

**PUBLIC HEARING
December 21, 2010**

Councilman-at-large Dolce called the Public Hearing to order at 6:17 PM.

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

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

Notice of Public Hearing was read by City Clerk Tuggle.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on proposed Local Law #4-2010 amending Chapter 31 Fees, Article II Sewer Rate Schedule Section 31-17(A) of the Dunkirk City Code entitled: "Sewer Rents: In-City User Fee Schedule".

No one spoke.

Public Hearing adjourned at 6:18 PM **William Tuggle, City Clerk**

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December 21, 2010**

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

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

Notice of Public Hearing was read by City Clerk Tuggle.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #91-10 authorizing the City Treasurer and Fiscal Affairs Officer to appropriate funds from the Reserve Fund to balance the 2011 General Fund Budget.

No one spoke.

Public Hearing adjourned at 6:19 PM **William Tuggle, City Clerk**

COMMON COUNCIL PROCEEDINGS
December 21, 2010

The meeting was called to order at 6:20 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: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Personnel Administrator Heyden, Director of Development Ahlstrom, Clerk, Board of Assessors Mleczko, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of December 7th, 2010 and Special Meetings of December 10th & 14th, 2010 were read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, December 7th, Friday, December 10th and Tuesday, December 14th, 2010 be dispensed with.

Motion by Councilwoman Floramo 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:

Mayor Frey had nothing to report, but stated that he would like to address a resolution later in the meeting.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Paul Lyons, Principal at DHS requesting three police officers for the Winter Ball on January 22nd, 2011 from 8:00 to 11:00 PM.

Councilman Muldowney moved to refer this request to the PBA. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Richard J. Clark on behalf of "Score This" requesting the use of roads and facilities to host a triathlon event on August 27th, 2011 from 7:00 AM to noon in the City of Dunkirk called "Tri Dunkirk".

Director of Development Ahlstrom apologized for not making the workshop as the Planning Board meeting was previously scheduled. He explained that this was a project by Paul Gavin who he collaborated with over a year, and this was a great event to bring to Dunkirk. He advised that tonight, they were just looking for preliminary approval to use the date and conduct

the event, which will involve over a half dozen or more resolutions in the next three to six months. He further advised that they will be requesting the Dive Team and police for the pier, which both involve reimbursement rates. This event would involve 600 competitors plus spectators with 60% being from one hundred miles away. He also stated that the advertising starts in January, and then Town of Dunkirk Supervisor Puro and the Town of Sheridan would both have to be contacted to use their roadways. Director of Development Ahlstrom further stated that if they use the map prescribed; it runs with a starting point at Serval Street to Lake Front Blvd. behind the Clarion, around the pier, behind Dutch Bertges & Stefan's from Memorial Park up the gravel driveway by the Water Plant, back down the sidewalk to Lake Shore Drive, back down by Stefan's Marina and repeat the route coming back. He stated that the only place they would need assistance was at the pier, and their staff consists of twenty with six motorcycles on the course. Mr. Ahlstrom stated that he would be comfortable with a route formally approved down the road, as what they are looking for now is that the city is interested so they can advertise the date. He explained that this had a six month incubation period as people plan their summers for this, and the event involved 2,250 meters of swimming, 10k running and 40k biking starting on Serval Street up to Route 5 with a left and leaving the city. He therefore stated from that point we need approval from the Towns of Dunkirk and Sheridan.

Councilwoman Floramo stated she had no objection but questioned if this was just to host it, as it seemed as if it was already figured out, and if Council was approving this as it is.

Director of Development Ahlstrom advised that it was a proposed route, for permission to host the route, and if needed to specifically state in there to have a route formally approved, it would be acceptable. He advised that the map was done after listening to Council's comments, and he conveyed to them in regard to staying off Route 5 to minimize Public Works crews and the Police Department. He again stated that the police can navigate traffic, the dive team has a reimbursement rate, and resolutions will follow with these requests. He advised that this event generates sixteen to seventeen thousand in bed tax money, people pay \$200.00 to participate, and events for children include a 50 meter swim, 1k bike and a 500 meter run for ages 5 to 10.

Vote on petition: Councilman Michalski moved that this be accepted and referred this request to the Police (PBA) and Public Works Departments. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski commended the Water Department for their work on the water breaks and especially for the quick response to the one on Margay Street.

Councilman Muldowney wished everyone Happy Holidays and a Merry Christmas. He stated that some things have been tough, it's been a good year, and he was looking forward to development projects in 2011.

Councilwoman Floramo stated that they were working hard to move forward, and wished everyone a happy holiday season.

Councilwoman Floramo requested if Public Works could increase ticketing for garbage in the southern part of the third ward, as there are offenders and crows are appearing on the garbage.

Mayor Frey advised that this was his responsibility, requested the addresses from her, stated that it's a chronic problem, and he would look into this tomorrow.

Councilwoman Floramo stated that they will be setting a meeting for Personnel and the landlord/tenant issues. She stated after they sat down with the Mayor and Al Zurawski they would move forward.

Councilwoman Szukala had nothing to report at this time.

Councilman-at-large Dolce thanked the City Attorney for his work on the dog contract with the Town of Dunkirk, stating it was approved as a trial and we'll see how it works.

Councilman-at-large Dolce also addressed the Development Director on the zero sort program and it's moving to a weekly pickup being different from our original plan. He stated that his concern with this was the cost of diesel driving around the whole city, as there was limited participation with this program that could be counter-productive.

Director of Development Ahlstrom advised that we have a grant to purchase a truck and part of this involved picking up recycles more than in the past. He stated that we were under no obligation, but if we want the \$140,000 for the refuse truck this is a condition of the grant. He further advised that when originally proposed, we mentioned we would look at weekly pickup for the reason being that this argument was for the truck and this was a "green grant" which would increase our recyclable runs to pick up more and our existing fleet wouldn't do this. If not, there is no basis for them to give us a grant.

Councilwoman Floramo stated that it said "refuse", and questioned if this has to be zero sort or can it be regular garbage also. Director of Development Ahlstrom advised that when we move to the zero sort system we do not need a container or packer truck, so we'll use this every Monday for zero sort, then use it the rest of the week for our normal operation. He stated that he does not personally participate in zero sort, as he felt it was not a feasible program if not picked up weekly. He explained that between the weeks of Mondays skipped, he has as much zero sort as he does garbage.

Councilman-at-large Dolce stated that the city is driving around and there is not enough out there to be going weekly.

Mayor Frey stated that our goal was to reduce the regular garbage collection. He stated that we are actually looking to reduce and stop increasing by not running five days, but three days with two days being garbage pickup.

Director of Development Ahlstrom stated that when we go weekly, this would be another time when we send information home from the schools again, stating that we've been at this a couple of months and it's been a tough program to implement by not making a habit of it.

Mayor Frey stated that the way we started confused the public, as we did a lousy job in the beginning, (2 weeks in the beginning then nothing for 3 weeks) but we are trying to correct this on January 1st to see how we go for a couple months, and we need this opportunity to do it all the time.

Councilman Muldowney stated that he liked the idea of weekly and recycling day is bigger than garbage day, therefore stating that weekly would be good.

Mayor Frey also stated that we did a lousy job putting the recycling center on Lucas Avenue, explaining that everything still had to be sorted out there. He further stated that we need "zero sort" on Lucas Avenue, there are issues being worked on after the 1st, and asked to give this sixty days.

Councilman-at-large Dolce stated that if there's an increase in participation it will be worth it, but his concern was the cost of diesel running around the city for this pickup. He felt another option would be to do one more a week, perhaps one ward each Monday instead of driving around the entire city.

Councilwoman Szukala advised that she spoke with Mike Porpiglia who was looking at a sticker system where the crews on the trucks can put a sticker on cardboard or recyclables if it's left out on the trash day stating "not to be put out with garbage", and including a schedule and phone number which will be put on one time. She advised if habitual and continues, it will not be picked up.

Mayor Frey again stated that we have confused the public and come January 1st it will be completely different as we need the opportunity to start this on a weekly basis.

Director of Development Ahlstrom advised that our grant to buy the truck states that we are going to pick up recyclables more than in 2009 (each residence two times a month). He stated that we have to pick up three times a month minimum or not accept the \$142,000, and we cannot wait six months to see about accepting the money as its Recovery Act funding.

Councilman-at-large Dolce thought the original plan was that when the new schedules came out, they were going to say the 1st and 3rd Mondays, which was the original proposal. Director of Development Ahlstrom advised that this was done in the Public Works Department, and when the weekly schedule came out, the first time he saw it was when it was printed on hang tags. He also advised that when the grant was done and ratified by Council, we were clear about the condition of getting a truck, and the condition was that we would have to pick up more advising that this was a "green program" which increases recycling, and the reason they are shelling money out. He also advised to consider the long-term plans, as there is a tracking obligation to them for twelve to eighteen months.

Councilwoman Floramo questioned if we have the recycling everyday, if the garbage would be picked up three times a week.

Mayor Frey advised that it was our goal to pick up recyclables every Monday, and our goal down the line was to reduce our waste into the system and maybe pick up the first and fourth wards at the same time in one day and do the same for the second and third wards. This would eventually reduce pickup by one or two days.

Councilwoman Floramo stated that she received calls and e-mails on this, and that sometimes she feels like giving up the grant and putting a bin at the city barns.

Councilman-at-large Dolce asked if those bins could be converted, and Mayor Frey advised that come January 1st we will be working on zero sort at the city barns.

UNFINISHED BUSINESS:**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 remove this resolution from the table for vote. Seconded by Councilman Michalski.

Carried, all voting aye.

Vote on resolution: Carried, all voting aye.

RESOLUTION #92-2010
December 10, 2010**BY ENTIRE COUNCIL:****INTRO NO. 4 TO LOCAL LAW NO. 4-2010
CITY OF DUNKIRK****A LOCAL LAW TO AMEND CHAPTER 31 FEES, ARTICLE II SEWER RATE
SCHEDULE
SECTION 31-17(A)
OF THE DUNKIRK CITY CODE
ENTITLED "SEWER RENTS: IN-CITY USER FEE SCHEDULE"**

BE IT ENACTED by the City Council of the City of Dunkirk, New York, as follows:

Section 1 **Intent.**

It is the intent of this Local Law to amend Chapter 31, Article II, Section 31-17(A) "Sewer Rents: In-City User Fee Schedule" to reflect an increase to cover costs to operate the wastewater system.

Section 2 Amendment of City Code.

Chapter 31, Article II, Section 31-17(A) of the Dunkirk City Code is hereby amended as follows:

ARTICLE II

**Sewer Rate Schedule
[Adopted 2-5-1991 as L.L. #1-1991]**

DELETE

§ 31-17(A) SEWER RENTS: IN-CITY USER FEE SCHEDULE. [Amended 12-14-2009 as L.L. #4 (Intro No. 5) 2009; Amended 12-3-2002 as L.L. #3 (Intro No. 3) 2002; Amended 5-20-03 as L.L. #3-2003]

RATES WILL BE EFFECTIVE AS FOLLOWS:

FOR THOSE ACCOUNTS BILLED ON A QUARTERLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT NOVEMBER 1, **2009** AND WILL BE FULLY REFLECTED IN THE THREE (3) MONTH BILLING CYCLE ENDING JANUARY 31, **2010**. [Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]

AND

FOR THOSE ACCOUNTS BILLED ON A MONTHLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT JANUARY 1, **2010** AND WILL BE FULLY REFLECTED IN THE MONTHLY BILLING CYCLE ENDING JANUARY 31, **2010**. [Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]

I. SIGNIFICANT INDUSTRIAL USER (Permit level of less than 250 lb per day)

Charge (\$) (monthly) = Volume + Loading

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
	4,000,000 and greater	\$1.01 /1,000 gallons
<u>Loading Gallons</u>	BOD ₅	\$0.25 lb
	TSS	\$0.14 lb
	NO ₃ -N	\$0.51 lb

#BOD₅ calculated on loading (#) of daily permit level

Permit Charge: \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

II. SIGNIFICANT INDUSTRIAL USER (Permit level of 500 lbs or greater per day)

Charge (\$) (monthly) = Volume + Loading + Permit Charge

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
	4,000,000 and greater	\$1.01 /1,000 gallons

<u>Loading Gallons</u>	BOD ₅	\$0.25 lb
	TSS	\$0.14 lb
	NO ₃ -N	\$0.51 lb

*Less a 250 mg/L exemption

BOD₅ calculated on loading (#) that exceeds twenty-five percent (25%) of daily permit level

Permit Charge: \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

III. INDUSTRIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
	4,000,000 and greater	\$1.01 /1,000 gallons

IV. COMMERCIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
	4,000,000 and greater	\$1.01 /1,000 gallons

V. EXEMPT USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
	4,000,000 and greater	\$1.01 /1,000 gallons

VI. RESIDENTIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$3.00 /1,000 gallons
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4,000,000 and greater

\$1.01/1,000 gallons

ADD

§ 31-17(A) SEWER RENTS: IN-CITY USER FEE SCHEDULE. [Amended 12-____-2010 as L.L. #4 (Intro No. 4) 2010; Amended 12-14-2009 as L.L. #4 (Intro No. 5) 2009; Amended 12-3-2002 as L.L. #3 (Intro No. 3) 2002; Amended 5-20-03 as L.L. #3-2003]

RATES WILL BE EFFECTIVE AS FOLLOWS:

FOR THOSE ACCOUNTS BILLED ON A QUARTERLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT NOVEMBER 1, 2010 AND WILL BE FULLY REFLECTED IN THE THREE (3) MONTH BILLING CYCLE ENDING JANUARY 31, 2011. [Amended 12-____-2010 as L.L. #4 (Intro No. 4) 2010; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]

AND

FOR THOSE ACCOUNTS BILLED ON A MONTHLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT JANUARY 1, 2011 AND WILL BE FULLY REFLECTED IN THE MONTHLY BILLING CYCLE ENDING JANUARY 31, 2011. [Amended 12-____-2010 as L.L. #4 (Intro No. 4) 2010; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]

VII. SIGNIFICANT INDUSTRIAL USER (Permit level of less than 250 lb per day)

Charge (\$) (monthly) = Volume + Loading

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

<u>Loading Gallons</u>	BOD ₅	\$0.25 lb
	TSS	\$0.14 lb
	NO ₃ -N	\$0.51 lb

#BOD₅ calculated on loading (#) of daily permit level

Permit Charge: \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

VIII. SIGNIFICANT INDUSTRIAL USER (Permit level of 500 lbs or greater per day)

Charge (\$) (monthly) = Volume + Loading + Permit Charge

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

<u>Loading Gallons</u>	BOD ₅	\$0.25 lb
	TSS	\$0.14 lb
	NO ₃ -N	\$0.51 lb

*Less a 250 mg/L exemption

BOD₅ calculated on loading (#) that exceeds twenty-five percent (25%) of daily permit level

Permit Charge: \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

IX. INDUSTRIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

X. COMMERCIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

XI. EXEMPT USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

XII. RESIDENTIAL USER

Charge (\$) (monthly) = Volume

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons

Section 3 Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Michalski motioned to remove Local Law #4-2010 from the table for vote. Seconded by Councilman Muldowney.

Carried, all voting aye.

Vote on Local Law #4-2010: Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #96-2010
DECEMBER 21, 2010

BY ENTIRE COUNCIL:

**AUTHORIZING MAYOR TO ACCEPT AND EXECUTE THE
21ST CENTURY COMMUNITY LEARNING CENTER PROGRAM GRANT**

WHEREAS, the State of New York through the Dunkirk City School District offers grants to provide academic and recreational activities for elementary school students; and

WHEREAS, the State of New York and Dunkirk City School District has offered the City of Dunkirk a partnership in this grant in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00), to provide quality programming to the elementary school children; and

WHEREAS, this partnership has been approved by the 21st Century Community Learning Center Program; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute all necessary documents to accept this grant.

Mayor Frey thanked Mary Beth Muldowney for working with the school system, and Tom Rozumalski for their work on this grant. He advised that they worked to secure \$17,500 a year, which will be for three years totaling \$52,500. He further advised that right now this is a program for K through 5 after school, everyone was happy with it, come June it will help at Camp Gross, and this was a great move for the city.

Vote on resolution: Carried, all voting aye.

RESOLUTION #97-2010
DECEMBER 21, 2010

BY ENTIRE COUNCIL :

**AUTHORIZING THE END OF TAX CERTIORARI LITIGATION
BETWEEN VERIZON NEW YORK, INC. AND THE CITY OF DUNKIRK**

WHEREAS, Verizon New York, Inc. and the City of Dunkirk are desirous of having certain assessment issues settled as to property owned by Verizon New York, Inc. in the City of Dunkirk; and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by City Attorney Cerrie, and reviewed by the Dunkirk Common Council, Clerk of the Board of Assessors Mleczo, and the Mayor; and

WHEREAS, Verizon will not be receiving any tax assessment refunds for the year 2010; and

WHEREAS, the Common Council, Clerk of the Board of Assessors Mleczko, the Mayor, and City Attorney Cerrie have determined that the proposed settlement is in the best interests of the City; now, therefore, be it

RESOLVED, that the Common Council does hereby accept a proposed settlement for the tax certiorari proceeding filed by Verizon New York, Inc.; and, be it finally

RESOLVED, that City Attorney Cerrie and/or the Mayor are hereby authorized and directed to execute any and all documents related to the settlement of the tax certiorari with Verizon New York, Inc.

Councilman-at-large Dolce stated that he explained in the workshop why he would be voting no.

Councilwoman Floramo stated that she agreed with Councilman-at-large Dolce, stating that so many come to Dunkirk and want to use our facilities. She also stated that Verizon expanded to Niagara County, and she would be voting no on this.

Councilman Muldowney stated that Dunkirk was not the only municipality hit with tax certiorari, and this was very expensive to defend. He stated that this was worked out for the best, and complimented our Assessor as this was very tough, not an easy situation, every municipality across the State was being hit, and we are settling the best we can.

City Attorney Cerrie advised that if Council voted no and we were to fight this in Court and lost we would have to refund money for 2010. He informed that the deal we worked out was there would be no refund in 2010, and the reduction for 2011 would be just that, we'll be hit right then and there. We won't be hit up for 2010, 2011 was a fraction of a reduction and 2012 was a reduction down to the number of agreed assessment.

Councilwoman Floramo questioned why we would have to pay for 2010 and City Attorney Cerrie advised that they filed the lawsuit in 2010, and Councilman Muldowney also advised that they did this on Grievance Day.

Councilwoman Floramo asked if they were suing each municipality separately and City Attorney Cerrie advised that this was correct and going on throughout New York State.

City Assessor Mleczko advised that Mr. Dombrowski who now works for Verizon and formerly worked for the NYS Office of Real Property Services advised that numbers are in order based on what Office of Real Property provides as far as their value. He advised if the city did a reval, the State would come in and do the revaluation of their property, or we would have to hire our own appraiser to appraise all the lines in the city which would cost upwards of \$10,000. He further advised that right now his figures show that we will be losing \$1,128.40 in 2011. He stated that he agreed with "don't cave in", but we have to pick and choose our battles.

Councilwoman Floramo questioned why we have to bother with their wiring when all they are asking is for space in the tower.

City Attorney Carrie advised that this was a different deal, something was already in place, and this has nothing to do with the cell tower.

Councilman-at-large Dolce stated that he said what he had to in the previous workshop, he understood where everyone else was coming from, and we just approved one of these for National Grid a couple meetings ago, and at some point we need to fight this.

Vote on resolution: Ayes: Councilmen Michalski, Muldowney and Councilwoman Szukala. No: Councilwoman Floramo and Councilman-at-large Dolce. Carried. (3-2).

RESOLUTION #98-2010
DECEMBER 21, 2010

BY ENTIRE COUNCIL:

AUTHORIZING A PROPERTY TAX CAP MUST INCLUDE MANDATE RELIEF

WHEREAS, the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS, New York leads the nation in property taxes simply because we lead the nation in imposing inefficient state mandates on our local governments; and

WHEREAS, two of the largest components of every municipal budget over which local officials have little control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS, in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS, state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS, as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

WHEREAS, a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS, a property tax cap without repeal of costly state mandates will, by definition, lead to drastic cuts in essential local services and dramatic layoffs of municipal employees; now, therefore, be it

RESOLVED, by the City of Dunkirk, that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York; and; be it further

RESOLVED, that a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker and Minority Leader, Senator Catharine Young, Member of Assembly Joseph Giglio, and the New York State Conference of Mayors.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #99-2010
DECEMBER 21, 2010

BY COUNCILWOMAN SZUKALA AND COUNCILMAN MULDOWNEY:

**AUTHORIZING AWARD OF BID FOR THE FURNISHING
OF A REFUSE COLLECTION TRUCK**

WHEREAS, the City has been awarded funds under NYSERDA's American Recovery and Reinvestment Act (ARRA) for energy efficiency improvement, efficient transportation system, material conservation and renewable energy projects under which a portion of the funds is allocated toward the purchase of a refuse collection truck, and

WHEREAS, sealed bids for the purchase of said truck were received and opened in the City Clerk's office at 10:00 AM on Thursday, December 9, 2010 with four (4) bidders responding, now, therefore, be it

RESOLVED, upon the review and recommendation of Director of Public Works Gugino, that the low bid of Fleet Maintenance, Inc., 67 Ransier Drive, West Seneca, NY 14224, be accepted in the primary or base bid amount of \$145,184.00, and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement on behalf of the City of Dunkirk with Fleet Maintenance, Inc., for the above described purchase in accordance with the bid documents and that the funding shall be allocated as follows:

NYSERDA ARRA Share	\$ 136,651.00
City Cost Share	<u>\$ 8,533.00</u>
	\$ 145,184.00

and, be it further

RESOLVED, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts necessary for this purchase, and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Councilman-at-large Dolce advised that this was brought up and discussed earlier in the meeting.

Vote on resolution: Carried, all voting aye.

Adjourned at 6:52 PM

William Tuggle, City Clerk
