

COMMON COUNCIL PROCEEDINGS
September 1, 2015

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

Present: Councilman Gonzalez, Councilwoman Szukala and Councilman-at-large Rosas.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Director of Development Neratko, Personnel Administrator Heyden, Recreational Program Coordinator Gornikiewicz, Fire Chief Edwards and Police Chief Ortolano.

Certification of August 18, 2015 meeting was read by City Clerk Joiner.

Councilman-at-large Rosas excused Councilman Michalski, Councilman Rivera and Building & Zoning Officer Zurawski from tonight's meeting.

RESOLVED: That the reading of the minutes of Tuesday, August 18, 2015 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Walter Rutland, 184 W. Second Street, Dunkirk, New York commended the Police and Fire Departments for their service to our community for the capture of an armed suspect today and for providing aid to his girlfriend who recently experienced a medical emergency. Mr. Rutland also thanked Mayor Dolce for his work regarding the new seawall.

Robert E. Neratko, 43 Union Street, Westfield, New York spoke in regard to comments made by Councilman-at-large Rosas in a recent article in the Observer, stated he has attended many village, town and school board meetings and advised he has never heard of a personnel matter being discussed in an open forum. Mr. Neratko stated this is a violation of Steve Neratko's rights and Mr. Rosas owes him an apology; Steve Neratko filed a formal complaint on August 21, 2015, has yet to receive a response from anyone, and a lawsuit is being considered concerning the comments made by Councilman-at-large Rosas.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from Mayor Dolce appointing Tom Panaci and Michelle Turner to the Dunkirk Local Development Corporation (DLDC) effective September 3, 2015 and will expire February 21, 2016.

Received and filed.

Mayor Dolce announced a rededication ceremony regarding the new amenities in Washington Park will be held this Friday at 10:00 AM in the Park; the city submitted its proposal

to New York State Parks and Recreation last week, the state has received the proposal, it is now in the review phase and hopes to have an announcement in the near future.

Mayor Dolce advised the EFC grant for the Waste Water Treatment Plant was submitted to and received by the state today and announced a Press Conference regarding development matters will be held this Thursday at 2:00 PM in the Conference Room and invited the press and public to attend.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Chautauqua County Department of Health and Human Services, Cancer Services Program to use city streets to hold a "Colorburst Walk" on September 26th beginning at 10:00 AM.

Councilwoman Szukala asked does the city have any issues with the race route.

Police Chief Ortolano stated he has an issue with the Lake Shore Drive and Central Avenue intersection, his department will provide assistance at that intersection, and has advised the group that due to a lack of man power his department cannot provide coverage for the remaining race route.

Councilman-at-large Rosas advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Gonzalez moved to approve this petition. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Iglesia Pentecostal Y Misionera Inc. to use Washington Park for church services on September 25th from 6:00 PM until 10:00 PM.

Councilman-at-large Rosas advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Gonzalez moved to approve this petition. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from Janet Crowell to use microphones and amplifiers for a live band at Point Gratiot on September 12th from 2:00 PM until 4:00 PM.

Loudspeaker application from Dunkirk Rotary Club to use microphones and amplifiers at the Dunkirk Lighthouse on September 27th from 1:00 PM until 5:00 PM.

Loudspeaker application from Ginger Pokoj to use band equipment at the large pavilion at Point Gratiot on September 26th from noon until 4:00 PM.

Loudspeaker application from Iglesia Pentecostal Y Misionera Inc. to use speakers in Washington Park on September 25th from 6:30 PM until 9:30 PM.

Councilman-at-large Rosas advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilwoman Szukala moved to approve these applications. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from Robert Henderson for damages to his property allegedly caused by a ruptured city water line.

Notice of Claim from Amy Reed for damages to her vehicle allegedly caused by a manhole cover on Willowbrook Avenue.

Notice of Claim from Robin Balzer for damages to her home allegedly caused by construction along the lakefront.

Councilman-at-large Rosas advised a motion to refer to these to the Law Department was needed.

Councilman Gonzalez moved to refer these to the Law Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Prior Notice from Laura Galaza advising of a lifted or unlevelled sidewalk on Second Street.

Received and filed.

Petition from Fire Chief Edwards to add Juan A. Rolden to the City of Dunkirk Fire Roll.

Councilwoman Szukala asked Fire Chief Edwards for a number of current members on the active fire roll.

Fire Chief Edwards advised he does not have an exact number at this time, is working on this with the city clerk's office and should have a number in the near future.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Gonzalez announced the next Personnel Committee Meeting will be held September 15th at 4:00 PM in the Mayor's Conference Room and asked for an update on the Coburn Building.

Department of Development Director Neratko advised the building will be inspected by the state, city officials, and the city's independent contractor on September 23rd, the project went well and the city is receiving its grant reimbursements.

Councilman Gonzalez inquired about lighting in Washington Park.

Department of Public Works Director Gugino advised it was a case of a burned-out lightbulb, he has contacted Niagara Mohawk regarding this matter and stated lightbulb wattage used to be 100, was increased to 150 and could potentially be increased to 250 watts should the city decide to increase lighting wattage.

Councilwoman Szukala asked about the Hoyt Street Project.

Department of Public Works Director advised before paving of the street can commence the city, with the help of Fredonia's Public Works, replaced a valve and a portion of the waterline on the corner of Doughty Street and Hoyt Street and his department is waiting for direction regarding the paving of this street.

Mayor Dolce advised Lauri Gawronski is in the process of completing a survey regarding paving of the street, as this street has brick and could be paved if 51 percent of the street's residents sign a petition in favor of the change. The city will make the determination whether or not to pave the street upon the completion and results of the survey.

Councilwoman Szukala asked will this street need to be paved every year should the brick street continue to heave during the winters.

Department of Public Works Director Gugino stated he will see to it that the street is paved properly so it will not need to be paved every year.

Councilwoman Szukala inquired about an upcoming vacancy at the Boardwalk, could council be part of the process to fill this vacancy and has the city reached out to prior applicants about this vacancy.

Mayor Dolce stated one applicant has expressed interest in the Boardwalk and advised this individual to present his proposal at the next Economic and Development Committee Meeting; council can be part of the process, the city is currently accepting applications and has reached out to prior applicants regarding the upcoming vacancy.

Councilwoman Szukala inquired about Brooks Memorial Hospital, asked has the city reached out to them and is there anything the city can do to assist them.

Mayor Dolce stated the city has reached out to Brooks Memorial Hospital and advised there isn't much the city can do for them at this time

Councilman Gonzalez inquired about the water leak on the corner of Columbus Avenue and Sixth Street.

Department of Public Works Director Gugino advised his crew spend this past Sunday evening and Monday replacing a valve and pipe at that location and they have been working on several waterline main breaks the past few days.

Councilman-at-large Rosas asked for an update on the Waste Water Treatment Plant.

Mayor Dolce advised the project was signed off on today; grant documentation was submitted to the state by Department of Development Director Neratko and City Engineer Woodbury and stated the state has confirmed receipt of the documents. Mayor Dolce further advised he has reached out to see if there is a timeline associated regarding grant approval and stated that has yet to be determined.

Councilman-at-large Rosas asked will the beaches be opened this Labor Day weekend.

Recreational Program Coordinator Gornikiewicz advised the beaches will be closed this weekend.

Mayor Dolce advised the city prefers to keep the beaches opened, however, the city had a difficult time filling lifeguard positions this year, the lifeguards have gone back to school so the beaches will not officially be opened this weekend.

Councilman-at-large Rosas advised many children will be disappointed in the closure of the beaches this weekend.

Councilwoman Szukala asked will signs be posted advising of the beach closure.

Department of Public Works Director Gugino advised he will speak with Recreational Program Coordinator Gornikiewicz tomorrow regarding this matter and if individuals decide to swim it will be at their own risk.

Councilman-at-large Rosas advised a recent article in the Observer stated North County Water District and Chadwick Bay Group members complained that city officials (Mayor, Councilman Rivera, and Department of Development Director Neratko) are not attending these meetings and asked Mayor Dolce for an explanation.

Mayor Dolce stated he recently attended a meeting and advised Mr. Horrigan that he, Councilman Rivera and Development Director Neratko will not be available to attend the next meeting. Mayor Dolce further advised there was nothing new presented since two meetings ago and City Attorney Szot is in constant contact with the North County Water District Attorney Greg Yaw.

Councilman Gonzalez advised the city has been communicating with them through e-mails.

Mayor Dolce stated that was correct and the city is also communicating with them through telephone conversations.

Councilman-at-large Rosas advised the article insinuated the city has not attended any meetings.

Mayor Dolce stated "we take issue with a couple comments by a couple supervisors."

Councilwoman Szukala stated it has been the city's intend to be open regarding the process of regionalism and it's unfortunate that Dunkirk is perceived as holding up this process,

that is certainly not the case, and city officials appear to be on the same page regarding this matter.

PRE-FILED RESOLUTIONS:

RESOLUTION #65-2015
SEPTEMBER 1, 2015

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CHANGE ORDER NO. 2 –
Lakefront Boulevard Seawall Replacement
(S. St. George Enterprises, Inc.)**

WHEREAS, by Resolution No. 46-2014 (June 3, 2014), S. St. George Enterprises, Inc., 3689 Webster Road, Fredonia, New York 14063, (St. George) was awarded a contract to undertake the Lakefront Boulevard Seawall Replacement; and

WHEREAS, by Resolution No. 50-2015 (July 7, 2015), the Mayor was authorized to execute Change Order No. 1 for "Lakefront Boulevard Seawall Replacement" providing for an amendment to the project substantial completion date from December 31, 2014 to August 31, 2015, for the contract awarded to S. St. George Enterprises, Inc.; and

WHEREAS, the engineers providing assistance to the City's Department of Public Works, Nussbaumer & Clarke, Inc., have documented many days of unworkable weather and have recommended that the City grant another, second request from St. George to extend the project substantial completion date to October 31, 2015; and

WHEREAS, the proposed Change Order No. 2 has been reviewed, and recommended by the Director of Public Works; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to approve Change Order No. 2 for the "Lakefront Boulevard Seawall Replacement" providing for an amendment to the project substantial completion date from August 31, 2014, to October 31, 2015, for the contract awarded to **S. St. George Enterprises, Inc.**, 3689 Webster Road, Fredonia, New York 14063.

Councilman Gonzalez asked for an explanation for the last extension.

Department of Public Works Director Gugino advised the extensions are due to the weather and stated he has the engineers log documenting between June 22, 2015 through August 27, 2015 (23 days) were hampered by weather (high winds and waves) which made working conditions dangerous for workers to be in the water. Department of Public Works Director Gugino further advised workers were working on the bike path, concrete work and railing work when they could not do any demolition work and there is no additional cost to the city regarding the extensions.

Carried, all voting aye (3-0).

RESOLUTION #66-2015
SEPTEMBER 1, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(September 2015)

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 2015, ending December 31, 2015; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

FUND 1

<u>Account No.</u>	<u>Department/Line</u>	<u>Transfer Amount</u>
001.1620.1001	Building - City Hall Overtime	\$200.00
001.1620.4004	Building - Supplies	\$200.00
001.1620.4036	Building - Contracted Services	\$4,000.00
001.8160.1000	Refuse & Garbage-Personnel	(\$4,400.00)
001.1640.2005	Garage-Equipment, Non Capital	\$50.00
001.1640.4002	Garage-Supplies	\$200.00
001.1640.4036	Garage-Contracted Services	(\$250.00)
001.5110.1010	Streets-Personnel, Part Time	\$3,500.00
001.5110.4023	Streets-Repair, Maintenance Vehicles	\$500.00
001.5110.1000	Streets-Personnel	(\$4,000.00)
001.7110.2000	Parks- Equipment	\$1,500.00
001.7110.4002	Parks- Supplies	\$1,000.00
001.7110.4036	Parks - Contracted Services	\$750.00
001.8160.1000	Garbage Collection-Personnel	(\$3,250.00)
001.3410.4002	Fire Department - Supplies	\$3,250.00
001.3410.4036	Fire Department - Contracted Services	(\$1,000.00)
001.3410.2005	Fire Department - Equip Non Capital	(\$750.00)
001.3410.2000	Fire Department - Equipment	(\$1,500.00)
001.6772.4021	Senior- Bldg Ground Maintenance	\$551.00
001.6772.4102	Senior- Recreational Activities	(\$551.00)
001.3120.4026	Police-Repairs & Maintenance Electronics	\$500.00
001.3120.4021	Police- Repair & Maintenance	(\$500.00)

001.3120.4023	Police-Repairs & Maintenance Vehicles	\$7,500.00
001.1900.1990	General - Contingencies Allowance	(\$7,500.00)

FUND 2

<u>Account No.</u>	<u>Department/Line</u>	<u>Transfer Amount</u>
002.8320.2000	Water Purification-Equipment	\$2,000.00
002.8320.4002	Water Purification-Supplies	\$500.00
002.8320.4710	Water Purification-Supplies	\$700.00
0002.1900.1990	Water General-Contingencies	(\$3,200.00)
002.8330.4710	Water Lab - Gasoline	\$100.00
002.8330.4014	Water Lab - Gas	(\$100.00)
002.8340.4002	Water Distribution-Supplies	\$1,500.00
002.8340.4125	Water Distribution-Water Main	\$3,000.00
002.1900.1990	Water - Contingencies Allowance	(\$4,500.00)

FUND 3

<u>Account No.</u>	<u>Department/Line</u>	<u>Transfer Amount</u>
003.8130.4002	Wastewater Treatment-Supplies	\$1,000.00
003.8130.4021	Wastewater Treatment-Repair	\$4,000.00
003.8130.4022	Wastewater Treat-Repair to Equip	\$70,000.00
003.1900.1990	Wastewater- Contingencies	(\$75,000.00)

Councilwoman Szukala asked for an explanation of \$70,000.00 in Fund 3 for Wastewater Treatment-Repair to Equipment.

Department of Public Works Director Gugino advised no money has been spent yet; these are purchase orders for consideration for upgrades to the chlorination system.

Carried, all voting aye (3-0).

RESOLUTION #67-2015
SEPTEMBER 1, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2015

WHEREAS, there is a need to make timely adjustments to the 2015 Fiscal Year to address modifications in certain line items for receipt of additional Camp Donations, Camp Fees and NCCF Grant; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the Fiscal Year 2015 budget:

FUND 1 - GENERAL FUND

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	
Revenue			
001.2705.7060	General Fund	Camp Fees	\$ 1,095
001.0001.2705.7075	General Fund	Camp Donations	\$ 500
001.0001.2007	General Fund	NCCF Grant	\$ 602
Appropriation			
001.7310.4140	Youth Programming	Activities-Summer Camp	\$ 2,197

Carried, all voting aye (3-0).

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:03 PM

Nicole Joiner, City Clerk
