

**COMMON COUNCIL PROCEEDINGS**  
**September 2, 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.

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

Councilman Rivera called for a motion according to the City Charter to preside as Acting Councilman-at-large for this meeting.

Motioned by Councilman Michalski. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Certification of August 19, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, August 19, 2014 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Sandra Lombardo, 108 King Street, Dunkirk, New York spoke in regard to the dangerous conditions that exist at the corner of King Street and Talcott Street as a result of the Millennium Parkway Project; is concerned for the safety of the residents in that area especially the children and stated cars are speeding and not obeying traffic signs. Ms. Lombardo asked can the corner be made into a four-way stop permanently as opposed to the current two-way stop.

Acting Councilman-at-large Rivera advised this matter will be addressed.

James Warwick, 108 King Street, Dunkirk, New York reiterated the concerns of Ms. Lombardo regarding the dangerous conditions at that intersection and is concerned for the safety of the residence in that area.

Mike Porter, 104 King Street, Dunkirk, New York agrees with Ms. Lombardo and Mr. Warwick regarding the dangers of this intersection and request additional stop signs be placed at that intersection.

Omar Contreras, 109 Lincoln Avenue, New York spoke in regard to the lack of stop signs on Talcott Street and is concerned about the children's safety especially with the beginning of a

new school year and hopes the city will show some foresight regarding this matter to prevent a tragedy from occurring.

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

Mayor Dolce appointing/re-appointing Wilfred Rosas and Chuck Cornell to the Dunkirk Local Development Corporation (DLDC), terms expiring February 21, 2016; Nancy Chrabasz and Dan Raynor to the Property Maintenance Board, terms expiring March 31, 2017, Stephen Rees to the Property Maintenance Board, term expiring December 12, 2015 and Robert Bankoski, Steve Galardo, Phillip Collier to the Zoning Board of Appeals, terms expiring December 9, 2017, December 9, 2018, and December 9, 2014 respectfully.

Received and filed.

Mayor Dolce advised the city has reached out to Mr. Spanos regarding Millennium Parkway, there appears to be conflicting information and stated the city will pursue this matter.

Mayor Dolce stated he is excited about the utilization of the Fourth Street field by the Black Watch Soccer Travel League; advised the last Music on the Pier concert was held this past Thursday, no concerts were cancelled this season and the Heritage Festival will be held on September 13<sup>th</sup> from 2:00 PM until 8:00 PM in the lot next to the Clarion Hotel.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Elevation Combat Sports Academy to use city streets 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.

Councilwoman Szukala advised she had concerns regarding this petition such as liability insurance, vendors and additional city assistance, and stated this route was sanctioned several years ago by the city (Public Safety Committee) as the safest route for this distance.

Department of Public Works Director Gugino advised he also has several concerns as the Seawall Project is in progress and street paving will begin in that area, suggested the group choose an alternate race route and suggested the use of Point Gratiot.

Councilman Michalski also suggested the use of Point Gratiot as there is too much construction activity in the first ward to host such an event.

Police Chief Ortolano advised for safety reasons the race should be confined to inside Point Gratiot.

Councilwoman Szukala and Councilman Gonzalez suggested this petition be pulled for more information.

Department of Public Works Director inquired about the request for the use of picnic tables.

City Clerk Joiner advised the group has filed a picnic table request form.

Acting Councilman-at-large Rivera advised a motion to pull this petition was needed.

Councilman Gonzalez moved to pull this petition. Seconded by Councilman Michalski.

Carried, all voting aye. - PULLED

Petition from the Dunkirk Democratic Committee appointing Wilfred Rosas to fill the Councilman-at-Large vacancy.

Received and filed.

Petition from Black Watch ST Soccer to use the soccer field located on Brigham Road and Fourth Street from September 1<sup>st</sup> thru October 27<sup>th</sup>.

Councilman Michalski advised he is glad the city is offering the use of this site; aside from the Dunkirk High School field there is no other field in the city dedicated to soccer and thanked Mayor Dolce for his work regarding this matter.

Councilman Rivera inquired who will be responsible for preparing the field.

Mayor Dolce advised he and Recreational Program Coordinator Gornikiewicz met with Jim Enser and advised the Soccer League will be responsible for the field.

Councilwoman Szukala asked will the city provide port-of-potties at the field.

Mayor Dolce advised the city will not provide port-of-potties.

Acting Councilman-at-large Rivera advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating parties naming the city as additional insured and referred this to the Recreational Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Varitey – The Children’s Charity of Western New York and Buffalo for 4-6 police personnel on September 20<sup>th</sup> at the Fairgrounds from 3:00 PM until 9:30 PM.

Councilman Michalski asked will overtime be incurred by the Police Department for this event.

Police Chief Ortolano advised this group will work directly with the PBA.

Councilwoman Szukala asked will the services of the Fire Department be needed for this event.

Fire Chief Ahlstrom advised he has a meeting tomorrow with this group and stated at most one paid firefighter would be needed as the majority of the firefighters volunteer their time.

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

Councilman Michalski moved to approve and refer to the PBA. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from Dan and Lisa Lukasik for damages to their driveway allegedly caused by a water leak.

Councilman Rivera advised a motion to refer this to the Law Department was needed.

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

Carried, all voting aye.

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

Councilman Michalski announced the Fire Department received a \$400,000.00 grant and asked Fire Chief Ahlstrom to explain this grant.

Fire Chief Ahlstrom advised the grant money will be used to purchase a state of the art portable burn building that will be stationed in Dunkirk; this grant required a ten percent grant match, the grant match will be provided by Chautauqua County and thanked the county as they prepared the grant application. Fire Chief Ahlstrom further advised the council will need to approve a contract between the city and the county in the near future for ongoing expenses for the building and stated he will be meeting tomorrow with the county to discuss preparations of this contract.

Councilman Gonzalez advised the next Personnel Committee Meeting will be held on September 15<sup>th</sup> at 6:00 PM.

Councilwoman Szukala asked Department of Public Works Director Gugino will the markings near the schools zones be painted.

Department of Public Works Director Gugino advised they will not be painted as his crews are concentrating on brush pickup.

Councilwoman Szukala asked if his crews could be diverted from brush pickup to paint the markings and could a pothole on King Street be filled.

Department of Public Works Director Gugino advised he will divert his crews from brush pickup to paint the markings in the school zones and he will have his crew take care of the pothole.

Councilwoman Szukala asked Department of Development Director Neratko for overtime reports incurred by his department during the festival season.

Councilwoman Szukala asked Mayor Dolce is the ice cream shop at the Boardwalk closed for the season, has Spike Daily's begun serving food, has the city received payment for the Marina and boat launch and inquired about spray paint markings on city property from the Tri-Dunkirk event recently held in the city.

Mayor Dolce advised he will inquire about the ice cream shop, Spike Daily's has not begun serving food as they are awaiting approval from New York State Liquor Authority and stated 225-275 individuals participated in the Tri-Dunkirk. Mayor Dolce further advised letters have been sent to Mr. Gambino regarding payment for the Marina and boat launch.

Department of Public Works Director Gugino commended the organizers of the Tri-Dunkirk as they are well organized and good at self-policing themselves and stated they probably used a water base paint which will eventually wash away.

Councilman Gonzalez advised individuals are driving on the walking path in Memorial Park to load and unload at the Yacht Club.

Police Chief Ortolano advised they should be using the driveway on the western side of the park to load and unload and are not allowed to use the walking pathway for that purpose.

Acting Councilman-at-large Rivera advised the next Public Safety Committee Meeting will be held on September 29<sup>th</sup> at 5:00 PM and asked Mayor Dolce for a Cable ACCESS 12 update.

Mayor Dolce advised he and Mr. Smock recently met with Time Warner regarding wiring and cable; live programming such as football and soccer games will be coming in the fall and the studio in the Stern's building is nearly empty.

Acting Councilman-at-large Rivera asked Department of Public Works Director Gugino for an update on the Waste Water Treatment Plant and the status of the seawall behind the building.

Department of Public Works Director Gugino proceeded to explain the progress at the Water Treatment Plant and advised the seawall behind the building is in poor condition and will be addressed next year.

Acting Councilman-at-large Rivera asked Recreational Program Director Gornikiewicz for an update from his department.

Recreational Program Director Gornikiewicz advised lifeguarding season and Camp Gross have just ended, flag football begins this Saturday and the next Recreation and Youth Board Committee Meeting will be held next Thursday, September 11<sup>th</sup> at 6:00 PM.

Police Chief Ortolano advised the new school year begins tomorrow, reminded residents to watch for children, slow down especially in school zones, there will be extra police officers patrolling those areas and asked parents to talk to their children about the dangers of talking to strangers.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #72-2014**  
**SEPTEMBER 2, 2014**

**BY: THE ENTIRE COUNCIL**

**APPOINTMENT TO FILL COUNCILMAN-AT-LARGE VACANCY**

**WHEREAS**, there exists a vacancy in the office of Councilman-at-large through resignation; and

**WHEREAS**, pursuant to the Dunkirk City Charter (Article II, Section 2.05), any such vacancy shall be filled by the Common Council, and

**WHEREAS**, Wilfred Rosas, 768 Central Avenue, Dunkirk, NY 14048, has requested to be considered for this vacancy, now therefore, be it

**RESOLVED**, that pursuant to the Dunkirk City Charter, Article II, Section 2.05, the Dunkirk Common Council hereby appoints **Wilfred Rosas**, 768 Central Avenue, Dunkirk, NY 14048, to fill the vacancy in the unexpired term of Councilman-at-Large through December 31, 2014.

Councilwoman Szukala advised three applicants sent letters stating they were interested in filling this position and upon the recommendation of the Dunkirk Democratic Committee and several internal discussions between council members, the council felt comfortable with the recommendation of Willie Rosas to fill this vacancy.

Carried, all voting aye.

Mayor Dolce administered the Oath of Office to Mr. Rosas.

Mr. Rosas thanked the council for their support and looks forward to working with them and the Mayor and advised department heads he will be scheduling meetings with them to get acquainted with each department.

**RESOLUTION #73-2014**  
**SEPTEMBER 2, 2014**

**BY: THE ENTIRE COUNCIL**

**ACCEPTING GRANT FOR SUMMER BETTER THAN OTHERS CAMP**  
**(Chautauqua County)**

**WHEREAS**, the City submitted a request to the County of Chautauqua, which through its County Youth Services Bureau has agreed to act as a local sponsor for the receipt and disbursement of NYS Office of Children & Family Services ("OCFS") funding; and

**WHEREAS**, such application was approved in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00); now therefore, be it

**RESOLVED**, that the City accepts NYS Office of Children & Family Services funding through the County of Chautauqua in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00) for the City's Camp Gross Summer Better Than Others program and the Mayor and/or Recreation Program Coordinator is hereby authorized to

execute any and all contracts and related documents with the County of Chautauqua to accept and utilize funds; and, be it further

**RESOLVED**, that such funds be credited as a receivable in Revenue Line:

001.0001.3820.8201          NYS Aid          Youth & Family Services.

Councilman Rivera asked Recreation Program Coordinator Gornikiewicz to explain this resolution.

Recreation Program Coordinator Gornikiewicz advised funds from this grant were used for camping expenses.

Carried, all voting aye.

**RESOLUTION #74-2014**  
**SEPTEMBER 2, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR**  
**(Community Development Block Grant Program)**

**WHEREAS**, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City's participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

**WHEREAS**, it would be in the best interest of the City to contract for such services; and

**WHEREAS**, NICOLE M. WAITE ("Waite"), 723 Washington Avenue, Dunkirk, New York 14048, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **NICOLE M. WAITE**, 723 Washington Avenue, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City's Community Development Block Grant program, **commencing September 3, 2014, and extending through August 30, 2016**, with payment of Thirty-Two Thousand Dollars and Zero Cents (\$32,000.00) *per annum, pro rata*, with a minimum of thirty (30) hours per week, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Councilwoman Szukala asked is this salary amount the same as the previous contract.

Department of Development Director Neratko advised it is the same salary amount.

Carried, all voting aye.

**RESOLUTION #75-2014**  
**SEPTEMBER 2, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS**  
**(September 2014)**

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

<b><u>REVENUE</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.0001.2680	Insurance Recoveries	\$ 978

<b><u>APPROPRIATIONS</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.3120.4023	Police Dept. – Repair/Maint to Vehicles	\$ 978

<b><u>REVENUE</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.0001.2705.7054	Gifts & Donations Safety Program	\$ 275

<b><u>APPROPRIATIONS</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.3120.4023	Police Dept. – Safety Education Program	\$ 275

<b><u>REVENUE</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.0001.2001	Recreation Program Fees	\$ 1,760

<b><u>APPROPRIATIONS</u></b>		<b><u>Change</u></b>
<b><u>Account No.</u></b>	<b><u>Department</u></b>	
001.7140.4003	Recreation Dept. – Sup/Maint Recreation Center	\$ 1,760

Councilman Michalski advised these transfers were not discussed during the last Finance Committee Meeting, this is revenue recognized by the city and is being placed to expense accounts, not transfers from expense accounts.

Carried, all voting aye.



Councilman-at-large Rosas asked there was only one bid received by the city for this project.

Department of Public Works Director Gugino advised that was correct, bidding was held up as the city sought clarification on issues for the funding for this project; contractors are booked this late in the year and some are behind due to the bad weather this year.

Councilman Rivera asked Department of Public Works Director Gugino to explain the scope of the project to city residents.

Department of Public Works Director Gugino advised six blocks or streets, varying in length, will be milled down and topped off with one inch of new blacktop and 25 streets started late last year as part of the hot-in-place program will be topcoated with the proper application of blacktop. Department of Public Works Director Gugino stated he has never seen this much work completed on city streets in one calendar year.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:19 PM**

**Nicole Joiner, City Clerk**

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