

**PUBLIC HEARING  
February 1, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 5:55 PM

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

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

Absent: Councilwoman Floramo, Director of Development Ahlstrom.

Notice of Public Hearing was ready by City Clerk Tuggle.

Public Hearing was held for the purpose of giving interested persons and opportunity to comment on Local Law to abolish Article XVII of the Dunkirk City Charter entitled: "Sealer of Weights and Measures".

**PUBLIC COMMENTS:**

No one spoke.

**Public Hearing adjourned at 5:56 PM**

**William D. Tuggle, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
February 1, 2011**

The meeting was called to order at 6:00 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

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

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, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-Large Dolce excused Director of Development Ahlstrom, and Councilwoman Floramo from tonight's meeting.

Certification of January 18, 2011 meeting was read by City Clerk Tuggle.

**RESOLVED:** That the reading of the minutes of Tuesday, January 18, 2011 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Michael Edwards, 143 W. Fourth Street, Dunkirk, NY, representing Dunkirk Professional Firefighter's Local #616 spoke in regard to the not-for-profit ambulance service. Mr. Edwards advised the Dunkirk Fire Department is and has always been a front-line first response EMS service. Mr. Edwards advised a letter submitted by Mr. Muntz to the Council states the fire department serves as a backup to the EMS service. Mr. Edwards advised this statement is untrue, and that the fire department responds to all 911 emergency's in the City that require emergency medical services.

Mr. Edwards advised Mr. Muntz states the view of this system is not embraced by our membership; Mr. Edwards advised this statement is untrue. He further advised Mr. Muntz also states the members feel they do not have enough training to do this job. Mr. Edwards advised that every member is trained as an Emergency Medical Technician, each member goes through countless hours of training, many of our members are former employees of a private ambulance service, and a handful of our members are former paramedics.

Mr. Edwards advised Mr. Muntz claim that members feel EMS transport is too physically demanding to undertake is also untrue; as firefighters and EMT's at times the job can be physically demanding but these are jobs that department is already doing.

Mr. Edwards disputes Mr. Muntz's claim of excessive staffing, and stated the Dunkirk Fire Department, City of Dunkirk, and Community is fortunate to have adequate staffing in the Fire Department to provide service, and to respond rapidly.

Mr. Edwards advised Mr. Muntz justifies in his letter the ambulances service is justified in being out of service when they were providing inter facility transport. Mr. Edwards advised this is not a justification not to provide 911 services that you are supposed to provide in this community, the community deserves better than that.

Mr. Edwards advised "our membership is fully supportive of the mission of the Fire Department to protect the lives and property of the people of Dunkirk, whether it be through firefighting or emergency medical care. I believe that our response and our track record say's it all, and I believe that we will continue to provide this service, and our members our fully prepared to do that."

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Frey thanked Michael Edwards for presenting the firemen's side of the ambulance provider issue.

Mayor Frey advised in today's Governor's message, the City will loose \$32,000 or 2% of our AIM funding from the State also, Resolution #10-2011 in tonight's meeting, (which was originally signed in September 2010), was revised as the County found a loophole in this agreement and the City will loose \$13,000 per year in income from the County for snow removal and ice control. Mayor Frey advised that \$45,000 of our current budget was lost today; \$75,000 from tonight's Resolution was lost over the next 5 years. Mayor Frey advised perhaps we should rethink our budget year which currently runs from January to December, and suggested that

perhaps the budget year be changed to June thru June, so the City could be better prepared for funding changes from New York State, as changes from the State come in the beginning of the calendar year.

Mayor Frey advised the Police Department is looking into two man patrol cars. Mayor Frey advised the Police Department used two man patrol cars last week which resulted in 50-60 gallons of gasoline saved; which would translate to a savings of \$8,000-9,000 per year.

Mayor Frey advised of a conference call with Lt. Duffy this morning about what we could anticipate from the Governor's budget address.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Jeffrey Marsowicz requesting to hold the fifth & final 5k/2 mile walk starting on Route 5 and ending in Point Gratiot on August 13, 2011, use of the main pavilion in Point Gratiot, and inviting the Mayor and/or Council to speak at the event prior to the race.

Councilman Michalski motioned to remove this petition from the table for vote. Seconded by Councilwoman Szukala.

Carried, all voting aye. Removed.

Councilwoman Szukala advised that she along with the Police Chief Ortolano met with Mr. Marsowicz during last week's Public Safety meeting, and stated Mr. Marsowicz is willing to move the starting position from its current location to the back of the Moose Club, wear city provided safety vests and provide more volunteers to help with the race.

Vote on Resolution:

Councilwoman Szukala motioned to accept this petition. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Kurt Warmbrodt and Andrew J. Burnside on behalf of the Dunkirk High School Track & Field Teams requesting to hold their 13<sup>th</sup> annual "Dunkirk Lakefront 5K" on July 2, 2011 starting at 9:00 AM in front of the Clarion Hotel, around Point Gratiot and finishing in Memorial Park.

Councilman Michalski motioned to remove this petition from the table for vote. Seconded by Councilwoman Szukala.

Carried all voting aye. Removed.

Councilwoman Szukala advised that she along with Police Chief Ortolano met with Mr. Warmbrodt last week, and stated Mr. Warmbrodt is willing to remove the race from Route 5, with a starting point behind the Clarion Hotel along Lakefront Boulevard and back to the Clarion, avoiding Route 5, and were also offered the use of safety vests. Councilwoman Szukala further advised that Mr. Warmbrodt, and Mr. Marsowicz were both helpful in avoiding Route 5.

Vote on petition:

Councilwoman Szukala motioned to accept this petition. Seconded by Councilman Michalski.

Carried, all voting aye.

Communication from Jon Muntz regarding the proposed not-for-profit ambulance service.

City Clerk Tuggle read the following communication from Jon Muntz.

“Dear Councilman A. J. Dolce,

Recently, many in the community were alarmed by the proposal by Chief Ahlstrom (Fire Department) that they replace existing private emergency services in Dunkirk. I am those concerned about the motives, costs, and ramifications to local health care.

The scheme to replace Allstar apparently was initiated by Chief Ahlstrom with the support of the Mayor. It was not in response to any plea from the local medical community or in response to any concern by the Department of Health. It was done so without any outreach to local hospitals or medical providers including emergency medical workers. It was done so, despite historic cooperation with Allstar services.

Traditionally, emergency ambulance services have been offered in Chautauqua County by Allstar/WCA Ambulance. They employ approximately 150 professionals who routinely provide advanced life support (ALS). ALS includes intubation, starting IVs and emergent pharmaceuticals in concert with ER staff at the receiving hospitals. Their staff includes highly skilled paramedics who are all ALS certified. Allstar has up to five ambulances in service at one time to meet local needs. The emergency vehicles cost between \$95-150,000 each. In response to increasing needs they have expanded staffing. In recent years, there has been a change in practice patterns necessitating the long distance transfer of patients. It does not fundamentally reflect a change in the types of medical problems or “aging population”. These transfers physically tie up ambulances for 3 or more hours. In the past, the DFD would provide emergency back up service, but now they strive for all the calls, displacing Allstar, in a new misguided business venture.

In contrast, the Dunkirk Fire Department has one emergency vehicle which is staffed with firemen with basic life support skills (BLS). DFD is a certified BLS level provider only. There can be a significant difference in the outcome between care delivered by ALS level providers and those limited to lesser interventions and skill levels. In my mind, this could translate to bad clinical outcomes and delayed treatment. This difference is also reflected in the lower reimbursement levels for BLS providers.

It is alleged that when Mr. Ahlstrom was a paid fireman in the ranks he vigorously opposed any effort to have the Fire Department provide these services. He apparently now takes a stance completely the opposite. His view is reportedly not embraced by many current firemen who feel they are not trained to act in the role. Many firemen are in their 40-50s and feel this would be physically demanding and lead to back injuries. This translates to increased workman compensation claims.

Chief Ahlstrom allegedly is considering a “separate not-for-profit” entity, apart from the Fire Department to allow billing for these services. If so, this effort would be to skirt the obvious, that fire services are already paid for by tax payers. It would be like the Police directly billing for house calls after “changing hats”. Tax payers would effectively be billed twice for the same service. Regardless, BLS providers are paid a meager \$139/transport and \$0 per miles under 5 (Medicaid), \$182/transport and \$10 per mile (Medicare). The private insurances typically pay slightly more than Medicare. Since Dunkirk has a Medicare/Medicaid population greater than 65% and they disproportionately use ambulance services, any notion of breaking even is nothing more than a pipe dream. If Obamacare comes to pass even more people will surge onto the Medicaid roles. If there is any notion that the DFD could expand to services beyond Dunkirk proper, this is impossibility. The DOH would have to grant a certificate of need and that will not happen given the service provided by Allstar.

Absent any viable business plan, we are told, the Mayor has committed \$25,000 of tax dollars to a legal firm experienced in arranging City owned emergency ambulance services. One can assume that this firm will find some rationale to proceed and be on future retainer for additional services. Asking a law firm with this focus, guarantees the answer the Chief and the Mayor seek.

What if Chief Ahlstrom and the Mayor get their wish? The firemen may have something justify their substantial salaries, benefits packages and excessive staffing levels. The City will need to buy new emergency vehicles (\$95-150K ea.). The firemen will rightly demand more training which immediately translates in the union mindset, big pay increases. This would be reflected in current negotiations and everyone thereafter creating an additional self perpetuating burden on Dunkirk taxpayers. It could also significantly impact the viability of Allstar and could actually jeopardize the long term presence of this service provider. It would help enshrine the firemen’s union in Dunkirk, since any talk of opting for the more cost effective and widely used volunteer departments would be thwarted by this requirement.

We all salute the efforts of those who serve, but Dunkirk is economically on the ropes. We can not afford the extravagant costs of this proposal and most importantly, we can not risk the life and well being of our citizens to an ersatz provider of lesser ability. The Mayor and Chief should withdraw this proposal which benefits primarily the firemen’s union and stop payment on the \$25,000 check to the lawyers.”

Jon Muntz  
Dunkirk Resident

Received and Filed.

Fire Chief Ahlstrom advised it is difficult to respond to a letter, that he and the Mayor have tried several times to reach out and have a conversation with Mr. Muntz, but Mr. Muntz replied that he is too busy to meet with city officials to discuss these concerns. Fire Chief Ahlstrom stated “it is hard to get people to hear your side of the story when they don’t want to hear your side of the story”.

Fire Chief Ahlstrom advised the public that the department is accredited by New York State, was reissued its certification on January 1, 2011 for another two years, and the department’s medical director has already signed the paperwork for certification as an accredited ambulance.

Fire Chief Ahlstrom advised that the Dunkirk Fire Department is not looking to replace ALS service in the City; when ALS service is needed, the fire department calls Alstar. Fire Chief Ahlstrom advised that he has spoken with Mr. Thomas from Alstar, they both have identified quirks in the system and have been working together to solve these problems.

Fire Chief Ahlstrom further advised that regardless of this situation, the fire department has to replace its current vehicle this year or next year, and that Council was made aware of this several years ago.

Fire Chief Ahlstrom advised 15-16 years ago when he was president of the firefighters union he brought in representatives of the New York State Professional Firefighters from a company out of Troy, New York to get the City to pursue this. Chief Ahlstrom advised they met with Mayor Kesicki, but at that time, due to opposition from the volunteer firefighters, and the money involved, the City decided not to pursue this. He further stated "that the City should have at least had the mechanism setup 30 years ago so that when we did transports we were getting the reimbursement. I did the numbers for the last couple of years and we've missed out on \$25,000-30,000 on reimbursement for the last four years, each year that would have come here if we had the system in place". Fire Chief Ahlstrom advised this will never be a profit item, "the mission is to get the people in the City of Dunkirk from their doorstep to the hospital".

Petition from Michael Cerrie on behalf of the Nathan George Foundation requesting to use School #7 and the Stadium for the Third Annual Nathan George co-ed slo-pitch softball tournament on Saturday August 13<sup>th</sup> (Rain date August 14<sup>th</sup>).

Mayor Frey thanked City Attorney Cerrie and the Nathan George Foundation for donating \$500 last year to the Babe Ruth League field for new dugouts, and advised this year the committee will donate \$1000 worth of scholarships, \$500 for softball, and \$500 for baseball.

Councilman Muldowney motioned to accept this petition; however, the Nathan George Foundation must notify School #7 for use of that field. Seconded by Councilwoman Szukala.

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Fire Chief Ahlstrom advised of a small fire early Monday morning, January 31<sup>st</sup> at the St. Vincent Home on Washington Avenue. Fire Chief Ahlstrom advised the fire was put out in minutes, thanked the woman on staff at St. Vincent's home for doing an excellent job, Officers Mike Pukalski and Ed Pagan for their help that evening, and advised that firefighter Tony Thomas literally carried two people back into the building. Fire Chief Ahlstrom further advised the fire department assessed the situation and immediately called WCA services for their assistance. Fire Chief Ahlstrom further advised the fire department and WCA worked well together this evening and thanked Police Chief Ortolano, and Dave Thomas from WCA/Alstar for their cooperation for what could have been an extremely bad situation that evening, turned out to have an extremely wonderful outcome.

Councilman Michalski thanked Dr. Muntz for his input regarding the ambulance service, Fire Chief Ahlstrom for his counter arguments in response to Dr. Muntz's letter, and Mike

Edwards for presenting the firemen's view in this matter. Councilman Michalski further advised that he is confident in the Council's and City's decision to enter into the ambulance service.

Councilman Michalski reminded residents they are responsible for removing snow from the sidewalks in front of their homes; there are people who need to walk the city streets such as postal carriers. Councilman Michalski reminded residents the City provides snow removal services, however, the roads are our first concern.

Councilman Muldowney advised residents the Recreational Department offers basketball, baseball, and soccer programs at the Recreation Center during the winter months; thanked Tom Rozumalski, the Dunkirk Recreational Department, Kory Ahlstrom and his staff for their work. Councilman Muldowney advised residents to call the Recreation Department or the City Clerk's Office for more information.

Councilwoman Szukala thanked Mike Edwards for coming forward and speaking in regard to the ambulance service, and thanked the Fire Department and Police Department for a job well done in regard to the Monday's fire at St. Vincent's home.

Councilwoman Szukala advised she was apprehensive when initially approached in regard to the ambulance service, but upon further research she had found several communities successfully providing this service. Councilwoman Szukala advised she has packets available to anyone interested regarding her research, and will provide a packet to the Observer.

Councilman-at-large Dolce advised the next Finance Committee meeting will be held Monday, February 7<sup>th</sup> at 5:00 PM.

Councilman-at-large Dolce asked Building/Zoning Director Zurawski how many non-related individuals can reside in a single family home.

Building/Zoning Director advised under the definition of family, no more than 4 non-related individuals can reside in a single family home.

Mayor Frey advised there were two main water breaks in the City today, one on the West side of the City, the other on St. Hedwig's Avenue; both breaks were being worked on. Mayor Frey advised our crews are prepared for tonight's approaching storm, all machines are up and running.

Mayor Frey encouraged all residents to support our currently undefeated basketball team, as they will be playing Southwestern this evening.

**UNFINISHED BUSINESS:**

**RESOLUTION #9-2011**  
**JANUARY 18, 2011**

**By: COUNCILMAN MULDOWNEY**

**LOCAL LAW NO. 3-2011**  
**CITY OF DUNKIRK**

**A LOCAL LAW TO ABOLISH ARTICLE XVII**  
**OF THE DUNKIRK CITY CHARTER**

**ENTITLED "SEALER OF WEIGHTS AND MEASURES"**

**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 abolish the Sealer of Weights and Measures.

**Section 2**     **Amendment of City Charter.**

Article XVII entitled "Sealer of Weights and Measures" of the Dunkirk City Charter is hereby abolished.

**DELETE**

**§ 17.00.**     **Sealer of Weights and Measures.**

**The Sealer of Weights and Measures shall be appointed by the Mayor with the consent of the Common Council and shall serve at the pleasure of the Mayor. The City Sealer shall have all the powers and duties conferred upon sealer of weights and measures by the Agriculture and Markets Law.**

**Section 3**     **Effective Date.**

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

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

Carried, all voting aye. Removed.

Vote on Resolution:

Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #10-2011**  
**February 1, 2011**

**By Councilwoman Szukala:**

**AUTHORIZING MAYOR TO EXECUTE A REVISED AGREEMENT AMENDMENT WITH CHAUTAUQUA COUNTY FOR SNOW REMOVAL AND ICE CONTROL FOR THE 2010/2011 SEASON TO THE 2014/2015 SEASON**

**WHEREAS**, Chautauqua County had notified the City, under cover of a December 21, 2010 letter, that they are formally cancelling the 2010/2011 to 2014/2015 snow

removal and ice control agreement which was most recently approved by Council under Resolution #60-2010 and requesting that the City approve a new amendment, and

**WHEREAS**, this request for amendment is being requested in order to comply with language as set forth in the original agreement as approved under Resolution #96-2002, therefore, be it hereby

**RESOLVED**, that the Mayor be, and hereby is, authorized and directed to execute an agreement amendment per County Executive Gregory Edwards letter dated December 21, 2010, on behalf of the City of Dunkirk, with Chautauqua County, for provision of the above-described services according to the terms of County Agreement #05-25-33H\DUNKIRK05.17, including addenda, for snow seasons through April 30, 2015 at the following annual reimbursements:

|                  |          |
|------------------|----------|
| 2010/2011 Season | \$10,962 |
| 2011/2012 Season | \$11,510 |
| 2012/2013 Season | \$12,086 |
| 2013/2014 Season | \$12,690 |
| 2014/2015 Season | \$13,324 |

Carried, all voting aye.

**RESOLUTION #11-2011**  
**FEBRUARY 1, 2011**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT WITH COMPLETE TESTING SERVICES  
TO PROVIDE RANDOM DRUG TESTING**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees with a CDL license; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance; and

**WHEREAS**, Complete Testing Services has satisfactorily performed this function for the City in the past; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with Complete Testing Services for their administration of the standard random selection drug testing program.

Carried, all voting aye.

**RESOLUTION #12-2011**  
**FEBRUARY 1, 2011**

**BY: ENTIRE COUNCIL**

**APPOINTING COUNCILMAN-AT-LARGE TO DUNKIRK CABLE BOARD**

**RESOLVED**, that for the year 2011, Councilman-at-Large Dolce shall be appointed to the Dunkirk Cable Board as an ex-officio member.

Councilman-at-large Dolce advised that he would abstain from the vote.

Vote on Abstain:

Carried, all voting aye. (3)

Vote on Resolution:

Carried, all voting aye. (3)

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

**Adjourned at 6:45 PM**

**William D. Tuggle, City Clerk**

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