

COMMON COUNCIL PROCEEDINGS
April 6, 2010

The meeting was called to order at 7:00 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

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

Also present: City Treasurer Woods, Fiscal Affairs Officer Curtain, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-Large Dolce advised that Mayor Frey, DPW Gugino, and Director of Development Ahlstrom were excused from the meeting. He also advised that Kory had left a message to pass on later on in the meeting, and acknowledged Legislators Duff and Ahlstrom.

RESOLVED: That the reading of the minutes of Tuesday, March 16, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Councilman-at Large Dolce advised that the Mayor was excused, but stated that there were two messages from the Mayor.

Communication from Mayor Frey appointing William Heenan as Harbormaster for the City of Dunkirk effective April 26, 2010.

Received and filed.

Communication from Mayor Frey appointing Edward Eaker, Michael Schneider, Clara Donaldson, Donna Keith, and reappointing Danny McGill, Christa Haynes and Paul Arntz to two year appointments to the Cable TV Communications Advisory Board effective immediately and expiring March 26, 2012.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Joseph Gullo III requesting to use the corner of Fourth & Central Ave on September 3rd from 9:00 AM to 4:00 PM, and on September 4th & 5th from 8:00 AM to 4:00 PM,

and on September 4th & 5th the corners of Doughty and Lamphere Streets from 8:00 AM to 4:00 PM for the annual “Jerry Lewis Muscular Dystrophy Labor Day Telethon”.

Before entertaining motions, Councilman-at-Large Dolce stated that Councilwoman Szukala would advise of the fundraising policy established by the council. Councilwoman Szukala feels that this is something that works well for both sides of everyone involved, and will be available in the City Clerk’s office the following morning. Councilwoman Szukala also read the Fundraising Policy as follows:

“Applications must be submitted to City Clerk at least 30 days prior to requested dates. Approval or denial given by the Dunkirk Common Council. Limited to organizations with Not for Profit status. Participants must wear safety vests, which will be provided by the City. A \$25.00 deposit will be required to ensure the return of vests (deposit given to City Clerk). One permit issued for use per calendar year, with two consecutive days for solicitation. Hours permitted for fundraising are between 8:00 AM and 5:00 PM with the exception of newspaper sales which will be between 6:00 AM and 5:00 PM. Participants MUST be at least 16 years of age to solicit funds within the roadways. Children under the age of 16 wishing to participate may do so ONLY from the sidewalks. There will be a limit of two adults per corner, with the maximum of eight per intersection. Designated areas for fundraising have been set to the following: Intersection of Central Avenue and Fourth Street, Intersections of Central Avenue and Fifth Street, West Doughty Street in designated area near Fire Hall. They will no longer be able to use Lamphere as that it is not a city street. Please note that the Fourth Street location may be changed to another site due to the demolition and construction of the Masonic Building. This is due to safety issues. The Dunkirk Common Council will address this issue as it arrives”.

Councilwoman Szukala moved to accept and to refer it to the Dept. of Public works and the Police Dept. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from James White requesting to use Washington Park and its amenities, including gazebo and electricity, for a Community Prayer service on May 6th from 5:30 PM to 9:00 PM.

Councilwoman Floramo moved to refer this to the Police Dept. and Dept. of Public Works. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of Claim from Laura Shelters vs the City of Dunkirk Housing Authority for personal injuries allegedly sustained from a fall outside the Bell Tower Apartments.

Councilman Muldowney moved to refer this to the City Attorney. Seconded by Councilman Michalski.

Carried, all voting aye.

Loudspeaker applications from:

Lakeshore Street Rod Association for a live band and DJ at the large pavilion at Point Gratiot on July 11th from 9:00 AM to closing. (Time changed in workshop to Noon until 5:00 PM).

James White requesting to use Washington Park with music amplification, instruments and microphone on May 6th from 6:30 PM to 8:30 PM for a Community Prayer Service.

DJ Bear Entertainment for a sound system with Karaoke at the large pavilion at Point Gratiot on July 18th from Noon to 6:00 PM for the Cliffstar family picnic.

Bart's Cove requesting live bands inside and outside from April to November 30, 2010 (times will vary from 1:00 PM and finish by 1:00 AM).

Councilman-at-Large Dolce stated before there was a motion, Councilwoman Szukala would advise of the Loudspeaker Permit Policy for the parks. Councilwoman Szukala stated that the Loudspeaker Permit Policy for City Parks will be available in the City Clerks office tomorrow morning. Councilwoman Szukala read the Loudspeaker Permit Policy as follows: "Applications must be submitted to City Clerk at least 30 days prior to the event date. Approval or denial given by the Dunkirk Common Council. A four hour permit will be given to Organizations surrounding an event. A two hour permit will be given to Individuals for birthdays, graduations etc...this is for continuous music playing. Hours permitted 12:00 Noon until 9:00 PM. This policy applies to amplified music only, not for small household radios etc...If residents complain, music or prayer must be turned down on first request. If a second complain is reported, all music or prayer will be terminated by order of the Dunkirk Police Department. Please note that special circumstances may require the Dunkirk Common Council to grant different hours based on the event".

Councilwoman Szukala moved to accept and refer it to the Police Dept. and Dept. of Public Works. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from the American Red Cross requesting to use Brigham Road and Route 5 for the Ride for the Red Bicycle Tour event beginning at 9:00 AM on June 19th. (Insurance Policy carried through the American Red Cross).

Councilman Michalski moved to table, pending review by Chief Ortolano.

Carried, all voting aye. Tabled.

Petition from Richard L. Peebles Jr., R.A, on behalf of the Lakeshore Humane Society requesting to abandon the paper street known as Ounce Street, south of Chestnut Street.

Councilwoman Floramo moved to refer it to Dept. of Public Works, City Attorney, Assessors, and Zoning. Seconded by Councilman Muldowney.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski introduced a new program in the City, called the "Rising Star" Program, advising it's an effort to promote and recognize city property owners who make significant improvements to existing residential homes. He stated he was excited about the program and looking forward to seeing many applications. He further advised that he already received several phone calls about the program, applications are available three local hardware stores (ADD Lumber, Weiss Hardware, and Service Hardware), and in the City Clerk's office. He further stated if anyone had questions to give him a call.

Councilman Michalski advised that the Public Works Committee would be meeting at 5:30 PM on April 20th with Casella Waste Systems to discuss the possibility of garbage collection in the City and the possibility of cost effectiveness for the city.

Councilman Michalski further advised that Attorney General Cuomo is looking into pension padding, and would like our council members to receive a report from 2009 in regards to how much overtime was paid out to city employees.

Councilman Muldowney thanked Councilwoman Szukala for her hard work on the fundraising and noise ordinance policies. He stated that we want families to use our parks, but felt that they shouldn't be subject to four to six hours of loud music, as two hours in our City Parks is more than enough time for amplified music. He advised of the safety of the residents with regards to fundraising within the City, stating that there are more requests every year with more children on State highways and in the roads. He also advised that there was good input from the Fire and Police Chief as well as other Departments, making this good for safety reasons. He felt that residents don't need to be subject to fundraisers every weekend, but hopefully this will curtail, and still help causes.

Councilwoman Floramo advised of the loudspeakers and the complaints around Washington Park. The park is circled with nice homes, most are highly taxed, and they were subjected to many hours of loudspeakers, preaching, and loud music. She stated she liked the new policies, however, she will need the support of the Police Department. The Charter says that there are no loud speakers in parks, except with the council's permission. She advised of the Parks meeting last night, informing that the residents in that neighborhood have no complaints when there is music for two or four hours, but Noon until 9:00 is too much and is glad that this is taken care of.

Councilwoman Floramo asked if there will be foot or bike patrol in Washington Park. Chief Ortolano responded that his department did patrol Washington Park on foot last summer and he plans to do the same this year, with the 3:00-11:00 PM shift having a car assigned to walk the park. She also inquired about signs for the parks, noting the times (hours of violations). Chief Ortolano responded, that he recalled some discussion, and that he would speak with Mr. Gugino.

Councilwoman Floramo reminded senior residents that the deadline for the STAR program is April 30, and advised of city residents placing their trash out at the wrong times. Even after the hours were brought down from 7:00 PM to 5:00 PM, it's still the same people, and what is happening is that rodents are getting into it, and the neighbors are having problems.

Councilwoman Floramo thanked Police Chief Ortolano on her request of last month, pertaining to the sneakers issue, and that she has a new address for him. Chief Ortolano responded that he couldn't take 100% of the credit, he worked closely on this matter with Department of Public Works Gugino.

Councilwoman Szukala began by welcoming the new City Attorney, and looks forward to working with him on city issues. She also advised that the Council will be on WDOE April 13th at 9:00 AM.

Councilwoman Szukala then addressed Chief Ortolano in regards to missing school sign on Central Avenue near school 4. Chief Ortolano responded that he has already spoken with Streets Supervisor Mike Porpiglia.

Councilman-at-Large Dolce began by welcoming Mr. Cerrie, and asked him if he has established hours at City Hall. Mr. Cerrie replied that he has not established any hours, but that he will be available by appointment. He further stated that he plans on being here all day every Tuesday and Friday afternoons.

Councilman Dolce welcomed Grace Tarnowski to her first meeting.

Councilman Dolce advised that the ACO called a special meeting before the next workshop to talk about the ACO position, he stated that the list has been narrowed down to 5, and that interviews will be held next week.

Councilman Dolce then went on to read Development Director Ahlstrom's letter: "I have been working with our county representatives and expect a resolution to transfer 523 Columbus Ave to the City to be heard this month in Mayville. I know that this property has garnered some questions in the past and I wanted to report this progress". Councilman-at-Large Dolce thanked him for providing them with that progress, and that Mr. Ahlstrom would have more to add after the hearing.

Councilman Dolce advised of pension padding and that it needs to be discussed with Finance. Any time the Attorney General recognizes your City we need to take notice.

PRE-FILED RESOLUTIONS:

RESOLUTION #28-2010

April 6, 2010

BY ENTIRE COUNCIL:

CONSENT TO APPOINTMENT OF CITY ATTORNEY

WHEREAS, Section 2-6.01 of the City Code provides that the City Attorney shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-6.01 of the City Code, Mayor Richard Frey has appointed Michael Robert Cerrie, to be the part-time City Attorney, subject to the consent of the Common Council, and

WHEREAS, the City Attorney shall be paid at the rate of \$500.00 per week, for a four (4) month period, now, therefore, be it

RESOLVED, that Michael Robert Cerrie, be confirmed as the part-time City Attorney for the City of Dunkirk, effective April 7, 2010 and ending August 6, 2010, and shall be paid at the rate of \$500.00 per week.

Carried, all voting aye.

RESOLUTION #29-2010
April 6, 2010

BY ENTIRE COUNCIL:

**AWARDING DEFERRED COMPENSATION CONTRACTS
AND AUTHORIZING MAYOR TO EXECUTE SUCH CONTRACTS**

WHEREAS, the City of Dunkirk did establish a Deferred Compensation Plan for employees; and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan for a five-year renewal contract period as stipulated in Section 9003.1; and

WHEREAS, after publishing in the New York State Register and local papers, the Deferred Compensation Committee does recommend the award of such contract to the current providers administering the City's plan; and

WHEREAS, the Deferred Compensation Committee does recommend **The Hartford** as Administrative Services Agency and Financial Organization with Reliance Trust Company as trustee, and **Nationwide Retirement Solutions** as Administrative Services Agency with Nationwide Trust Company, FSB as trustee; now, therefore, be it

RESOLVED, that the Mayor of the City of Dunkirk hereby is directed to execute all necessary documents to contract with The Hartford and the Reliance Trust Company for administrative, financial, and trustee services for the City of Dunkirk Deferred Compensation Plan for the next 5 years.

Carried, all voting aye.

Councilwoman Floramo thanked Director of Development in regards to the property at 523 Columbus Avenue. She stated that this has been going on since 2002, and he must have done some heavy convincing to get this building down, and is sure that her district is also happy.

Councilwoman Szukala made a motion to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adourned at 7:25 PM

William Tuggle, City Clerk
