

COMMON COUNCIL PROCEEDINGS
April 20, 2010

The meeting was called to order at 7:02 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

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

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

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

Certification of April 6, 2010 Meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of the meeting of April 6, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Ed Beatty 418 Temple Street, Dunkirk, NY spoke in regard to the letter submitted from the Conservation Club, and also stated that he found out that the "Wreck & Roll" Festival kicks off on June 18th & 19th, and this was something of concern, as this is opening day of bass season. He stated that this represents a large contingent of fishermen that may or may not be able to get in or out of the water, and therefore requested if there could be a schedule of when or what would be corded off, and if they would have access to getting in/out of the water that day.

Director of Development Ahlstrom stated that they've done this for three years now and are working with a new Harbormaster and the Harbor Commission as well. He advised that the festivities start at 2:00 PM, and the pier will be closed for parking all day but not the boat launch. He advised that in the past, the boat race was usually in the morning, but they moved it to 2:00 PM, allowing a forty-five minute window (from 2:00 to 2:45 PM) when boats will not have access to the water. He stated that this should be a very limited effect, it will be well posted that day, and hopefully this will not inconvenience the fishermen. He informed that the boat launch will be open all day; it shouldn't affect anything as there is never any trailer parking on the pier anyway, and they will place cones by the looped and pedestrian areas on the far side in front of the Marina and Boardwalk.

Mr. Beatty stated that he was there last year and it seemed to be dangerous, but Mr. Ahlstrom advised that last year it was done at 10:30 AM, and this was why the time changed.

Mr. Beatty further stated that they would try to cooperate with the crowds as well, and stated that there are people and fishermen that attend from all over the country.

Director of Development Ahlstrom also informed that a lot of fishermen were coming in late last year due to the weather, but this year they would have access all day except for the forty-five minute window, and the Harbormaster will also be there to insure everyone will know what is going on. Councilman Muldowney also stated that the city wants all of those people here in the city.

Councilwoman Floramo questioned why the "Wreck & Roll" Festival had to be on the same weekend as the bass fishing tournament. She stated that the fishermen have been doing this for many years, and although we were trying something new this year, it could be another mess. She also felt that Dunkirk was making less and less of our fishing every year.

Director of Development Ahlstrom stated that the weekend of June 18th was the beginning of the summer season, and the following week kicks off with "Music on the Pier". He felt that philosophically multiple things are going on at the same time, but this was good as we learn every year, explaining that we had a dive team last year to make sure it was safe in the water, but moved their time to the afternoon to acquiesce the fishermen. He further advised that we launched two hundred boats on that weekend last year.

Councilman Muldowney stated that he was not a part of it this year, but that the Committee met every couple of weeks starting in October, and that we want to meet their needs, stating that both events could play big in our harbor. He further advised that this was our third year, we try to start our kick-off in the summer, that the Committee has done a lot this year, and hope that Mr. Beatty will be pleased.

Director of Development Ahlstrom further explained that money has already been spent for this year, and can't come back or be moved as it's already committed. He stated that perhaps when they start planning in September for next year they'll see how the calendar falls.

Mayor Frey advised that in the past, there was a weekend in the city when there was a softball tournament at Wright Park, fishing tournament at the Marina, an event at the Yacht Club, entertainment at the Pier, and the car-show at Point Gratiot. He therefore stated that this mixture was the basis in working together as we don't have a long season. Mayor Frey also stated that he was very pleased with what the Development Department accomplishes, and we need the tourist money downtown.

Councilwoman Floramo agreed with Mayor Frey, but asked if this could be looked at for next year.

Mary Jo Scienza, 525 Washington Avenue, Dunkirk, NY spoke relative to the residence on the corner of Sixth & Washington which was sold to Chautauqua Opportunities, asking for some clarification.

Director of Development Ahlstrom advised that this was a private transaction by the Library to COI, and it was his understanding that they should receive additional funding to rehab the house and get it back on the tax rolls. He advised that it is going to be a straight rental housing unit, not a specialty house, and they have \$150,000 to invest to

bring it back to where it was at a taxable status. He stated that it would be similar to the one on Fourth Street, although that was for a particular under-age group, and anyone could come in and qualify for this one. He further informed that the income for a family of four to five would range between \$40,000 to \$50,000 and this does not have to be low income.

Mrs. Scienza further questioned how many units there would be, stated that her husband was attacked by teenagers in the past, and that when she moved here several years ago it was a beautiful area, and there are all single units on that street. She stated that she had concerns that it was through COI, as past history has shown what happens when these are rented out to lower income occupants.

Director of Development Ahlstrom advised that there would be no more than four units, and COI was a private market and not the city. He also informed that they will be contributing \$150,000 to \$200,000 worth of work into it and when completed, it will only be worth \$85,000, therefore questioning if anyone privately would invest that amount to only have it be worth \$85,000. Mrs. Scienza replied that if someone purchased it for what COI did and turned it into a single or double unit, she felt that they would have. She also informed that the Porpiglia's wanted to turn the house next door into a housing unit and were turned down, and if this is four units would there be enough parking. Director of Development Ahlstrom advised that this was in the early stages, and they would have to go to the Building/Zoning Officer for permits and if there's not enough space for parking. He also stated that COI has standards, they upkeep their properties, and do not tolerate problem tenants. He also suggested that she should call them, as they would talk to her about this.

Andy Gonzalez, 536 Park Avenue, Dunkirk, NY also voiced his concerns regarding that corner, stating that he's lived around the corner for ten years, and it's been nice and quiet except for the four complexes. He stated there was no need for this and there are plenty of other apartments in the area that CHRIC can utilize.

Director of Development Ahlstrom again stated that this was early in the process, but it was zoned to allow this, it will be three units due to the grant they received, and if they have allowable parking they do not need any permission to turn it into four units. Mr. Gonzalez stated that they were here to try and stop this, as this could be the beginning of more conversions there, and this area would not be worth anything along with their property values reduced. Mr. Ahlstrom suggested that he have this conversation with his elected Councilperson to look the zoning law, as right now it is R3, and COI does not need permission as they meet all requirements. Mr. Gonzalez felt that the Council should look at a moratorium to stop more complexes there, this was one of the nicest areas in the city, and if this keeps up it will depreciate the entire area.

Mayor Frey offered to set a meeting date with COI and the neighbors so they can sit down and COI can explain their intent and answer any concerns. He stated this was done for the complex on Fourth Street, and if given the opportunity, he would love to do this for them. He stated that neither he nor Kory can give all the answers, and this would confirm any questions that the neighbors, COI and the city may have.

Mrs. Scienza advised that the next Washington Park Meeting would be the first Monday in May at 6:30 PM, and although this proposal was at the beginning stages, questioned the outcome if the neighbors disagreed.

Director of Development Ahlstrom advised her that Bill Vogt has attended those meetings at their inception in the past, and if it was ok the Mayor could contact him for that meeting. Mayor Frey agreed to that, or if they wanted a specific meeting at a different time it could be arranged, as he wanted to try and work this out.

Councilwoman Floramo stated that this was her district, that she received many calls about this issue, and questioned the Mayor as to our status on this as he attended one of the Park Meetings in the past.

Mayor Frey responded that we gave funding to COI to purchase the house so they could proceed.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey advised that the city was approved for above \$40,000 in additional funding for CDBG, that we were notified by NYSDOT that they will start resurfacing Fourth Street from Central to Main and Doughty Street from Lincoln Avenue to Route 60 in two to three weeks. He further advised that the city would be working on a finance solution for the hot-patch truck, but meanwhile we are relying on our maintenance crew, that this is not forgotten and will be addressed.

Mayor Frey also spoke in regard to a letter received a few months ago in regard to "Poles for Peace". He advised that he met with a couple and an appropriate place would be selected in Memorial Park. He further advised that there were four sides to this pole, which would be historic to Dunkirk with each side separately representing English, Polish, Italian and Spanish, and this should take place sometime in September.

Mayor Frey also advised that Mike Gregoreski was recognized in Washington D.C. on April 19th, as he was not added to the Wall for his wounds and sickness suffered while in Viet Nam. He further stated that he was honored for this on this day, and that items were sent on behalf of the city to place in a time capsule in his memory. He also advised that the American Legion would be having a program in his honor sometime in May, as he served our Country well.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

City Clerk Tuggle read the following petition from Douglas Jaffray, President of the Northern Chautauqua Conservation Club as follows:

"Dear Mayor and Council:

On behalf of the 1,750 members of the Conservation Club the Board of Directors would like to protest the lack of boat trailer parking at the city pier. These parking spots were taken away with no warning last year and without the benefit of a public meeting.

We have also been made aware of the possibility of the parking across from the Harbormaster's Office will also be taken away.

Some time ago, we were told that boat trailer parking would be allowed on the city pier. This did not last long and it was stopped. Then the parking from Route 5 to the Marina was taken away without any public input. We were allowed to park in the old Bertges lot and that cost the city \$5,000, and if one person parked the wrong way you could park very few trailers there.

The Conservation Club members have always cooperated with the city. When the national fishing tournaments came to town we were always there with manpower to make the tournaments a success. And most recently when the city needed money for picnic tables we were right there with a donation as we always have been for other activities such as the fireworks display. Our three days fishing tournament brings a lot of business into the city.

Please return the parking spots to a first-come first-served basis as this will be the most fair solution.

Yours truly,
Douglas Jaffray, President"

Received and filed.

Councilman-at-large Dolce advised that this was briefly discussed earlier with Mr. Beatty, that it can go before the Committee, but right now it is received and filed.

Petition from Michael R. Cerrie on behalf of the Nathan George Foundation requesting to use School #7 and the Stadium for the second annual Nathan George co-ed slo-pitch tournament on Saturday, August 14th. (Raindate August 15th).

Councilman Muldowney moved to table this petition for further review.

Carried, all voting aye. Tabled.

Petition from Frank Acquavia Memorial Post #1344 requesting picnic tables, trash barrels and snow fence for their annual Memorial Day activities on May 31st.

Councilman Michalski moved that permission be granted and referred this to the Public Works and Police Departments. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from Daniel Goodwin on behalf of Buffalo News Kids Day requesting to sell copies of the Buffalo News on certain city streets on Tuesday, April 27th from 6:00 to 9:00 AM.

Councilman Muldowney moved that a letter or communication from the County be received granting them permission to sell papers between 6:00 and 9:00 AM on County Roads in the City. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Mark Kruczynski, Section VI Sport Chair requesting to use Promenshenkle Stadium at Wright Park on June 5th for the Girls High School Softball Sectionals. (Raindate June 6th).

Councilwoman Floramo moved that permission be granted and referred this to the Public Works and Parks Departments. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from the American Red Cross requesting to use Brigham Road and Route 5 for the "Ride for Red" bicycle tour event beginning at 9:00 AM on Saturday, June 19th.

Councilwoman Floramo moved that permission be granted and referred this to the Public Works and Police Departments. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from Kory Ahlstrom on behalf of the Festivals & Events Committee informing of the 2010 season events, the dates, and requesting a Police Officer for selected events.

Councilman Muldowney moved that permission be granted and referred this to the Public Works, Police and Development Departments. Councilman Muldowney also stated that through the leadership of Kory Ahlstrom and his committee who have been meeting since October, this was a job well done. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Kory Ahlstrom on behalf of the Festivals & Events Committee requesting permission to close off Central Avenue between Fourth & Fifth Streets on Saturday, May 29th from 5:30 to 10:00 PM for showing the movie "Cloudy with a Chance of Meatballs".

Councilman Michalski moved that permission be granted and referred this to the Public Works, Police, and Development Departments. Seconded by Councilman Muldowney.

Carried, all voting aye.

Loudspeaker application from Pastor Antonio Villegas for drums, guitars, speakers, amplifier and microphone on May 15th, June 12th, July 29th through the 31st, and August 28th from 5:00 to 9:00 PM for church services at the pavilion behind Family Dollar.

Councilman Muldowney moved to put this aside for further review of the new guidelines addressed at the previous meeting.

Carried, all voting aye. Tabled.

Loudspeaker application from James A. Muscato for a band on May 31st from 3:00 to 7:00 PM at the Frank Acquavia Memorial Post #1344 for their annual Memorial Day BBQ.

Loudspeaker application from the Northern Chautauqua Conservation Club for live bands/speakers from May 20th through October 1st until 1:00 AM for various fundraisers/events.

Loudspeaker application from Walleye Willie's for live/mechanical music from May 1st through October 31st.

Councilman Muldowney moved that the applications from the Frank Acquavia Post #1344, the Northern Chautauqua Conservation Club and Walleye Willie's all be approved. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Loudspeaker application from the Nathan George Foundation for music/loudspeakers at the Stadium on August 14th from noon to 4:00 PM for their softball tournament. (Raindate August 15th).

Councilman Michalski moved to table this application for further review.

Carried, all voting aye. Tabled.

Petition from Paul Lyons, DHS Principal requesting two police officers for dance supervision on May 8th from 8:00 to 11:00 PM.

Councilman Michalski moved to refer this to the PBA. Seconded by Councilman Muldowney.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that there was a Public Works Committee Meeting prior to tonight's workshop with Casella Waste Systems. He further advised that this was in regard to the possibility of contracting privately for trash collection in the city, and it proved to be very productive. He also informed that SUNY Fredonia Campus & Community was sponsoring a household electronic recycling day this Saturday April 24th at the Fairgrounds from 10:00 AM to 2:00 PM.

Councilman Muldowney had nothing to report at this time, and would speak to Public Works Director Gugino after the meeting.

Councilwoman Floramo thanked Public Works Director Gugino and his employees for all their work, and spoke in regard to the recent lack of Personnel Meetings, stating that this was due to the pending ACO and City Attorney appointments. She further advised that she is working on landlord/tenant agreements and that she met with an Attorney in Jamestown who was very informative with the laws. She further advised that this would need to be passed on to the City Attorney and the Building/Zoning Inspector for

discussion, and then presented to the Mayor. Councilwoman Floramo felt that this would put us on the right road and may be a good start.

Councilman-at-large Dolce thanked Kevin Mikula, Mark Woods and Zeke Curtin for sending the pension report to the State Attorney General's Office, and that we would have to wait and see where it goes from there.

Councilman-at-large Dolce also addressed the Police Chief in regard to the possibility of putting a "speed zone" sign by NCCS on Fourth Street. He also stated that he would speak to the City Attorney after the meeting.

PRE-FILED RESOLUTIONS:

RESOLUTION #30-2010

April 20, 2010

BY ENTIRE COUNCIL:

INTRODUCTION TO CLOSE AND ABANDON A PORTION OF UNOPENED OUNCE STREET BETWEEN EAST CHESTNUT STREET AND THE EAST CITY LINE

WHEREAS, the City of Dunkirk Common Council, at their meeting of April 6, 2010, had been requested by architect Richard L. Peebles, Jr., on behalf of the Dunkirk Humane Society, Inc. (d/b/a Lakeshore Humane Society), to close and abandon a portion of unopened Ounce Street in order to receive clear title for the construction of their new shelter building on East Chestnut Street within their lot; and

WHEREAS, the Common Council referred this request to various Departments for review and no objections have been raised; and

WHEREAS, it has been recommended by the above referred Departments that this request for closure be extended to include all that section of unopened Ounce Street between East Chestnut Street and the easterly City line; now, therefore, be it

RESOLVED, that this Common Council declares its intent to close and abandon the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Dunkirk, County of Chautauqua, and State of New York, and more particularly described as that portion of unopened Ounce Street, 66 feet wide, as shown on the Doughty Map, located between the southerly line of East Chestnut Street and the easterly City line;

and, be it

RESOLVED, that a public hearing shall be held in the Council Chambers on May 4, 2010 at 6:45 PM; and, be it further

RESOLVED, that the City Clerk be directed to publish notice of said hearing the required number of times prior to the public hearing date; and, be it finally

RESOLVED, that anyone wishing to submit objections may file them during regular business hours at the Office of the City Clerk on or before scheduled date of the public hearing.

Councilman-at-large Dolce advised that there would be a public hearing on May 4th at 6:50 PM.

Vote on resolution: Carried, all voting aye.

RESOLUTION #31-2010
April 20, 2010

BY ENTIRE COUNCIL:

**AUTHORIZING AGREEMENT WITH CHAUTAUQUA COUNTY
FOR SENIOR SERVICES**

WHEREAS, the City of Dunkirk provides a program of services for the elderly through the Dunkirk Senior Citizens Center, and

WHEREAS, Chautauqua County’s Office for the Aging sponsors programs and services for the elderly on a county-wide basis, and

WHEREAS, the County desires to use space in the Dunkirk Senior Citizens Center to be used by County employees or other assigned staff to provide counseling, information and referral services to senior citizens, and

WHEREAS, the City and County desire to enter into a continuation agreement whereby the County would provide financial assistance to the City to help defray the cost of cleaning, janitorial, maintenance and utilities in the Senior Center; now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized and directed to execute an agreement with the County of Chautauqua, on behalf of the City of Dunkirk, for reimbursement of certain expenses incurred in the provision of Senior Citizen services, in an amount not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) at the rate of Eight Hundred Seventy-Five Dollars (\$875.00) for each quarter, payable in advance, for the period April 1, 2010 to March 31, 2011, to be appropriated to Account #001-0001-2351 Programs For Aging.

Carried, all voting aye.

Councilman Michalski moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 7:43 PM

William D. Tuggle, City Clerk
