to being given an appearance ticket for trespassing.

Mayor Dolce advised that the other option to this would be to start charging the individuals money.

Police Chief Ortolano advised that there is a provision in the City Codes in regards to camping that only applies to the City Parks and that you would have to visit that Code if looking into making it any City property.

Councilman Rivera advised that as of July 23<sup>rd</sup> Time Warner Cable switched to a digital signal. Analogue televisions would no longer be able to receive this digital signal and City residents have until September 23<sup>rd</sup> to receive a complimentary digital adapter. He advised that if anyone has any questions to please contact Time Warner Cable at 1-855-286-1736.

Councilman Rivera advised that he has been in touch with Police Chief Ortolano and one of the benches that were vandalized across from Dunkirk Senior High School is currently being investigated. He also mentioned his disappointment in the vandalism that is currently taking place at the Skate Park, including signs that designate its purpose and that if any of the Residents see anything suspicious to please call the Dunkirk Police Department.

Mayor Dolce advised that some of the vandalized signs have already been replaced.

Councilman Gonzalez advised that during today's Public Safety Committee meeting the tree cutting truck situation was addressed as well as the street paving issues. He also advised that all money that was going to be used for paving will be held until next year.

Mayor Dolce advised that the majority of the streets were hot place and should still be able to be completed by the end of September.

Councilman Gonzalez spoke in regards to the empty City-owned lots and expressed agreement that they should be utilized during the various functions held through the year to make additional revenue.

Mayor Dolce advised that a representative from the last tournament has been contacted and was told that if they were going to keep coming here that there will be costs involved (electricity, port-a-potties) and to keep in touch with the city as their event nears.

Councilwoman Szukala advised that the next Public Safety Meeting is scheduled for 10:00am on August 27<sup>th</sup>. She also reminded City Residents that the Dunkirk Triathlon will be held on August 25<sup>th</sup> and to please use caution while traveling through City streets, especially in the lakefront area.

Councilwoman-at-large Kiyak had nothing to report.

Police Chief Ortolano advised that he was pleased with the turnout of the National Night Out and thanked everyone for their help.

Clerk, Board of Assessors Mleczo reminded residents that the STAR Re-Registration Program is for basic STAR recipients only (under 65 years old) and that anyone over 65 and on the Enhanced Program will not have anything additional to do at this time and will not receive any paperwork in the mail.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #54-2013**  
**AUGUST 20, 2013**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING AGREEMENT FOR SENIOR AIDE  
THROUGH SENIOR AIDE PROGRAM SPONSORED BY CHAUTAUQUA  
COUNTY**

**WHEREAS**, the Dunkirk Senior Center has and continues to serve the needs of the City's Senior Citizens; and

**WHEREAS**, in order to continue to maintain the high level of service provided through the Senior Center, certain administrative services and duties are required; and

**WHEREAS**, the SENIOR AIDE PROGRAM, with the County of Chautauqua Office for the Aging serving as the Sponsor Agency, will be able to provide for these services which may otherwise not be performed due to lack of funds or personnel, with no direct cost to the City of Dunkirk; and

**WHEREAS**, the City has utilized such services, and wishes to continue to utilize such services, as appropriate, in order to serve the needs of the City's Senior Center, with direction provided in conjunction with the Senior Center Board of Directors; now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute an agreement, on behalf of the City of Dunkirk (as Host Agency) with **Senior Service America, Inc.** and the **New York State Office for the Aging Senior Community Service Employment Program**, for Senior Aide, for a period through June 30, 2014.

Mayor Dolce advised that there is currently no Senior Aide as the program has gone through cutbacks. This will be in place in case the funding does become available to help out at The Senior Center.

Councilwoman-at-large Szukala inquired if this was the same as last years program and to the cost associated.

Mayor Dolce advised that this is the same as last year and does not put any additional expenses on the City.

Carried, all voting aye.

**RESOLUTION #55-2013**  
**AUGUST 20, 2013**

**BY THE ENTIRE COUNCIL:**

**AUTHORIZING SCHOOL RESOURCE OFFICER AGREEMENT  
(DUNKIRK CITY SCHOOL DISTRICT)**

**WHEREAS**, the City of Dunkirk and the Dunkirk City School District (the "District") desire to provide law enforcement and related services at the District's High School through the use of a School Resource Officer provided by the City; and,

**WHEREAS**, the City and the District have enjoyed a mutually-beneficial relationship utilizing a School Resource Officer in the past and wish to continue the relationship; now, therefore be it

**RESOLVED**, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter into an Agreement with the **Dunkirk City School District**, 620 Marauder Drive, Dunkirk, New York 14048, for the City to provide a School Resource Officer for the period July 1, 2013 through December 31, 2013, at a charge of Ten Thousand Four Hundred Ten Dollars and Seventy-Seven Cents (\$10,410.77) per month.

Carried, all voting aye.

**RESOLUTION #56-2013**  
**AUGUST 20, 2013**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING VENDING MACHINE TERMINABLE LICENSE AGREEMENT**  
**(Steven Sek d/b/a Lakeside Vending)**

**WHEREAS**, the City of Dunkirk, which owns various buildings throughout the City, believes that it would be desirable to and a convenience for the public for the provision of vending machine services in various locations; and

**WHEREAS**, STEVEN SEK d/b/a Lakeside Vending, 14 Armadillo Street, Dunkirk, New York 14048, has proposed to provide such vending machine services available in a good and workmanlike manner, satisfactory to the City; and

**WHEREAS**, it would be in the best interests of the City to enter into a terminable license Agreement with STEVEN SEK d/b/a Lakeside Vending for the provision of vending machine services in various locations on a non-exclusive basis; now, therefore be it

**RESOLVED**, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter in to a Terminable License Agreement with **STEVEN SEK d/b/a Lakeside Vending**, 14 Armadillo Street, Dunkirk, New York 14048, for vending machine services in various City-owned properties for a period of six (6) months, from September 1, 2013 through February 28, 2014, at a charge of Twenty Dollars and Zero Cents (\$20.00) per machine, per month.

Councilwoman Szukala advised that she still had concerns and questions in regards to this resolution and more research was needed.

Councilwoman-at-large Kiyak advised that she also had concerns and stated that she did some research and found it's typical to either charge a flat fee or receive a commission of up to 20% and she also had a question as to if there would be any soda machines.

Mayor Dolce advised that it is a candy/gum machine with the possibility of a soda machine existing in the future.

Councilwoman-at-large Kiyak advised that after doing research, the typical cost of electricity for refrigerated unit costs about \$20/month and standard vending machines run about \$3/month and if we did move in the soda machine direction we would only be breaking even. She also inquired into who else was approached while searching for a vendor.

Mayor Dolce advised that the City was the one approached with the offer to house the machine and that no other offers had been made. He advised that they were originally considering a rate of 10% of all sales but that there could possibly be a problem with the lack of necessary personnel required during collection so it was decided on the \$20 flat fee for a six month time period for no more than 2 machines to be placed in the alleyway of City Hall.

Councilwoman Szukala inquired to security of City Hall with the vending machine in the alleyway.

Mayor Dolce advised that City Attorney Szot worked closely with Lakeside Vending to ensure there was proper insurance based on the location it would be placed. He also confirmed to Councilwoman-at-large Kiyak that monthly reports will be made available and if a refrigerated unit were to be introduced, it would be brought back to council for review/approval.

Ayes: Councilman Michalski, Councilman Rivera, Councilman Gonzalez, Councilwoman-at-large Kiyak.

No: Councilwoman Szukala.

Carried, 4-1.

**RESOLUTION #57-2013**  
**AUGUST 20, 2013**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING PARTICIPATION IN SEX OFFENDER COMPLIANCE AND  
ENFORCEMENT PROGRAM  
(DEPARTMENT OF JUSTICE)**

**WHEREAS**, the City of Dunkirk has an opportunity to participate in a sex offender compliance and enforcement program conducted through the auspices of the U.S. Department of Justice (U.S. Marshals Service); and

**WHEREAS**, the City's participation in this program, commonly known as "Jumping Fish," will provide for reimbursement of up to \$1,339.92 in overtime expenses to the City; and,

**WHEREAS**, the City is ready, willing and able to participate in such program, which would be in the best interests of the community; now, therefore, be it

**RESOLVED**, that the Mayor and/or the Chief of Police is hereby authorized to execute contracts and agreements with the U.S. Department of Justice (U.S. Marshals Service) for participation in the sex offender compliance and enforcement program, for the period August 26, 2013 through September 30, 2013; and, be it finally

**RESOLVED**, that reimbursement received for such program be credited to Reimburse Police Department appropriation line:

**Overtime**

**Account No. 001-3120-1001**

Councilwoman Szukala asked Police Chief Ortolano to explain the program to residents.

Police Chief Ortolano advised that this is a Federal Program sponsored by the US Marshalls Office known as "Operation Jumping Fish." He stated that the program will be administered by Sergeant Witkowski who handles the City's sex offender registry. The purpose of this program is to verify addresses, photos, or any other information that the City would need to keep databases up to date along with working with other participating municipalities in the County to compile a "county-wide database" at no cost to the City.

Carried, all voting aye.

**RESOLUTION #58-2013**  
**AUGUST 20, 2013**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING EMPLOYEE ASSISTANCE PROGRAM CONTRACT  
(FAMILY SERVICE OF THE CHAUTAUQUA REGION, INC.)  
(AUGUST 1, 2013 THROUGH JULY 31, 2015)**

**WHEREAS**, Family Service of the Chautauqua Region, Inc., 332 East Fourth Street, Jamestown, New York, has developed a comprehensive education and counseling program servicing employees, retirees, and the employees' immediate family members; and

**WHEREAS**, the contract will be for the period of August 1, 2013 through July 31, 2015; and

**WHEREAS**, the annual cost for the program will be Three Thousand Four Hundred Twenty-Five Dollars (\$3,425.00); now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized and empowered to execute a contract, on behalf of the City of Dunkirk, with **Family Service of the Chautauqua Region, Inc.**, 332 East Fourth Street, Jamestown, New York 14701, for the provision of an Employee Assistance Program to cover eligible City employees for the period from August 1, 2013 through July 31, 2015; and, be it finally

**RESOLVED**, that the funds for the above will come from Account #001-1430-4036 Personnel Department Employee Services EAP.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:14 PM**

**Lacy Lawrence, City Clerk**

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