

**COMMON COUNCIL PROCEEDINGS**  
**September 4, 2012**

The meeting was called to order at 6:00 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 Mleczo, Director of Development Neratko, Personnel Administrator Heyden, and Sergeant Witkowski.

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

Certification of August 21, 2012 meeting was read by City Clerk Lawrence.

**RESOLVED:** That the reading of the minutes of Tuesday, August 21, 2012 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Edna Sek, 7 Lakefront Boulevard, Dunkirk, New York advised many of the "Save our County Nursing Home" signs have disappeared from lawns and inquired if these signs were being deliberately removed and if so who has the authority to remove these signs from residents' property. Mrs. Sek stated our legislators are supposed to represent us and advised residents not to vote for any legislator who votes for the sale of the county home.

Councilwoman-at-large Kiyak thanked Mrs. Sek for bringing this matter to the city's attention, asked city officials if they knew anything about the signs and stated this would be looked into.

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

Mayor Dolce advised the last Music on the Pier for this season will be held this Thursday at 6:30 PM and encouraged residents to attend and support this event.

Mayor Dolce complimented the Latin Festival and the First Ward Falcon Club on their events held this past weekend.

Mayor Dolce advised residents there has been discussion regarding the adjustment of water rates in the city and stated the city is exploring EFC financing either through grant money or subsidized interest rates.

Mayor Dolce asked Development Director Neratko to explain Resolutions #70-2012 and #71-2012 (Agreement for Independent Contractor – Community Development Block Grant Program) on tonight's agenda.

Development Director Neratko advised both of these positions were deemed necessary by HUD officials in Buffalo and stated one of the individuals will assist with the five-year planning process, the other position will assist with some of the problems we had to deal with going backward. Development Director Neratko advised these positions will be paid entirely out of CDBG funding.

Councilwoman Szukala asked Development Director Neratko if the one-year plan would be incorporated with the five-year plan.

Development Director Neratko advised the one-year plan would involve himself and Tim Gorniekiewicz but there will be cooperation between both plans.

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

Petition from Mari Ellen Szwejbka to close Robin Street between Fourth and Fifth Streets with two barricades on each end on Saturday, September 15<sup>th</sup> from 1:00 PM until Midnight (rain date September 16<sup>th</sup>) for their Annual Block Party.

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

Councilwoman Szukala moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Claim from:

Darlene Miga for personal injuries and alleged damages sustained from a fall on the corner of Park Avenue and Lake Shore Drive East.

Mary Ellen Ganey for sewer backup damage at 65 Leming Street allegedly sustained by the new waterline pipe project installation.

Lance Ehrhardt for damages to his boat allegedly sustained by debris from the Firework Display.

Lillie Clyde for personal injuries allegedly sustained from a fall near N. Beaver Street.

Councilwoman-at-large Kiyak advised a motion to refer these to City Attorney was needed.

Councilman Gonzalez moved to refer these to the City Attorney. Seconded by Councilman Rivera.

Carried, all voting aye.

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

Councilman Michalski asked Mayor Dolce to give an update on the State audit and advised this report was to be presented in August.

Mayor Dolce advised an oral report was presented to the city in mid-July and was hopeful to have the written report in September.

Councilman Michalski advised the First Ward Waterline Project is complete and commended the Department of Public Works for their work, especially Tony Gugino and David Manzella. Councilman Michalski also thanked St. George Enterprise for their work and city residents for their patience during this project.

Councilman Rivera spoke in regard to the First Ward Waterline Project and stated this project needed to be done, asked city residents to be patient and aware of the surrounding repairs and debris. Councilman Rivera commended Department of Public Works Director Gugino for his work.

Councilman Rivera advised a public forum will be held on September 25<sup>th</sup> at 6:30 PM in the Conference Room with the Citizen's Advisory Committee regarding the proposed Property Manager Landlord Policy.

Councilman Rivera reminded residents there is a curfew in the city.

Councilman Rivera commended the whole city (residents, businesses, clubs, city officials and city workers) in regards to all the events held in the city this past summer; advised the last Music on the Pier will be held this Thursday night and encouraged residents to attend.

Councilman Gonzalez advised the Public Works Committee met last Tuesday, they received reports from Nussbaumer regarding the next phase of the waterfront project and Building and Zoning Officer Zurawski regarding houses that need to be demolished in the city.

Councilman Gonzalez stated Fire Chief Ahlstrom has advised city officials the city has not received the new fire truck, it will be arriving soon and the Fire Department is doing well in regards to funding for the truck.

Councilman Gonzalez thanked the Police Department, city workers and Eddie Rosas for their work in regards to the Latin Festival held this past weekend, stated the event was a success and is hopeful the event will be held again next year.

Councilman Gonzalez advised the last Music on the Pier will be held this week and asked residents to attend, enjoy themselves and be responsible.

Councilwoman Szukala spoke in regard to loud music and cars near the lower portions of Ruggles Street, King Street and Lincoln Avenue especially during the hours of 11:00 PM thru 1:00 AM and asked Sergeant Witkowski if the Police Department could increase patrolling that

area during those hours. Councilwoman Szukala requested the number of tickets issued in 2012 pertaining to vehicle noise ordinance violations.

Councilwoman Szukala inquired about the status of the Union contract negotiations and asked Mayor Dolce if the city received any information regarding insurances and if he is scheduled to meet with the Unions.

Mayor Dolce advised the city has received information regarding insurances and he is scheduled to meet with one of the Unions.

Councilwoman Szukala advised the City Clerk's Office was closed on two different occasions several weeks ago; she received two complaints regarding this and was unaware as to why the office was closed on those occasions.

Mayor Dolce advised other offices in City Hall do close from time to time and assured Councilwoman Szukala that the closings were justified.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino if a sign maker or printer was purchased to address the sign issue in the city and inquired about the status of the No Parking Zone Sign that needs to be installed in front of the Post Office.

Department of Public Works Director Gugino advised he did not move forward with the purchase of the software required due to other purchases; he was concerned about going over budget and advised the No Parking Zone Sign will be installed soon.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #70-2012**  
**SEPTEMBER 4, 2012**

**BY: 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 for the City to comply with certain requirements for its participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to coordinating the development and completion of the required five-year comprehensive plan; and,

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

**WHEREAS**, Travis Gordon is ready, willing and able to provide such services in a good and workmanlike manner as an interim, independent contractor; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **Travis Gordon**, 97 Water Street, Fredonia, New York 14063, to provide independent consulting services on behalf of the City in regard to the City's participation with the U.S. Department of Housing & Urban Development Community Development Block Grant program at a total cost of Five Thousand Dollars and Zero Cents (\$5,000.00).

Carried, all voting aye.

**RESOLUTION #71-2012**  
**SEPTEMBER 4, 2012**

**BY: 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 comply with certain requirements for 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**, H. Sichermann & Company, Inc. is ready, willing and able to provide such services in a good and workmanlike manner as an interim, independent contractor; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **H. SICHERMANN & COMPANY, Inc.**, 5852 Forest Creek Drive, East Amherst, New York 14051-1961, to provide independent consulting services on behalf of the City in regard to the City's participation with the U.S. Department of Housing & Urban Development Community Development Block Grant program (including but not necessarily limited to the provision of technical and compliance assistance

necessary for the administration of the CDBG program) at a cost not to exceed Fifteen Thousand Dollars and Zero Cents (\$15,000.00).

Carried, all voting aye.

**RESOLUTION #72-2012**  
**SEPTEMBER 4, 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>
001-1900-1910	Unallocated Ins.	\$ 8,182.62	
001-1900-1990	Contingency Allow		\$ 8,182.62
001-1310-4036	Cont Ind Services	3,765.00	
001-1310-1000	Fisc Aff Pers Svcs		3,765.00
001-1490-4018	Cent Cln Prod/Supp	853.80	
001-1490-4002	Supplies		193.80
001-1490-4023	Rep & Maint Veh		160.00
001-1490-2000	Equipment		500.00
001-1310-2000	Equipment A/C	705.28	
001-1310-4002	Supplies		705.28
001-1900-1960	Unpd School Taxes	533.69	
001-1900-1990	Conting Allow		533.69
001-3120-4150	Rent/Lease	969.26	
001-3120-4036	Contracted Services		969.26
002-1900-1910	Unallocated Ins	3,938.50	
002-1900-1990	Contingency Allowance		3,938.50
003-1900-1910	Unallocated Ins	3,938.50	
003-1900-1990	Contingency Allowance		3,938.50

Carried, all voting aye.

**RESOLUTION #73-2012**  
**SEPTEMBER 4, 2012**

**BY: ENTIRE COUNCIL**

**RESCIND RESOLUTION 22-2012 and APPROVE REVISED FY 2012 CDBG ANNUAL ACTION PLAN TO HUD**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (“HUD”) through the Community Development Block Grant (“CDBG”) program; and

**WHEREAS**, the City develops an annual *Action Plan* each year which identifies and describes the City’s anticipated allocation of CDBG funds to various programs and activities for the next fiscal year; and

**WHEREAS**, the City, through Council Resolution #22-2012, had approved and submitted a FY2012 *Action Plan*, which *Action Plan* is in need of revision due to a proposed reallocation of funds; and,

**WHEREAS**, the City has convened the required public hearings and obtained public input; now, therefore, be it

**RESOLVED**, that Council Resolution #22-2012 (February 7, 2012) is hereby rescinded and, be it further

**RESOLVED**, that the following activities are approved for the City’s 2012 Annual Action Plan submitted to the public pursuant to the City’s Citizen Participation Plan and are to be submitted to HUD for its approval.

<b>ADMINISTRATION</b>	Administration	\$ 90,000.00	\$ 90,000.00
<b>PUBLIC FACILITY</b>	Parking Facilities - Sr. Ctr.	\$ 2,500.00	\$ 46,500.00
	Streets Improvement	\$ 24,000.00	
	Sidewalk Improvement	\$ 20,000.00	
<b>PUBLIC SERVICE</b>	Employment Training	\$ 10,000.00	\$ 50,815.00
	Homeownership Training	\$ 18,315.00	
	Senior Services	\$ 7,500.00	
	Youth Services	\$	

		15,000.00	
<b>ECO DEVELOPMENT</b>	DLDC/Eco Development	\$ 122,500.00	\$ 122,500.00
<b>HOUSING</b>	Owner-occupied Rehab	\$ 100,000.00	\$ 100,000.00
<b>OTHER</b>	Code Enforcement	\$ 20,000.00	\$ 50,000.00
	Demolition	\$ 30,000.00	
		\$ 459,815.00	

Carried, all voting aye.

Councilwoman Szukala motioned to meet in Executive Session to discuss the employment history of a particular person and matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person, no action is contemplated to be taken at the conclusion of the Executive Session. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Executive Session called to order at 6:25 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 7:01 PM and reconvene to the regular Council Meeting. Seconded by Councilman Rivera.

Carried, all voting aye.

#### **ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Rivera.

Carried, all voting aye.

**Adjourned at 7:01 PM**

**Lacy L. Lawrence, City Clerk**

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