

**COMMON COUNCIL PROCEEDINGS**  
**February 15, 2011**

The meeting was called to order at 6:22 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

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

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

Councilman-at-large Dolce advised that Councilwoman Szukala and Public Works Director Gugino were excused from tonight's meeting.

Certification of February 1, 2011 meeting was read by City Clerk Tuggle.

**RESOLVED:** That the reading of the minutes of Tuesday, February 1st, 2011 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Ryan Reading, 100 Lincoln Avenue, Dunkirk, NY spoke in regard to an issue he has with his water bill. He stated he was just billed \$676.00 for using 111,000 gallons in one day, questioned how to get this resolved, and advised that he had a plumber come out and there were no leaks.

City Treasurer Woods advised that he spoke with Mr. Reading for the third time today (4:45 until 5:20 PM), and advised him to follow the procedure he suggested, which was to call the Meter Department tomorrow morning to verify the information on the meter. Mr. Reading stated that they came out today, did another reading and reported that another 125,000 was used in a two-week period. City Treasurer Woods advised that this was the reading on the meter not the usage, and he needed to follow what was suggested today. Mr. Reading stated he can do this, but it seems as if he's getting nowhere, but he would do this tomorrow.

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

On behalf of the Administration and City of Dunkirk, the Mayor extended sincere condolences to Tony Gugino for the loss of his sister in a tragic situation and also to his parents, Dr. Gugino and Jen Antolini.

Mayor Frey welcomed Councilwoman Floramo back after a brief illness, and spoke relative to the snow removal in the City. He advised that the crews are working hard on this with a reduced work force. He informed that when he came on board nine years ago, the city had

eighty-seven Local #912 workers, and as of the end of March it will be reduced to sixty-two. He further stated that everything is not getting done, but we work very hard at it and have a good work force in the City of Dunkirk. Mayor Frey also advised that we are keeping a close watch on Crooked Brook, that it is flowing good right now with everything moving under the ice, and hopefully we won't get a northwest wind to cause what happened a couple of years ago on Christmas Eve.

Mayor Frey also extended birthday wishes to Chris McGraw's mother in celebration of her 100th birthday tomorrow.

Mayor Frey advised of the Dunkirk/Fredonia game tonight in Fredonia, stating that if people cannot attend to turn on the radio or Channel 19, he wished them well, and after this advised it's the playoffs.

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

Petition from Mike & Diane Gifford requesting to use certain city streets beginning at Memorial Park for an "Autistic Awareness Walk" on April 30th beginning at 10:00 AM and ending at approximately noon or 1:00 PM.

Councilman-at-large Dolce advised that Councilwoman Szukala spoke to the Gifford's, and was informed that they will only be using the sidewalks.

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

Carried, all voting aye.

Petition from Keith Ossman on behalf of the Lake Shore Street Rod Association requesting to hold their 10th annual "Harbor Cruise" on Sunday, July 10th at Point Gratiot, use of the large & lower pavilions, part of the main parking lot, permission for food & refreshment vendors on the grounds, and the use of bandstands, extra trash barrels and trash pick-up after the event.

Councilman Michalski moved that permission be granted and referred this petition to the Department of Public Works and PBA. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Petition from Matt Hamilton-Kraft on behalf of Chautauqua Opportunities requesting to host a touch football tournament on May 7th from 10:00 AM until 5:00 PM (approximately) in Washington Park.

Councilwoman Floramo moved that permission be granted and referred this petition to the Public Works & Police Departments contingent upon insurance and that restroom facilities be provided. Seconded by Councilman Muldowney.

Carried, all voting aye.

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

Councilman Michalski advised that he attended a CAC Meeting last week and that the Director of the SUNY Incubator was also in attendance . He stated that we should be very proud of what they are doing there with getting businesses started, and that the facility is not only competitive with other areas in western New York, but on a national level as well. He advised that the businesses are growing, and hopefully Kory is keeping tabs on working with them to make sure that later on we will have somewhere for these businesses to go.

Councilman Muldowney also advised that SUNY had an Environmental Awareness every Tuesday, which draws large crowds to the building, not only on the campus but from the Dunkirk/Fredonia community. He stated it was nice to see activity there during the day and night as well. He further advised that we are a big part as we are partners with SUNY Fredonia, that he and Kory continue to be active there, and a couple of invites will be coming down for some new businesses in the next few weeks which looked very encouraging.

Councilwoman Floramo apologized for not returning calls to the public during her illness, and advised that they can call her back.

Councilwoman Floramo thanked the Council for granting permission to Chautauqua Opportunities to host a football tournament in Washington Park. She stated this would draw people there, and will be wonderful for the kids.

Councilman-at-large Dolce advised that each Council member was given a copy of the budget modifications, and this would be discussed at the next Finance Meeting.

**PRE-FILED RESOLUTIONS:****RESOLUTION #13-2011****February 15, 2011****BY COUNCILWOMAN SZUKALA:****AUTHORIZING THE IMPLEMENTATION AND FUNDING  
IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID ELIGIBLE COSTS OF A  
TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL  
SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND  
APPROPRIATING FUNDS THEREFOR**

**WHEREAS**, the City of Dunkirk Bicycle Path and Pedestrian Trail Project, in the City of Dunkirk, Chautauqua County, PIN 5757.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

**WHEREAS**, the City of Dunkirk desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-IV) phase of the project PIN 5757.54; now, therefore, be it

**RESOLVED**, that the Common Council of the City of Dunkirk hereby approves the above-subject project; and, it is hereby further

**RESOLVED**, that the City Council of the City of Dunkirk hereby authorizes the City of Dunkirk to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-IV) phase of the Project or portions thereof; and, it is further

**RESOLVED**, that the sum of \$56,000 is hereby appropriated from a temporary loan from the General Fund pending reimbursement from the Federal Grant allocation and is made available to cover the cost of participation in the above phase of the Project; and, it is further

**RESOLVED**, that in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-IV) phase exceeds the amount appropriated above, the City of Dunkirk shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and, it is further

**RESOLVED**, that the Mayor of the City of Dunkirk be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Dunkirk with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and, it is further

**RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and, it is further

**RESOLVED**, this Resolution shall take effect immediately.

Councilman Dolce advised that he addressed this in the workshop, stating that the city's portion for this was allocated from CDBG funds for 2011 and 2012.

Councilman Muldowney also advised that our share was 15%, the Federal Government was paying approximately \$400,000, and this was a good deal for the city.

Vote on resolution: Carried, all voting aye.

**RESOLUTION #14-2011**  
**FEBRUARY 15, 2011**

**BY COUNCILMAN MULDOWNEY:**

**SUBMISSION OF FY 2011 CDBG ANNUAL ACTION PLAN TO HUD**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

**WHEREAS**, the City develops an **Annual Action Plan** each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

**WHEREAS**, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three public meetings, two technical assistance sessions, and a thirty-day public review and comment period has been afforded City residents, now, therefore, be it

**RESOLVED**, the following activities have been included in the 2011 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

<b>2011 CDBG Allocations</b>			<b>Total</b>
<b>Administration</b>	Administration	\$ 93,391.00	<b>\$ 93,391.00</b>
<b>Economic Development</b>	Economic Development Agency Funding-Revolving Loan Fund, Demo and Blight of Commercial Bldgs, Waterfront Redevelopment, For profit assistance grant funding	\$165,000.00	<b>\$240,000.00</b>
	Tourism Development	\$ 35,000.00	
	Commercial Façade Program	\$ 40,000.00	
<b>Suitable Living Environment</b>	Streetscape	\$ 40,000.00	<b>\$ 83,500.00</b>
	Literacy Volunteers	\$ 2,000.00	
	Summer Better than Others Day Camp	\$ 5,000.00	
	Senior Nutrition Program-Meals on Wheels	\$ 6,000.00	
	Crime Awareness & Prevention	\$ 2,500.00	
	City of Dunkirk Cultural Organizations - including the Dunkirk Free Library, Adams Art Gallery, Dunkirk Historical Lighthouse and Veteran's Park, Library Capital Improvements, Disabled American Veterans, Vietnam Veterans and the City of Dunkirk Joint Veterans Council	\$ 28,000.00	
<b>Decent Housing</b>	Owner Occupied Rehabilitation	\$ 74,750.00	<b>\$205,500.00</b>
	Smoke Detector Program	\$ 750.00	
	Code Enforcement	\$ 35,000.00	
	Sidewalk Replacement	\$ 65,000.00	
	Residential Demolition & Acquisition	\$ 30,000.00	
<b>\$622,391.00</b>			

Carried, all voting aye.

**RESOLUTION #15-2011**  
**FEBRUARY 15, 2011**

BY COUNCILWOMAN SZUKALA:

INTRO NO. 4 TO LOCAL LAW #4-2011  
CITY OF DUNKIRK, NEW YORK

A LOCAL LAW TO AMEND CHAPTER 31 "FEES",  
ARTICLE I "RECREATION SERVICES FEE SCHEDULE"  
SECTION 31-2 ENTITLED "FEE SCHEDULE"  
"RENTAL OF PAVILIONS AT POINT GRATIOT"  
OF THE DUNKIRK CITY CODE

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 I, Section 31-2 "Fee Schedule" – "Rental of Pavilions at Point Gratiot" to increase the present fee schedules for recreation services rendered by and use of recreation facilities owned by the City of Dunkirk.

**Section 2**    **Amendment of City Code.**

Chapter 31, Article I of the Dunkirk City Code is hereby amended as follows:

**§ 31-2. Fee schedule.**

**Rental of Pavilions at Point Gratiot**

Large Pavilion

**DELETE**

Section A (capacity 60)			
City Residents	\$	10.00	
Non-Dunkirk City Residents		\$	20.00
Section B (capacity 96)			
City Residents	\$	20.00	
Non-Dunkirk City Residents		\$	40.00
Section C (capacity 60)			
City Residents	\$	10.00	
Non-Dunkirk City Residents		\$	20.00
Entire Pavilion (capacity 216)			
City Residents	\$	40.00	
Non-Dunkirk City Residents		\$	80.00
Lower Pavilion			
(Capacity 96)			
City Residents	\$	25.00	
Non-Dunkirk City Residents		\$	50.00
Koch's Pavilion			
(Capacity 96)			
City Residents	\$	25.00	



















