

**COMMON COUNCIL PROCEEDINGS**  
**- Special Meeting -**  
**December 14, 2010**

Councilman-at-large Dolce called the Special Meeting to order at 5:03 PM followed by the Pledge of Allegiance.

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

Also Present: Mayor Frey, City Attorney Cerrie, DPW Director Gugino, Fiscal Affairs Officer Curtin, City Treasurer Woods, Clerk, Board of Assessors Mleczko, Development Director Ahlstrom, Department of Development Gornikiewicz, Fire Chief Ahlstrom and Police Chief Ortolano.

Clerk read Notice of Special Meeting.

Councilman-at-large Dolce extended privilege of the floor to anyone who wished to make comments.

Mayor Frey thanked City Treasurer Woods and Fiscal Affairs Officer Curtin for all their hard work in preparing the 2011 City Budget. Mayor Frey further stated that as far as he was concerned the City of Dunkirk is in good hands financially with these two gentlemen.

Councilman-at-large Dolce, agreed with Mayor Frey and on behalf of Council thanked City Treasurer Woods and Fiscal Affairs Officer Curtin for all their hard work.

**.RESOLUTION #88-2010**  
**December 10, 2010**

**BY: ENTIRE COUNCIL**

**ADOPTION OF YEAR 2011 CITY BUDGET**

**RESOLVED**, that the Mayor's 2011 Budget proposal was submitted to the Common Council on October 22, 2010 and received and filed at the regularly-scheduled Common Council meeting of November 1, 2010, and, it is further

**RESOLVED**, that the following are Common Council amendments to the Mayor's 2011 Budget proposal:

**SUMMARY OF COMMON COUNCIL BUDGET CHANGES**

Dated: December 10, 2010

Amended: **December 14, 2010 in BOLD**

**GENERAL FUND**

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>PAGE</u>
001-1640-1001	Cen Garage	OT	\$ 250.00	\$	11
001-1640-4023	" "	Rep/Main Veh	\$ 250.00		11
<b>001-1640-4061</b>	" "	<b>Veh Fuel</b>	<b>\$20,000.00</b>		<b>11</b>
001-1900-4150	General Svc	Siemens Lease	\$ 310.00		16
<b>001-3120-1005</b>	<b>Police</b>	<b>Dispatch Wages</b>	<b>\$ 2,000.00</b>		<b>17</b>
<b>001-5110-4054</b>	<b>Maint of Streets</b>	<b>Sidewalk Program</b>	<b>\$ 5,000.00</b>		<b>29</b>
001-5182-4013	Street Lighting	Electric	\$35,000.00		33
001-7350-4036	Adams Art Gallery	Contracted Svc	\$ 2,000.00		44
001-7450-4036	Historical Society	Contracted Svc	\$ 2,500.00		46
001-7520-4036	Lighthouse Property	Contracted Svc	\$ 500.00		48
<b>001-7410-4036</b>	<b>Dunkirk Free Library</b>	<b>Contracted Svc</b>	<b>\$ 4,000.00</b>		<b>45</b>
<b>001-7510-1000</b>	<b>Dunkirk Historian</b>	<b>Personnel Svc</b>		<b>\$ 1,512.00</b>	<b>47</b>
001-7550-4036	Celebrations	Fireworks		\$ 2,000.00	49
<b>001-1900-1990</b>	<b>General Services</b>	<b>Contingencies</b>		<b>\$ 68,298.00</b>	<b>16</b>
			<b>\$ 71,810.00</b>	<b>\$ 71,810.00</b>	

**GENERAL FUND REVENUES**

001-0001-1090-0903	Gen Fund Rev	School Tax Penalty	\$	\$ 1,000.00	1
001-1900-1990	General Services	Contingencies		\$ 1,000.00	16
001-0001-2016	Gen Fund Revenue	Cell Tower	\$ 18,000.00		3
001-1900-1990	General Services	Contingencies	\$ 18,000.00		16

**WATER FUND**

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>PAGE</u>
002-1900-4150	General Svc	Siemens Lease	\$ 77.00	\$	1
002-8320-4013	Water Purification	Electric	\$ 30,000.00		3
<b>002-8320-4115</b>	<b>Water Purification</b>	<b>Sewer Fees</b>	<b>\$ 25,000.00</b>		<b>4</b>
002-8340-1001	Water Distribution	Overtime	\$ 4,000.00		6
002-8340-4013	" "	Electric	\$ 700.00		6
002-8340-4710	" "	Gasoline	\$ 1,500.00		7
<b>002-1900-1990</b>	<b>General Svc</b>	<b>Contingencies</b>		<b>\$ 61,277.00</b>	<b>1</b>

**WATER FUND REVENUES**

002-0002-2140-1405	Water Fund Rev	Residential sls-non city		\$ 15,000.00	1
002-0002-2140-1406	" " " "	" " "	\$	5,000.00	1
002-0002-2140-1410	" " "	Meter size chgs – town		\$ 7,000.00	1
002-1900-1990	General Services	Contingencies		\$ 27,000.00	1

**WASTEWATER FUND**

003-1900-4150	General Services	Siemens Lease	\$ 97.00		1
<b>003-8130-4002</b>	<b>Wastewater Treat.</b>	<b>Supplies</b>	<b>\$ 500.00</b>		<b>3</b>
<b>003-8130-4016</b>	" "	<b>Electrical Supplies</b>	<b>\$ 750.00</b>		<b>3</b>
003-8130-4022	" "	Repair to Equip	\$ 5,000.00		4

003-8135-2000	Industrial Pretreat.	Equipment	\$ 1,000.00	6
003-8135-4002	“ “	Supplies	\$ 200.00	6
<b>003-1900-1990</b>	<b>General Services</b>	<b>Contingencies</b>	<b>\$ 7,547.00</b>	<b>1</b>

**WASTEWATER FUND REVENUES**

003-0003-2120-2123	Wastewtr Rev	Industrial Rents City	\$100,000.00	1
003-0003-2120-2128	“ “	Industrial Rents Sub	\$ 50,000.00	1
003-1900-1990	General Services	Contingencies	\$150,000.00	1

and, it is

further

**RESOLVED**, that the Mayor's 2011 Budget, as changed by the Common Council amendments hereinabove listed, hereby is and shall be adopted as the City of Dunkirk Budget for Fiscal Year 2011, and, it is finally

**RESOLVED**, that the City of Dunkirk Fiscal Year 2011 Budget requires the raising of taxes in the amount of \$4,665,567.00

**TOTALS BY FUND:**

	<b><u>REVENUES</u></b>	<b><u>EXPENDITURES</u></b>
General	\$14,394,184	\$14,394,184
Water Treatment	\$ 2,450,600	\$ 2,450,600
Wastewater	\$ 4,170,912	\$ 4,170,912

Councilman-at-large Dolce advised that City Clerk Tuggle will explain how this Resolution was arranged to reflect the Council's and Mayor's changes.

City Clerk Tuggle proceeded to explain the changes in the amended Resolution.

Councilwoman Floramo thanked City Treasurer Woods and Fiscal Affairs Officer Curtin for all their help in preparing the 2011 Budget. She further advised that she was upset about the process in which this budget was prepared and stated that the process was flawed. Councilwoman Floramo advised that she will be voting no on this budget.

Councilwoman Szukala thanked everyone who was part of this budget process.

Councilwoman Szukala advised she received two phone calls informing her that due to a conflict of interest she would have to abstain from voting on the Library portion of the budget. Councilwoman Szukala advised that she read through Library documents, the City Charter, and spoke with City Attorney Cerrie regarding this issue. Councilwoman Szukala advised that she is not benefiting in any way, shape or form personally or financially from voting on the Library budget. Councilwoman Szukala further advised that she was appointed to the Library Board as a representative of the City by Councilman-at-large Dolce that it is her duty to protect the City and that she will not abstain from voting on this budget.

City Attorney Cerrie advised that he received a call from Councilwoman Szukala regarding this, that from his research there is no conflict of interest, and it is her duty as Councilwoman to vote on the budget. City Attorney Cerrie further advised according to the Library Charter, there needs to be a representative of the City on the Library Board.

Councilwoman Floramo advised that it is up to the Council to decide if Councilwoman Szukala should have to abstain from voting, and that Council will not allow her to abstain.

Councilman-at-large Dolce advised that Council was all in agreement in allowing Councilwoman Szukala to vote on the City Budget.

Councilwoman Szukala advised that although a lot of time was placed in this budget, she was unhappy with the outcome, stating "that we did not look outside the box in trying to find solutions beyond this budget year". Councilwoman Szukala advised that she would have liked to address the possible replacement of vehicles this coming year, or next year. "Our goal was to move forward the best that we could, not only for today, tomorrow and in the future, and I don't think that we accomplished that". Councilwoman Szukala advised for those reasons she will be voting no on this budget.

Councilman-at-large Dolce advised vehicle maintenance was discussed and that DPW Director Gugino and Fiscal Affairs Officer did provide reports. Councilman-at-large Dolce advised that this issue needs to be addressed, "we did the best that we could with what we had, we all have an eye towards the future, and it's not easy to get there"; we will continue to work in the upcoming months to address these problems.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwomen Floramo, Szukala.

Carried, 3 to 2.

**RESOLUTION #89-2010**  
**December 10, 2010**

**BY: ENTIRE COUNCIL**

**2011 APPROPRIATIONS APPROVAL**

**WHEREAS**, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2011, now, therefore, be it

**RESOLVED**, that the specified amounts in the column labeled Adopted Budget in the General Fund, Water Treatment and Wastewater Budget be approved for expenditure for such items, effective January 1, 2011.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwomen Floramo, Szukala.

Carried, 3 to 2.

**RESOLUTION #90-2010**  
**December 10, 2010**

**By: ENTIRE COUNCIL**

**AUTHORIZING WARRANT FOR 2011 BUDGET**

**WHEREAS**, the 2011 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure, now, therefore, be it

**RESOLVED**, that the attached warrant be delivered to the City Treasurer and a tax levy of \$4,665,567 be established at a rate of \$16.851630 per \$1,000 of assessed valuation based upon the total City assessed valuation of \$276,861,392.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwomen Floramo, Szukala.

Carried, 3 to 2.

**RESOLUTION #91-2010**  
**December 10, 2010**

**By: ENTIRE COUNCIL**

**AUTHORIZING CITY TREASURER AND FISCAL AFFAIRS OFFICER  
TO APPROPRIATE FUNDS FROM THE RESERVE FUND  
TO BALANCE 2011 GENERAL FUND BUDGET**

**WHEREAS**, the City of Dunkirk established a Tax Stabilization Reserve Fund to lessen or prevent a necessary tax increase to finance a portion of the City's annual budget; and

**WHEREAS**, the necessary steps have been taken to comply with the Office of the New York State Comptroller's guidelines to use a portion of this Reserve Fund to balance the 2011 City Budget; now, therefore, be it

**RESOLVED**, that the Common Council hereby authorizes the City Treasurer and Fiscal Affairs Officer to appropriate \$100,000 from the Tax Stabilization Reserve Fund to be used to balance the 2011 General Fund Budget.

Councilman Muldowney motioned to table this Resolution for a Public Hearing to be held on December 21<sup>st</sup> at 5:55 PM.

City Clerk Tuggle advised that Resolutions #88 through #90 should have been removed from the table prior to voting on each Resolution, apologized for the error and advised that they would have to redo the process.

Councilman-at-large requested to continue with Resolution #91 since it has already been tabled.

City Clerk Tuggle advised that a motion to take it off the table would be needed since it has already been tabled.

Councilman-at-large Dolce asked if the original could remain tabled.

City Attorney Cerrie advised that this Resolution would have to be tabled until the next meeting on December 21<sup>st</sup>.

Councilman-at-large Dolce advised they will go back to Resolution #88 and begin the voting process again.

City Clerk Tuggle reads Resolutions beginning with Resolution #88.

**Resolution #88-2010 – Resolution adopting the City Budget for 2010.**

Councilman Michalski motioned to remove this Resolution from the table. Seconded by Councilman Muldowney.

Ayes: Councilman Michalski, Muldowney, Councilwoman Szukala,  
Councilman-at-large Dolce.

No: Councilwoman Floramo.

Removed, 4 to 1.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwomen Floramo, Szukala.

Carried, 3 to 2.

**Resolution #89-2010 – Resolution approving 2011 Appropriations.**

Councilman Michalski motioned to remove this Resolution from the table. Seconded by Councilman Muldowney.

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala,  
Councilman-at-large Dolce.

No: Councilwoman Floramo.

Removed, 4 to 1.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwoman Floramo, Szukala.

Carried, 3 to 2.

**Resolution #90-2010 – Resolution authorizing the City's Warrant 2011 Budget.**

Councilman Michalski motioned to remove this Resolution from the table. Seconded by Councilman Muldowney.

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala,  
Councilman-at-large Dolce.

No: Councilwoman Floramo.

Removed, 4 to 1.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilman-at-large Dolce.

No: Councilwomen Floramo, Szukala.

Carried, 3 to 2.

**Resolution #91-2010 – authorizing City Treasurer and Fiscal Affairs Officer to appropriate funds from the Reserve Fund to balance the 2011 General Fund Budget.**

Councilman Muldowney motioned to remove this Resolution from the table. Seconded by Councilman Michalski.

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala,  
Councilman-at-large Dolce.

No: Councilwoman Floramo.

Removed, 4 to 1.

Councilman Michalski motioned to table this Resolution for a Public Hearing to be held on December 21<sup>st</sup> at 5:55 PM.

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala, Councilman-at-large Dolce.

No: Councilwoman Floramo.

Carried, 4 to 1. Tabled.

City Attorney advised that this Resolution has been tabled once.

Councilman-at-large Dolce advised that a Resolution can be tabled twice.

Councilwoman Floramo advised at Council's meeting held on December 7<sup>th</sup>, she asked if she could reverse her vote after the roll call and was told that she could not. Councilwoman Floramo advised that after some research she discovered that she could have reversed her vote with Council's permission, yet the same thing happened tonight, and we were allowed to revote.

City Attorney Cerrie advised Resolutions need to be removed from the table prior to any Resolution being voted on.

City Clerk Tuggle advised that the error was his, by not removing the Resolutions from the table, the prior vote was null and void; it's as if the vote never took place.

**Adjournment:**

Councilwoman Floramo moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

**Adjourned at 5:18 PM**

**William Tuggle, City Clerk**

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