

**COMMON COUNCIL PROCEEDINGS**  
**September 16, 2014**

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

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

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

Absent: Fire Chief Ahlstrom

Certification of Tuesday September 02, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, September 02, 2014 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Walter Rutland, 184 West 2<sup>nd</sup> Street, Dunkirk, spoke in regards to the passing of three City residents and advised that his cable access show "The Walter Rutland Show" airs Wednesday's at 4:30 PM.

Harriet "Skeeter" Tower, 438 Swan Street, Dunkirk, questioned the procedures for helping repair/conservate historic buildings such as the Art Gallery, which needs a new roof and has been damaged by recent weather, as she does not want to see it get demolished.

Building Inspector Zurawski advised he viewed the outside of the building today and could not see any visible damage, he currently does not have access to the inside to view from that perspective and asked if someone could find a contact person on the Art Board to receive a key/permission to enter.

Mike Civiletto, 436 Swan Street, Dunkirk, President of the Dunkirk Historical Society advised that something can be done as a City to gain access to a historical building if an owner can not be reached. He then explained Chapter 46 of the City Code, which he believes has been previously ignored, and that with the establishment of the Board permission would not be needed to enter.

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

Mayor Dolce advised that the HUD Resolution and repayment structure has been talked about at length for the past few years, thanked CDBG Administrator Waite and Director of Development Neratko for their time/hard work and is thrilled to be at this point.

Mayor Dolce advised that since the last Council Meeting's public comments he has spoken to Public Works Director Gugino and Police Chief Ortolano in regards to the missing stop sign on King and Talcott Street, radar has been stepped up in that area and they will be looking to set up a meeting with the County and Department of Transportation with the hopes of a having a traffic study conducted.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Prior notice from James Schmidt informing of a dangerous tree on 140 Lord Street.

Prior Notice from Diane & Joseph Andrasik informing of a dangerous tree on 210 Webster Street.

Prior Notice from Brian Meyer informing of a dangerous tree on 785 Deer Street.

Received and filed.

Notice of Verified Petition regarding Pusch, Tofil & Cobb versus City of Dunkirk Zoning Board of Appeals.

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

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

Carried, all voting aye.

Request from Elevation Combat Sports Academy to use Point Gratiot to host a 5K Costume Run on October 11<sup>th</sup> beginning at 9:00 AM. Also, requesting permission for vendors and the use of picnic tables.

City Clerk Joiner advised that this petition was pulled prior to the start of the Meeting due to lack of information.

Request from Sherri Mason to hold a beach cleanup event as part of the International Coastal Clean-up at Point Gratiot Beach on Saturday, September 20 from 12:00 PM until 2:00 PM.

Councilman-at-large Rosas advised a motion was needed to refer to DPW, Police, Fire and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and that all city property is left in the same condition as prior to the event.

Councilman Rivera made a motion to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

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

Councilman Michalski inquired to Mayor Dolce and Public Works Director Gugino about the traffic study mentioned and if Talcott Street is now a County road.

Public Works Director Gugino confirmed that Talcott Street is now a County road.

Councilman Rivera advised his next Public Safety Meeting is scheduled for Monday, September 29<sup>th</sup> at 5:00 PM in the Mayor's Conference Room.

Councilman Rivera thanked HUD Officials and congratulated Mayor Dolce and City Offices for their hard work in getting to this point with the Resolution as well as Recreation and Youth Director Gornikiewicz and Deputy Director of Development Lawrence for their planning of the Heritage Festival that was unfortunately cancelled due to weather.

Councilman Rivera congratulated the Historical Society for their House Tour the previous weekend and hopes it will continue to grow and asked Mr. Civileto and Ms. Tower to stay after the meeting is complete so that they can schedule a time to discuss their concerns.

Councilman Gonzalez went over details of yesterday's Personnel Committee Meeting and invited Ms. Tower to attend the next one as a start to discussing her concerns about the Historical Buildings.

Councilwoman Szukala advised that her next Public Works Meeting is scheduled for Monday, September 22<sup>nd</sup> at 5:30 PM and inquired to Public Works Director Gugino about school zone markings.

Public Works Gugino advised he did not know when the painting would be complete.

Councilwoman Szukala asked Mayor Dolce about vacant positions within various departments within Public Works.

Mayor Dolce advised that there is an upcoming position within the Streets Department, was not aware of any others and will not be putting a time frame on personnel matters at this time.

Councilwoman Szukala inquired to Building Inspector Zurawski for an update about property on Maple Avenue and the "Christmas Building" on Ruggles Street.

Building Inspector Zurawski advised that the Ruggles Street Property is making progress and is almost finished with the demolition of the middle building and that the Land Bank issues were not resolved so he will be moving in another direction in regards to the Maple Avenue property.

Councilman-at-large Rosas had nothing to report at this time.

Clerk, Board of Assessors Mleczo advised that he attended a meeting in Pomfret on September 3<sup>rd</sup> in regards to the re-evaluation of properties and received informational packets that are available in his office for Council to review.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #77-2014**  
**SEPTEMBER 16, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS**  
**(SEPTEMBER 2014)**

**WHEREAS**, additional funds have been received through generous donations from the Elk's Club and the Dunkirk Fireman's Association, for the purchase of Thermal Imaging Equipment, 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:

**REVENUE**

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.0001.2269	Fire	Misc Fire Grants/Donations	\$4,000

**APPROPRIATIONS**

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.0001.2000	Fire	Equipment	\$4,000

Councilwoman Szukala thanked everyone who worked to make this grant possible.

Carried, all voting aye.

**RESOLUTION #78-2014**  
**SEPTEMBER 16, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS**  
**(September 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 2**

Description: Emergency - 20" Valve replaced at Millennium Parkway project.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
002.8340.4125	Water Distribution	Water Main Maintenance	\$15,000
002.1900.1991	Water General Services	Capital Replacement Project	\$(15,000)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Repair to Improved Streets item higher than anticipated.

<u>Account No.</u>	<u>Department Change</u>	<u>Line</u>	
001.5110.4052	Maintenance of Streets	Repair to Improved Streets	\$ 5,000
001.8560.1000	Tree Trimming	Personnel Services	\$(5,000)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Supplies line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.7110.4002	Parks	Supplies	\$ 500
001.7110.1000	Parks	Personnel Services	\$ (500)
		<b>TOTAL</b>	\$ -

**FUND 3**

Description: Wastewater Treatment Contracted Services line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
003.8130.4036	Wastewater Treatment	Contracted Services	\$ 25,000
003.1900.1990	Wastewater Gen Services	Contingencies Allowance	\$(25,000)
		<b>TOTAL</b>	\$ -

**FUND 3**

Description: Wastewater Repair / Maintenance line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
003.8130.4021	Wastewater Treatment	Repair / Maintenance	\$ 20,000
003.1900.1991	Wastewater Gel Services	Capital Replacement Projects	\$(20,000)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Recreation Supplies line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.7140.4002	Recreation	Supplies	\$ 1,050
001.7140.1010	Recreation	Personnel-Part Time	\$ (1,050)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Recreation Program Maintenance line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.7140.4036	Recreation	Program Maintenance	\$ 2,050
001.7310.4030	Youth Programming	Activities	\$ (2,050)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Recreation Rent / Lease line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.7140.4150	Recreation	Rent Lease	\$ 1,534.81
001.7310.4010	Youth Programming	Personnel-Part Time	\$ (1,534.81)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Fiscal Affairs – Purchase of new equipment through proper classification.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.1310.2000	Fiscal Affairs	Equipment	\$ 2,204.99
001.1310.4002	Fiscal Affairs	Supplies	\$ (2,204.99)
		<b>TOTAL</b>	\$ -

**FUND 1**

Description: Fire Department–Repair/Maintenance of Vehicles line item higher than anticipated.

<u>Account No.</u>	<u>Department</u> <u>Change</u>	<u>Line</u>	
001.3410.4023	Fire Department	Repair/Maintenance Vehicles	\$ 3,000
001.3410.2000	Fire Department	Equipment	\$ (3,000)
		<b>TOTAL</b>	\$ -

Carried, all voting aye.

**RESOLUTION #79-2014**  
**SEPTEMBER 16, 2014**

**BY: COUNCILWOMAN SZUKULA**

**AWARDING BID THROUGH MUNICIPAL LEASE/PURCHASE  
OF THREE (3) NEW PLOW TRUCKS WITH ACCESSORIES**

**WHEREAS**, the three (3) City of Dunkirk plow trucks are more than 12 years old, and now are all routinely failing to be of service because of their age and heavy essential use, and because they all recently were exposed to one of the most exhausting winters of their long tenure, and

**WHEREAS**, the City of Dunkirk is allowed under the Consolidated Highway Improvement Program (CHIPs) of New York State to use up to \$170,000 per truck for purchase and/or Municipal Lease/Purchase the needed replacement trucks, and

**WHEREAS**, CHIPs allows the City of Dunkirk to purchase from the current Onondaga County bid #7823 for International model trucks with plow packages, and

**WHEREAS**, the DPW Director has reviewed these bids and the equipment, and recommends the bid purchase of three (3) current-model International 7400 SFA 4 x 2 (SA 525) trucks with inclusion of the per-truck bid option of Cyncon Aer Flo Dump Body and Henke Plowing Accessories, for the total cost of One Hundred Seventy-Three Thousand Sixty-Seven Dollars and Zero Cents (\$173,067.00) per truck with dump and plow accessories, and

**WHEREAS**, First Niagara Leasing has experience with and has quoted their 1.54-percent (1.54%) Tax-Exempt Municipal Lease/Purchase for this equipment, with four (4) annual payments of One Hundred Thirty-Four Thousand Four Hundred Fifteen Dollars and Three Cents (\$134,415.03) for the three (3) trucks with the listed accessories, now, therefore be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute all documents for the above-described three (3) trucks to be ordered under said bid #7823 and said Municipal

Lease/Purchase through First Niagara Leasing and paid for as follows, after expected truck delivery in early 2015:

Four (4) annual payments in 2016, 2017, 2018 and 2019, of Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00) each from Fund 001-5110-2000 (Equipment/O.G.S.); and

Four (4) annual payments in 2016, 2017, 2018 and 2019, of Ninety-Nine Thousand Four Hundred Fifteen Dollars and Three Cents (\$99,415.03) each from Fund 001-5110-4055 (CHIPS).

Councilwoman Szukala inquired to Public Works Director Gugino if the process to use the CHIPS money has been cleared with the Department of Transportation.

Public Works Director Gugino advised that an email was sent out last week to Council Members showing the approval from the DOT.

Councilman Gonzalez advised that he is in favor of leasing instead of purchasing as this will help get more vehicles and help turn around the older vehicles at a faster rate.

Carried, all voting aye.

**RESOLUTION #80-2014**  
**SEPTEMBER 16, 2014**

**BY: THE ENTIRE COUNCIL**

**APPROVE CDBG REPAYMENT AGREEMENT**  
**(US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT)**

**WHEREAS**, the US Department of Housing & Urban Development (“HUD”) has conducted a review of the City of Dunkirk’s utilization and administration of certain Community Development Block Grant (“CDBG”) funds over the past several years; and

**WHEREAS**, as a result of such review, HUD has determined that various allocations and uses of certain CDBG funds were non-compliant with certain HUD protocols and guidelines, and is directing that the City reimburse the CDBG program certain monies previously delineated for various uses; now, therefore, be it hereby

**RESOLVED**, that the City of Dunkirk agrees to repay Nine Hundred One Thousand Two Hundred Seventy-Six Dollars and Zero Cents (\$901,276.00) and commits to repay funds to HUD over three (3) years (2014-2016) in combination with a Voluntary Grant Reduction (2015-2016); and, be it further

**RESOLVED**, that the Mayor and/or Director of Development is/are authorized and directed to execute and/or confirm any agreements or understandings with the US Department of Housing & Urban Development, including but not necessarily limited to a Repayment Agreement, regarding repayment/reduction for certain Community Development Block Grant monies; and, confirms the following repayment/reduction schedule:

Reimbursement 2014	\$450,000.00
Reimbursement 2015	\$150,000.00
Reimbursement 2016	<u>\$150,000.00</u>
	\$750,000.00

Voluntary Reduction	PY2015	\$ 75,638.00
Voluntary Reduction	PY2016	<u>\$ 75,638.00</u>
		\$151,276.00

and be it finally

**RESOLVED**, that the following sources be utilized for the funding of the Repayment Agreement obligations:

- Funding through the NYS Consolidated Highway Improvement Program (CHIPs) allocation to the City:
  - 2014 allocation of \$450,000
  - 2015 allocation of \$100,000
  - 2016 allocation of \$100,000.
- Funding from Fund I budget line “HUD Repayment” [001.8020.1990] to be allocated for the following budget years:
  - 2015 allocation of \$50,000
  - 2016 allocation of \$50,000.

Councilman Michalski congratulated Mayor Dolce for doing a good job on finishing this and asked him to summarize the repayment plan.

Mayor Dolce advised that the City has to reimburse the HUD Line of Credit \$450,000 by the end of the year. The City will make the initial deposit into the Line of Credit, contractors will be paid for work done through the CHIPs Program, paid invoices will be submitted to the State Department of Transportation and the State will then reimburse the City for the initial investment.

Councilman Gonzalez advised that “as much as I am against approving this Resolution, prolonging will not make the situation any better. Sometimes we have to pay for the guilts of others. Hopefully, someday those involved someday will pay for what happened here.”

Councilwoman Szukala read the following statement:

“I want to start by saying sitting in these 5 Council chairs tonight is extremely unpleasant. This vote is the most difficult to date for me. Council had the chance to sit with HUD Officials to review the repayment plan. We were given 2 options: Accept the plan or repay our \$1,000,000 within a year, which is why this vote is so difficult for me. Having said that, I am still not convinced the City did everything possible to avoid repayment altogether. I am also not assured the plan is best for the City as we have full-time Attorney, full-time Treasurer or full-time Fiscal Affairs Officer who had little to do with the process.”

“We sent a letter to the State Comptroller’s Office for their opinion several weeks ago, in which they didn’t reply. The fact is we are taking State CHIPs Funding to count as repayment to Federal HUD Program. It just does not feel right to me. I have to go with my stomach on this vote and I’m still uncomfortable moving forward as suggested. I don’t fault anyone for disagreeing with me, every Council member needs to vote what they feel is right and that’s why I’m voting no tonight.”

Councilman-at-large Rosas advised that he will be voting on this Resolution based on personal conversations with Mayor Dolce and Public Works Director Gugino where they assured the City would be eligible to be reimbursed for paving done on HUD eligible streets in the City.

Vote on Resolution:

Ayes: Councilman Michalski, Rivera, Gonzalez and Councilman-at-large Rosas.

No: Councilwoman Szukala

Resolution carried, 4-1.

**RESOLUTION #81-2014**  
**SEPTEMBER 16, 2014**

**BY: COUNCILWOMAN SZUKALA**

**ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS**

Now, therefore, be it

**RESOLVED**, that house-to-house trick-or-treat hours shall be on Friday, October 31, 2014, which is Halloween, from 4:00 P.M. to 8:00 P.M., in the City of Dunkirk.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:57 PM**

**Nicole Joiner, City Clerk**

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