

COMMON COUNCIL PROCEEDINGS
August 6, 2012

The meeting was called to order at 6:08 PM by Councilmember-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 Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden, and Police Chief Ortolano.

Councilwoman-at-large Kiyak excused Fire Chief Ahlstrom from tonight's meeting.

Certification of July 17, 2012 meeting and Special Meeting on July 31, 2012 was read by City Clerk Lawrence.

RESOLVED: That the reading of the minutes of Tuesday, July 17, 2012 and Tuesday, July 31, 2012 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Brianna DeAngelo, 52 Babcock Avenue, Silver Creek, NY spoke as an advocate on behalf of her parents who reside at 621 Eagle Street, Dunkirk, NY regarding their water bill. Mrs. DeAngelo advised her parents have been residents of the City since 1995 and had two water meters on their home. Mrs. DeAngelo stated in January 2011 her parents had one of the meters removed from their home; water usage prior to 2011 and after the initial reading following the installation of the new meter ranged between 12-22 units per quarter however, the first quarter following the installation of the new meter they were charged for 656 units (500,000 gallons) of water usage. Mrs. DeAngelo advised her parents communicated the increase of usage to the water department and Mr. Woods and stated they were told the department would look into this. Mrs. DeAngelo stated her parents assumed everything was taken care of since they never heard from the water department however the water bill was assessed on their taxes resulting in an increase to their mortgage payment; the old meter could not be found and asked Mayor Dolce for assistance regarding this issue.

Councilwoman-at-large Kiyak thanked Mrs. DeAngelo for bringing this to the council's attention and stated this matter will be looked into.

James Muscato, 280 Lake Shore Drive West, Dunkirk, NY asked have all the new water meters been installed.

Department of Public Works Director Gugino advised the new meters have been installed in all the homes in the city (99.99%) with the exception of abandoned houses, houses with no

active accounts, and houses the city could not access. Department of Public Works Director Gugino advised there is one industry in the city who has not complied and the city is in discussions with the Board of Health regarding this industry.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from the Mayor re-appointing Danny McGill to the Dunkirk Housing Authority Board effective August 6, 2012 and expiring July 11, 2017.

Received and filed.

Communication from the Mayor appointing Danny McGill, Christa Haynes, Ed Eaker, Paula Arntz, Jim Bunge and John LaMattina to the Dunkirk Cable T.V. and Communications Advisory Board effective August 6, 2012 and expiring July 2, 2014. Also appointing Councilman Bill Rivera as an Ex-Officio member of the board.

Received and filed.

Mayor Dolce advised the Farmers Market celebrated its opening last week and stated this was a collaborated effort between the City, Greg Krauza and the Chamber of Commerce. Mayor Dolce further advised the market is located on Lark Street and will be open every Thursday 11:00 AM until 6:00 PM thru October 2nd.

Mayor Dolce announced the city will be entering into a shared service agreement with the Town of Dunkirk for police services. Mayor Dolce advised the Police Department will be providing secondary police patrol in the Town for 12 hours per week, the days and times will fluctuate, this will be on a trial basis until the end of the year and looks forward to this project. Mayor Dolce asked Police Chief Ortolano to speak regarding this agreement.

Police Chief Ortolano advised residents the city will be providing the Town of Dunkirk with secondary police patrol and stated "my priority and our department's priority is the City of Dunkirk and will remain the City of Dunkirk for police service and protection." Police Chief Ortolano advised his officers will patrol the Town 12 hours a week (when they are available), they are not the primary law enforcement for the Town and residents are to call 911, the Chautauqua County Sheriff's Department or the New York State Police. Police Chief Ortolano advised this is on a trial basis and the City made it clear to Town Officials the departments priority is the City of Dunkirk.

Mayor Dolce advised the Farmers Market will remain open thru Thursday, October 4th, not October 2nd.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Putnam Record Insurance Agency requesting a written proclamation from the Mayor and the Mayor's presence on September 8th for their first annual "Safety Saturday". Also requesting the use of 30 orange cones and 8 wooden barriers.

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

Councilman Michalski moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from “Relay for Life” team 777’s to use 15 to 20 picnic tables and the use of the city’s electronic sign on the Dunkirk Boardwalk on September 23rd.

Councilwoman-at-large Kiyak advised this petition is being pulled from tonight’s agenda.

Petition from Joseph Gullo III requesting to use the corners of Central Avenue and Fourth Street on August 31st from 9:00 AM until 3:00 PM, Central Avenue and Fifth Street and West Doughty Street in front of Hose #4 Fire Hall on September 1st and 2nd from 8:00 AM until 3:00 PM for their annual “Muscular Dystrophy Association Telethon”.

Councilwoman-at-large Kiyak advised a motion to approve was needed contingent upon liability insurance and the group adheres to the dates, times and locations listed in their request and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Gonzalez moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski congratulated Jennifer Stuczynski Suhr on winning a gold medal today in the Pole Vault event at the 2012 Summer Olympics in London.

Councilman Michalski advised the next Finance Committee Meeting will be held this Thursday, August 9th at 3:00 PM in the Conference Room.

Councilman Michalski advised the 2012 Dunkirk Lakefront 5k Run will take place this Saturday, August 11th and he will be participating in this race with his son. Councilman Michalski asked Department of Public Works Director Gugino if his department can clean up loose stone by the Highrise before Saturday’s race.

Department of Public Works Director Gugino and Police Chief Ortolano advised runners will not be running in this area this year. Public Works Director Gugino advised runners will be running along the bike path, behind the Highrise to the Clarion.

Councilman Rivera advised his appointment as ex-officio member to the Cable TV Board “is the first step in the City’s commitment to quality television media.”

Councilman Rivera commended Mayor Dolce and Police Chief Ortolano for their work regarding the shared service agreement with the Town of Dunkirk and stated this is the future for Dunkirk and the surrounding areas.

Councilman Rivera advised he will not be holding a Personnel Meeting in September but would like to hold a Public Forum during the first week of September with the Citizens’ Advisory Committee pertaining to regulation of rental property in the City of Dunkirk.

Councilman Gonzalez thanked everyone in regard to the recent passing of his mother and brother and specifically thanked Carriage House, Talcott Street Warehouse, Columbus Club, all Club's and the Council for their support during this difficult time.

Councilman Gonzalez advised the next Public Works Meeting will be held on August 28th at 10:00 AM in the Conference Room.

Councilman Gonzalez reminded residents National Night Out will be held tomorrow in Washington Park.

Councilwoman Szukala advised their was prior discussion to include the Citizens' Advisory Committee regarding updates, improvements, or changes to the City Codes and Charter and inquired about the status of this matter.

Mayor Dolce advised the city is open to suggestions and perhaps this could be brought forth by the city, subcommittees or both.

Councilwoman Szukala inquired about the status of the union contract negotiations and are meeting dates scheduled.

Mayor Dolce advised they are working on dates and this is a continuing process.

Councilwoman-at-large Kiyak advised the next Economic and Development Committee Meeting will be held on August 28th at 1:00 PM in the Conference Room, and the next Dunkirk Citizens Dialogue Meeting will be held that same day at 6:00 PM in the Conference Room.

Police Chief Ortolano reminded residents National Night Out will be held tomorrow in Washington Park and encouraged residents to attend and have a good time.

Police Chief Ortolano congratulated his cousin Jennifer Suhr on winning the gold medal in the Pole Vault event today at the 2012 London Olympics.

PRE-FILED RESOLUTIONS:

RESOLUTION #64-2012
AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CONTRACT WITH
FAMILY SERVICE OF THE CHAUTAUQUA REGION, INC.,
FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP)
(AUGUST 1, 2012 THROUGH JULY 31, 2013)**

WHEREAS, Family Service of the Chautauqua Region, Inc., located in 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, 2012 through July 31, 2013; and

WHEREAS, the total cost for the twelve-month program will be Three Thousand Four Hundred Twenty-Five Dollars (\$3,425.00), which is a decrease of Two Hundred Fifty Dollars (\$250.00) from the previous years' contract; and

WHEREAS, funds were budgeted for this item in the 2012 Budget; 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., located in Jamestown, New York, for the provision of an Employee Assistance Program to cover eligible City employees for the period from August 1, 2012 through July 31, 2013; 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.

RESOLUTION #65-2012
AUGUST 6, 2012

BY COUNCILMAN MICHALSKI:

**AUTHORIZING A CONTRACT EXTENSION TO S. ST. GEORGE ENTERPRISES, INC.
FOR THE FIRST WARD WATERLINE CONTRACT**

WHEREAS, S. St. George Enterprises, Inc., was awarded the contract for the First Ward Waterline Replacement Project on December 20, 2011, which contract included a substantial completion date of August 4, 2012, and

WHEREAS, issues during construction have delayed progress including heavy shale deposits in select areas, the necessary removal of several bridge abutments along the waterline alignment, existing gate valve condition and operating problems among others, have necessitated the request for a contract extension, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute contract extension change order #1 with S. St. George Enterprises, Inc., for the First Ward Waterline Replacement Project, which extends both the substantial and final contract completion dates a total of 27 calendar days from the original dates at no cost to the City. The new substantial completion date is extended from August 4, 2012 to August 31, 2012. Substantial completion includes all contract items with the exception of lawn restoration.

Carried, all voting aye.

RESOLUTION #66-2012
AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE
100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the **Reconstruction of West Fourth Street, from Central Avenue to Brigham Road**, in the City of Dunkirk, Chautauqua County, PIN 5756.13 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Dunkirk desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases of the Project, PIN 5756.13; now, therefore, the City Council of the City of Dunkirk, duly convened does hereby

RESOLVE, that the City Council of the City of Dunkirk, hereby approves the above subject project; and, it is hereby further

RESOLVED, that the City Council of the City of Dunkirk hereby authorizes the City of Dunkirk to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases of the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$826,000 has been appropriated from the reserved fund balance for the project's Preliminary Engineering (Scoping & Design I & VI), Right-of-Way Incidentals and Construction & Construction Inspection phases via City Resolution Nos. 122-2002 (\$320,000) and 65-2005, (\$506,000) adopted on August 5th, 2002 and July 19th, 2005, respectively, and made available to cover the cost of participation in the above phases of the Project; and, it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases exceeds the amount appropriated, \$826,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases exceeds \$3,119,718, the City of Dunkirk shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and, it is further

RESOLVED, that the Mayor of the City of Dunkirk is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Dunkirk, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs, and all Project costs within appropriations therefore that are not so eligible; and, it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, that the currently-estimated amount to address the environmental clean-up is \$176,257.50; and, if approved for NYS Marchiselli funding, the total cost will be reimbursed as follows:

80% Federal Share	\$141,006.00
15% State Share	\$ 26,438.63
5% Local Share	\$ 8,812.90

and, it is further

RESOLVED, this Resolution shall take effect immediately.

Councilwoman-at-large Kiyak advised a motion to amend this Resolution was needed.

Councilwoman Szukala motioned to amend this Resolution. Seconded by Councilman Michalski.

Vote to amend Resolution: Carried, all voting aye.

Councilwoman-at-large Kiyak advised a motion to vote on this Resolution as amended was needed.

Councilman Gonzalez motioned to vote on Resolution as amended. Seconded by Councilwoman Szukala.

Vote on Resolution as amended: Carried, all voting aye.

RESOLUTION #67-2012
AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING TERMINABLE LEASE AGREEMENT
(LARK STREET PARKING)**

WHEREAS, the City of Dunkirk owns and maintains certain premises utilized as a parking lot in the 400 block of Lark Street; and

WHEREAS, Robert W. Curry requires the use of up to twelve (12) parking spaces in order to provide additional inducement to the State of New York to lease certain premises located at 405-407 Central Avenue, Dunkirk, New York 14048, which are owned by Curry in the City's downtown district, with such parking spaces to be utilized by the business tenants of Curry; and

WHEREAS, it would be in the best interests of the City of Dunkirk to enter into a terminable lease Agreement with Curry for the use of Curry's business tenants, invitees and guests 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 Lease Agreement with Robert W. Curry, 68 Greco Lane, Dunkirk, New York 14048, for the non-exclusive and terminable use of up to twelve (12) parking spaces for a period of Five (5) years, at a charge of Fifty Dollars (\$50.00) per month.

Carried, all voting aye.

RESOLUTION #68-2012
AUGUST 6, 2012

BY: THE ENTIRE COUNCIL

**AUTHORIZING SHARED SERVICES AGREEMENT FOR POLICE SERVICES
(TOWN OF DUNKIRK)**

WHEREAS, the Town of Dunkirk has no local police department and primary law enforcement duties are fulfilled by the Sheriff of the County of Chautauqua and the New York State Police; and

WHEREAS, the Town desires to have some additional police patrol and presence, which is secondary and accessory to the primary law enforcement agencies in the Town; and

WHEREAS, the City of Dunkirk has a municipal police department responsible for law enforcement within the City of Dunkirk; and

WHEREAS, the City of Dunkirk is adjacent to and bounded by the Town of Dunkirk on both the east and west borders; and

WHEREAS, the City has capacity to provide limited, secondary and accessory police patrols in the Town; and

WHEREAS, under Article 5-G of the General Municipal Law of the State of New York, both the City and Town are authorized to enter into a municipal cooperation agreement; and

WHEREAS, it is in the best interests of the City to provide such limited, secondary and accessory police patrols in the Town through the end of 2012; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Town of Dunkirk for police services, through the end of 2012, at a cost of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) per month.

Carried, all voting aye.

RESOLUTION #69-2012
AUGUST 6, 2012

BY: COUNCILMAN MICHALSKI

AUTHORIZING BUDGET LINE TRANSFERS

WHEREAS, some expenses have exceeded some budget lines for FY 2012, as well as some appropriates have surpluses for FY 2012; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-6772-4036	Sr Citz Contr Svcs	\$ 3,072.75	
001-1900-1990	Contingency Allow		\$ 3,072.75
001-6772-1000	Sr Citz Pers Svc	760.75	
001-6772-4102	Sr Citz Rec Activities		760.75
001-1620-1001	C Hall Bldg – Pers OT	747.46	
001-1620-4036	C Hall Bldg – Cont Svc		747.46
003-8135-1001	Pre-Treat – Pers OT	991.92	
003-8135-4036	Pre-Treat – Cont Svc		991.92

Carried, all voting aye.

Councilman Michalski moved to meet in Executive Session regarding the employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person there will be no action taken during or after the meeting. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Executive Session called to order at 6:38 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:53 PM and reconvene to the regular Council Meeting. Seconded by Councilman Gonzalez.

Carried, all voting aye.

ADJOURNMENT:

Councilman Rivera moved to adjourn. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Adjourned at 6:53 PM

Lacy L. Lawrence, City Clerk
