

COMMON COUNCIL PROCEEDINGS
April 19, 2010

The meeting was called to order at 6:04 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Councilwomen Floramo, Szukala and Councilman-at-large Dolce. Absent: Councilman Muldowney.

Also present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-large Dolce advised that Councilman Muldowney was excused from tonight's meeting.

Certification of April 5th, 2011 meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, April 5, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Greg Sek, 14 N. Armadillo Street, Dunkirk, NY requested to be on record in opposition of the Pangolin Street development project, stating that the city should focus on Main, Lake Shore Drive, Central Avenue and all the green fields; taking care of this first instead of building more. He further stated that the house next door to him was vacant and falling down, he pays high taxes, and if that siding happened to go through his window, who would be paying for this.

Building Inspector Zurawski advised that an elderly couple resided there but are now in a home. Mr. Sek stated that he would like to see something done; either tear it down or foreclose as he would like some type of relief for this.

Mr. Sek further questioned if the City had some sort of policy where children could ride with their parents while driving city equipment. He advised of a city street sweeper going on Main Street with a child in the right side while the operator was on the left. He advised the Mayor that it was approximately 10:30 AM today on Main Street, turning on Franklin and proceeding to Talcott Street.

Mayor Frey stated he would take care of this, and Mr. Sek further stated that he would like some resolution in regard to the property next to him

Jim Pasierb, 66 N. Jerboa Street, Dunkirk, NY addressed the Council, Mayor and Department Heads with the following statements and questions:

1. As you know, Chautauqua County has lost 9.2% of its population since 2000. Schools are losing students and several blue collar industries do not exist any more in this area. This development is directed toward professional young people. What professional people are left to buy in such a development?
2. If the houses are not sold in a timely manner, we will be left with more vacant properties.
3. All the questions presented at the last Council Meeting have not been answered. I am requesting that those questions all be answered.

Director of Development Ahlstrom stated that there was one last person Mr. Pasierb was referring to; one person they were waiting to hear from, and advised that his office sent a letter addressing Mr. Pasierb's issues. He stated that the first two questions cannot be answered at this stage, as it depends on whether there is a project that gets legs and goes forward, then the market will take care of itself. He further stated that nothing is defined yet, but highly unlikely the project would involve building houses on spec, as that's a poor investment for a developer, and it would more than likely involve some sort of build-to-suit arrangement if any. He therefore advised that he didn't know if the first two questions could be answered at this stage; possibly it could be determined by investigation as only the market could determine this, and if not determined by an investigation; then the answer to the first question is. . . if there aren't enough people, this would have to be evaluated over a six to nine month period as you analyze the market.

Drusilla Pasierb, 66 N. Jerboa Street, Dunkirk, NY thanked Councilman-at-large Dolce and Councilwoman Floramo for supporting the residents in the First Ward. She further addressed Councilman Michalski requesting him to please represent them and stop this project from going any further. She also addressed Director of Development Ahlstrom relative to any RFP's being made public, and to offer as much information as possible.

Director of Development Ahstrom advised that there were two responses, one complete and one incomplete, and additional information was requested from both. He stated that he gave the respondent time to go through to make sure there's no proprietary information, they have until Wednesday to do this, and he will get copies out in the mail to her. He further advised that there were two responses, and one met all the requirements of the RFP.

Arlene Langendorfer, 86 E. Pine Street, Dunkirk, NY spoke in regard to the Pangolin Street Project, stating that it all started when she was in Florida and was contacted numerous times. Being a spokesperson for the First Ward, she stated that they've worked extensively to maintain some green space for kids in the neighborhood. She advised that when she moved twenty-two years ago, she was told by the Realtor at the time that this area would not be developed, and it was given to the city under the stipulation it was for "recreational purposes only" for the City of Dunkirk. She stated that approximately 10-12 years ago, this piece of property came up for development, that they researched the records on this, and it stated that it was left for recreation only so the developer pulled out. Now, the Mayor disagrees and stated it was because they wanted project housing there. She stated what they need is some honesty and truth here for the taxpayers that support our Administration, their jobs and the welfare of the city. Mrs. Langendorfer stated that the land is used continuously all summer by the kids, (not by Wright Park) as people want their kids safe. She informed of incidences where kids have been approached by strangers trying to pick them up, they came to her as she is a "neighborhood watch house", and that she contacted the Police Chief who took care of the situation. She questioned if anyone would want their children walking to School 7 or Wright Park where there was no super-

vision as there were sex offenders in the area. Mrs. Langendorfer stated that the land was surveyed last year, this was going on behind their backs without the public being told, and this was not honest or upfront. She therefore stated that if this was a "done deal" to tell them now, they will have for sale signs on every house, and they can have all the housing they want for young professional people, seniors and whoever wants to move here. She again stated that they are not being truthful with them, she moved here by choice, and that the Mayor has done some wonderful things, but now we are going backward instead of forward, as this land does not have to be developed. She stated that we have enough housing in Dunkirk, there are some homes that were fixed up instead of condemned, and suggested putting loft apartments on the Masonic Temple site for young professionals who like to come and go and not keep up a lawn or shovel. She closed in stating that they should be considered as the residents who have put their faith in the city, and that they should have their property and dignity because once that land is developed, then it's destroyed.

City Attorney Carrie advised that one of the questions was answered at one of the past meetings, informing that the deed for that property dated back to 1942 or 1947 and was taken by foreclosure from the County.

Mrs. Langendorfer stated that they (the residents) were going to pay for a 100 year Search to see what happened to that property, making the Administration aware of this.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey offered condolences on behalf of the City to the family of the late Ed Hamlet. Mayor Frey advised of Mr. Hamlet's work and contributions to the scouts and Camp Gross benefitting all the youth in the City of Dunkirk.

Mayor Frey spoke in regard to the zero-sort program stating that it was moving along with changes to be made, with a resolution ready for the next Council Meeting. He stated that this was discussed with the employees on the trucks who gave their ideas, and he suggested to the Council that the city residents should be using clear plastic bags. Mayor Frey stated that we need some teeth in the law as well as knowing what's out there. He stated that warnings will first be given out if zero-sort is in the wrong (bag) container and summons' afterwards. Mayor Frey stated that we need to make this project work, it is working as we take five to ten tons out to the landfill per week, but is not as efficient as it should be.

Mayor Frey advised that one of our packers was down, tomorrow would be slower for rubbish pickup, but everything would be picked up eventually later in the day.

Mayor Frey also advised that sixty-seven of our seniors have not yet applied for the Star Program, and May 2nd was the last day. He further advised anyone to call if they needed any assistance for this.

Mayor Frey informed that Armed Forces Day will be celebrated from May 1st to May 7th, we should celebrate those who gave to our country, and the City of Dunkirk will be doing a Proclamation for the Naval Park in Buffalo. He also informed that Professional Secretary's Day was April 27th, and they should be recognized for doing their daily job throughout City Hall and public sectors as well. He also stated that he has a super Secretary whom he always relies upon and runs the operation. In closing, Mayor Frey requested Police Chief Ortolano to report on a grant that the City received today.

Police Chief Ortolano first spoke in regard to the National Night Out Program which lost some funding through CDBG, but would still continue with some scaling back. He stated the city would look to the coordinators in the wards for assistance and will still end up with a fine program. Police Chief Ortolano advised that he will hold a meeting on this the first or second week in May, would contact the newspaper, and sit with the Night Out coordinators to go over the issues for Night Out.

Secondly, Police Chief Ortolano reported on a research for grants done back in January through the Federal Government. He advised that through this research, he found a Byrne JAG Grant which he turned over to Officers Manzella and McAfee. He advised that they filed the necessary paperwork on behalf of the city, and received a letter this morning from the Division of Criminal Justice Services on behalf of the Byrne JAG Grant awarding the city the full amount (\$24,000) for a new police car. He stated the funding should be here by July, he made some calls today to secure the vehicle through the State bidding process, and we will take our oldest car out of service with this replacement. He thanked Dan Manzella and Rob McAfee, and stated that this \$24,000 grant was at no cost to the city.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Patti Yokom on behalf of the Chautauqua County Youth Bureau requesting permission to hold a Community Event Day in Washington Park on May 26th from 3:00 to 7:00 PM with set-up time possibly at 11:00 AM, and the use of 5 picnic tables & 6 trash bins.

Councilwoman Floramo moved that permission be granted and referred this to the Public Works Department & PBA. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from James R. White on behalf of Christian congregations in Dunkirk requesting permission to hold a Community Prayer Service at Wright Park on May 5th from 4:00 to 9:00 PM to celebrate the 60th National Day of Prayer.

Councilman Michalski moved that permission be granted and referred this to the Public Works Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Mark Kruzynski on behalf of Section VI for Softball Sectionals Finals at Promenshenkle Stadium on June 1st at 5:00 PM (raindate June 2nd), and on June 3rd at 5:00 PM & 7:00 PM (raindate June 4th).

Mayor Frey advised that this was their third year of participating in our city and was a great public relations program for Dunkirk. He also stated that this gives us an opportunity to show off our facilities, that Section VI has stepped up and offered \$50 to \$100 per game, and strongly encouraged 100% support for this event.

Councilwoman Szukala moved that permission be granted and referred this to the Public Works Department. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Petition from Paul P. Lyons, Principal at DHS requesting three police officers for the Senior Prom at the Moose Club on Saturday, May 7th from 7:45 PM to 12:15 AM.

Councilwoman Szukala advised that the allocation for this is not from the city's General Fund but from the School System.

Councilman Michalski moved that permission be granted and referred this to the PBA Seconded by Councilwoman Floramo.

Carried, all voting aye.

Loudspeaker application from James R. White for amplifiers, speakers & electrical instruments for the National Day of Prayer at Wright Park on May 5th from 4:30 to 8:30 PM.

Loudspeaker application from Ashok Chopra for live bands at the Dockside Bar (Clarion Hotel) from May 26th through October 2nd from 8:00 PM to 1:00 AM.

Councilwoman Floramo moved that the two loudspeaker applications be approved. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Vince Horrigan, Executive Director and on behalf of the American Red Cross requesting to use certain city roadways on June 18th, 2011 beginning at 9:00 AM on the SUNY Fredonia campus parking area for the "Ride for the Red Bicycle Tour".

Councilman Michalski moved that permission be granted and referred this to the PBA & Public Works Department. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Councilman-at-large Dolce advised that a petition was pulled in the workshop from Chautauqua Opportunities, and the City Clerk would be calling him with other suggestions.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that there will be a Public Works Committee Meeting on Monday, May 2nd at 5:00 PM. He also spoke relative to the tree planting in the Second Ward, advising that there are 225 trees and he will be participating with his son and the Boy Scouts. He further stated that this was a pretty big task, that it was a city event taking place on Saturday, April 30th and Sunday, May 1st, and encouraged any individuals or organization to come and help out.

Councilwoman Floramo advised that the Local Law regarding tenants/landlords was not finished for tonight's meeting. She stated that this would go before the Committee first and if acceptable then presented for a public hearing. She stated that our landlords need some help and she will try and follow through. She further stated that if it does not get through the Personnel Committee for a local law they will move on to a new program which involves Public Works, Police and Housing. She further advised of a new North County Landlord Association being formed right now, and stated that some of our properties are bad and things need to change.

Councilwoman Floramo also thanked Police Chief Ortolano for his extra work, as he has done more to save the city money than other departments; addressed Mrs. Langendorfer relative to the Pangolin field, stating that the deed was foreclosed and given to the city, and that she was happy with five to ten tons a week less taken to the landfill, but had concerns about the clear bags. Councilwoman Floramo also addressed the Police Chief relative to police cars in her neighborhood with no arrests being made. Police Chief Ortolano advised her that some arrests have been made.

Councilwoman Floramo also requested a percentage chart for restoration of homes in the Fourth Ward. Director of Development Ahlstrom advised that he was out on medical leave, but would drop this in her mailbox.

Councilwoman Szukala advised that the Police Chief informed her at a previous Public Safety Meeting that there will be a National Prescription Drug drop-off on April 30th from 9:00 AM to 1:00 PM at All Star Headquarters behind School 3. She urged residents to use this to make sure their expired drugs do not end up in the wrong hands, and to dispose of their expired drugs properly so they are not flushed and into the water supply. She advised that this is an easy drive up operation, and encouraged everyone to check with family members or neighbors to see if any assistance is needed.

Councilwoman Szukala also addressed Mrs. Langendorfer, stating that Pangolin Street was not a done deal, everything needs to come before the Council for input, and she should keep in contact and give Council a chance to work through this. She also advised Mrs. Langendorfer that the Masonic Temple property was privately owned, and the City could only make suggestions regarding what to put there.

Councilman-at-large Dolce advised that Council will be on the radio April 25th, and at the last Finance Meeting, Fiscal Affairs Officer Curtin and Dave Manzella gave a breakdown of the first quarter showing how much tonnage of recycling/trash was going to the landfill. This enabled to see how much was collected every Monday, but the figures also showed an increase in regular tonnage regardless of the program. He stated he did not know what contributed to this, but there is an increase in regular garbage and will be looked into.

Councilman-at-large Dolce also spoke relative to bag usage, questioning if regular shopping bags would be suitable. Mayor Frey advised that any bag that would reveal the contents would be satisfactory. He advised that a gentleman did a test and put a dark bag with recycles out and this was never looked at. He advised that the city cannot look in every bag, but we are trying to accomplish what zero sort is supposed to be, as our intent was to cut rubbish collection down to two days instead of four as a cost savings and our reason to do this. Mayor Frey stated that clear bags along with open containers such as cardboard boxes could be used, as long as the contents could be seen.

Director of Development Ahlstrom stated that someone mentioned a survey being done on Pangolin Street. He reported that he sat down with Public Works Director Gugino regarding a survey, advising that this was not done; with no engineering or environmental work for any development there. He advised that there has been some base engineering work done on the seawall, and this land could have been used as a base for that work or utility work could have been ongoing.

Mrs. Langendorfer advised that last Fall, all four corners were marked with stakes and yellow ribbon with a surveying crew there.

Director of Development Ahlstrom advised that it could have been our work on the seawall; the reconstruction of Lake Front Blvd., or yellow often times is National Fuel, as there could be utilities running underneath this area. He further informed that we have not spent one penny on engineering, design or other prepping of that lot at this time.

PRE-FILED RESOLUTIONS:

RESOLUTION #28-2011
APRIL 19, 2011

BY ENTIRE COUNCIL:

APPROVING THE DUNKIRK HOUSING AUTHORITY EMPLOYEE SALARIES

WHEREAS, Section 32 of the New York State Public Housing Law requires the approval by the governing body of municipality in which the Authority operates, of all salaries of the Authority employees; and

WHEREAS, the City of Dunkirk Housing Authority at its March 3, 2011 meeting approved the attached salary schedule for its employees for the years 2009, 2010, 2011 and 2012, subject to approval of the Dunkirk Common Council and further revision of the Authority's Personnel Policy; now, therefore, be it

RESOLVED, that the Common Council hereby approves the salaries of the Dunkirk Housing Authority employees for the years 2009, 2010, 2011 and 2012, as listed on the attached schedule plus the 6% to be paid, for the years 2008 and 2009, in one lump sum payment. It further approves the salaries shown in appendix B for new hires, effective January 1, 2010.

Councilman Michalski stated that he will not be supporting this resolution, given that there are two contracts on the table right now, and it could be a mistake to approve increases for 3%. He stated that he is not saying they do not deserve raises, but not at 3%. He further stated that they are not operating in a vacuum, but rather being watched by other individuals or groups, and therefore this could be a mistake.

Councilman-at-large Dolce advised that he learned in the previous workshop that we, as a city, did not get to negotiate this, but have to vote yes/no. He further stated that he had an issue with this, and will not be supporting this resolution.

No: Councilman Michalski, Councilwomen Floramo and Szukala and Councilman-at-large Dolce. Resolution defeated.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:45 PM

William D. Tuggle, City Clerk
