

**COMMON COUNCIL PROCEEDINGS**  
**February 2, 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: Mayor Frey, Fiscal Affairs Officer Curtin, City Treasurer Woods, Public Works Director Gugino, Building Inspector Zurawski, City Treasurer Woods, Clerk, Board of Assessors Mieczko, Director of Development Ahlstrom, Grants Administrator Gornikiewicz, Personnel Administrator Heyden, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of January 19, 2010 Meeting was read by City Clerk Tuggle.

**RESOLVED:** That the reading of the minutes of the meeting of January 19th, 2010 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

No one spoke.

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

Mayor Frey advised of a water break on Park Avenue and Second Street last week, stating that the city crews were out there in the bitter cold, and thanked them for working so diligently in such a difficult situation. He also thanked the crews on the rubbish trucks who also work in sub-zero weather.

Mayor Frey also apologized to Lake Shore Testing and Councilman Michalski. Mayor Frey advised that Lake Shore Testing is in the area, they do have employees that are residents in the City of Dunkirk, but we went to another area as he was inferring to some issues with this situation, and would explain this in his office, as he did not want to discuss this publicly.

Communication from Mayor Frey appointing Ken Kuwik to serve a two year term on the Dunkirk Area Harbor Commission effective immediately and expiring February 1, 2012.

Received and filed.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Sherri A. Mason, Earth Week Coordinator an SUNY Fredonia requesting to use certain city streets and parks, with vendors, refreshments entertainment and awards ceremony

in Memorial Park afterwards for their "Connections Duathlon" (bike/run) on Sunday April 18th, 2010.

Councilwoman Floramo moved to refer this to the Police Department (PBA) & Public Works Department. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from Paul P. Lyons, Principal at DHS requesting two police officers for a Valentines Dance on Saturday, February 13th from 6:45 to 10:15 PM.

Councilman Michalski moved to refer this to the PBA. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Petition from Jamie Raynor, County Health Department, requesting to use the City Garage on Lucas Avenue on Monday, March 29th, 2010 from 4:30 to 6:30 PM for their annual rabies clinic.

Councilwoman Szukala moved to refer this to the Public Works Department. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Notice of Claim from State Farm Insurance Co. on behalf of Christopher & Anna Patton for damages to their home and car allegedly due to a city tree falling on both.

Councilman Muldowney moved to refer this claim to the Mayor's Office and then to the insurance carrier. Seconded by Councilman Michalski.

Carried, all voting aye.

Communication from City Clerk, William D. Tugle appointing Christine McGraw to the position of Deputy City Clerk and Deputy Registrar of Vital Statistics for the City of Dunkirk effective February 1, 2010.

Mayor Frey stated that he appreciated this stepping forward until we get a replacement and for doing a good job.

Motion for approval of appointment by Councilwoman Floramo. Seconded by Councilman Michalski.

Carried, all voting aye.

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

Councilman Michalski advised that there will be a Public Works Meeting on Tuesday, February 16th at 5:30 PM in the Mayor's Conference Room.

Councilman Michalski also advised that he had a nice meeting with Building Inspector Zurawski and Wendy Spinuzza (Assistant to Housing/Building/Zoning) in regard to the challenges and procedures met by that department, that they discussed a program recognizing improvements made by city property owners, and hopefully more information would be added to this. He also thanked City Clerk Bill Tuggle for reducing the number of cell phones in the city from thirty-five to twenty-one.

Councilman Muldowney advised that there was a nice meeting today with the neighbors from the 400 block of Swan Street looking to do improvements on that block. He stated that Director of Development Ahlstrom advised that we should concentrate on one block at a time then go from there, and he was looking forward to working with them.

Councilwoman Floramo stated that she would like to see the source of funding on all resolutions (CDBG, etc.), and that it was not on the resolution for the drug testing.

Mayor Frey stated that he would try and do a comparison, and that it was in the budget under personnel.

Councilman-at-large Dolce advised that this would be the account number on the resolution indicating where it came from, and could be discussed at the Finance Meeting.

Councilwoman Floramo also stressed that we should use local people or at least from the County, as there has been input through e-mails, and some could not even get an interview. She therefore felt that we should at least give them an interview, as we are not only going out of state (Pennsylvania) but also to Canada.

Councilwoman Szukala stated that she hoped to see some input and ideas relative to the Comptroller's report, as we have thirty days to respond and have to move forward on this.

Mayor Frey advised her that he spoke with the City Treasurer on this and we had ninety days to respond. He also stated that she and Council were welcome to sit in on this meeting, and this has to be derived from the Finance Department and brought back to Council. He further advised that we now have approximately thirty days to respond from the original ninety.

Councilwoman Szukala also thanked City Clerk Tuggle and the Mayor for supporting her idea to donate cell phones to the soldiers as this is a good program and a way to give back to them.

Councilman-at-large Dolce advised that the State audit would be a topic at the Finance Committee Meeting, and time was of the essence. He also advised that Council would be on the radio on February 15th, President's Day from 9:00 to 9:30 AM.

Councilman-at-large Dolce stated that he was interested in the article from the Public Safety Committee Meeting from CSX and their concern with safety. He stated that his concern was with their capability of doing this, and asking to close Brooks Avenue in this process. He stated that the right thing to do would be to give our Police & Fire Department a "heads up" regardless if we close Brooks Avenue, as they have the capability to share it with us. He stated that Council needed to meet with both Chiefs, and if CSX has the ability they should give us that courtesy.

Mayor Frey stated that this has gone nowhere as it was shared with the Public Safety Committee the day after the meeting with CSX. He further advised that this was nothing we were committed to do, and would have to go before the public with a public hearing. Mayor Frey also stated that this could be a three to four year project, this was only something offered to alleviate problems, that we have to listen, and he appreciated CSX and NRG coming in to talk with us. He again advised that this was nothing written in stone, happening tomorrow morning or agreed to. He also informed if the high brush and trees came down entering in off of Brooks Avenue (right hand side), we could open up the intersection.

Police Chief Ortolano tried to explain what CSX was trying to accomplish, explaining that we went to them with the safety issue on Route 5, and they in turn believe their engineers and conductors believe Brooks is the safety issue. He further stated that we would help them, if they help us as well, and hopefully we should be able to come to some resolve on one or both issues.

Councilman-at-large Dolce stated that if they have the ability down the line, whether three or four years, not to hold Brooks Avenue as a piece, and if able to give our Police and Fire Department a "heads up" as a courtesy.

Councilman-at-large Dolce also informed of some city departments being invited to a Cultural District of Dunkirk and the laying of the cornerstone. He advised it was comprised of the Art Gallery, the Lighthouse & Veterans Park Museum, and the Historical Museum. He stated that they needed more involvement, and there would be a meeting on Thursday, February 11th from 7:00 to 8:30 PM.

Director of Development Ahlstrom spoke relative to the bands hired to play during the summer months on the pier, stating that this draws crowds beyond what a local band would draw, and we put up acts that cannot be seen in town at other places. He therefore explained that this was a conscious effort not to compete with the establishments in our Harborfront district. He stated that we do not want bands playing for us on a Thursday night at the pier when they may be playing at Demetris, Wallaye Willis, the Clarion, Bart's Cove or the Con Club on a Friday or Saturday, as this hurts their business, and could be seen for free on the pier. He also advised that our local establishments hire local people, and the feedback from them was that this also gives them a boost on Thursday's, and therefore the reasoning was not to compete with our local establishments.

Councilwoman Fioramo felt that this still would give our local bands exposure, and one of the bands last year was so poor that people walked out.

Director of Development Ahlstrom advised her that if it was the same band that he heard about, it was one of the three bands hired last year from Chautauqua County. He also stated that we liked to give a band exposure, but this was about giving the businesses in our waterfront district exposure to bring people from out of town here, and come back on a Friday or Saturday night. He also explained that the restaurant/bar owners relayed that people will not come to pay for a band at their establishment if they can see them for free on the pier.

Councilwoman Fioramo stated that she would like to see not only local bands, but any of our local businesses as well, as the city chooses locally on resolutions or anything else.

PRE-FILED RESOLUTIONS:

**RESOLUTION #16-2010**  
**FEBRUARY 2, 2010**

BY COUNCILMAN MULDOWNEY:

**SUBMISSION OF FY 2010 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 2010 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>Total</b>		
<b>Administration</b>	Administration	\$ 87,500.00	\$ 87,500.00	
<b>Economic Development</b>	Economic Development Funding-Revolving Loan Fund, Combating Blight of Commercial Buildings, Waterfront Redevelopment, For profit assistance grant funding	\$ 180,000.00	\$ 257,500.00	
	Brain Gain	\$ 7,500.00		
	Commercial Facade Program	\$ 45,000.00		
	Commercial Demolition & Acquisition	\$ 25,000.00		
	Streetscape	\$ 20,000.00	\$ 41,000.00	
	Dunkirk Little League	\$ 500.00		
	Summer Better than Others Day Camp	\$ 5,000.00		
	Boys & Girls Club	\$ 4,000.00		
	Sports Clinics	\$ 1,000.00		
	Crime Awareness & Prevention	\$ 4,000.00		
<b>Suitable Living Environment</b>	Cool School-Reading Enrichment Program	\$ 500.00		
	Senior Nutrition Program-Meals on Wheels	\$ 6,000.00		
	Owner Occupied Rehabilitation	\$ 82,500.00	\$ 188,750.00	
	Smoke Detector Program	\$ 1,250.00		
	COI Rent-Own Program	\$ 15,000.00		
	Code Enforcement	\$ 35,000.00		
	Sidewalk Replacement	\$ 15,000.00		
	Residential Demolition & Acquisition	\$ 40,000.00		
<b>Decent Housing</b>				
	Total Estimated Funding	\$ 574,750.00		

Carried, all voting aye.

RESOLUTION #17-2010  
FEBRUARY 2, 2010

**BY COUNCILWOMAN SZUKALA:**

**DONATION OF UNUSED CELL PHONES TO "CELL PHONES FOR SOLDIERS"**

**WHEREAS**, the City of Dunkirk recently made revisions to their cell phone service; and

**WHEREAS**, the City discontinued all cell phone services previously provided by A T & T Wireless; and

**WHEREAS**, Verizon Wireless, when becoming the sole provider of cell phone service for the City of Dunkirk, provided all new cell phones to the City; and

**WHEREAS**, the City has a number of cell phones that no longer have any monetary value; and

**WHEREAS**, the nonprofit organization, "Cell Phones for Soldiers" accepts old cell phones and will donate one hour of phone service for each cell phone received to a U.S. soldier stationed overseas; and

**WHEREAS**, the organization "Cell Phones for Soldiers" will provide prepaid shipping labels for any phones returned, thus saving the City any expense for participating in this program; now, therefore, be it

**RESOLVED**, the City Clerk is authorized to donate all unused cell phones to the nonprofit organization "Cell Phone for Soldiers."

Councilman Muldowney complimented Councilwoman Szukala, as this was a great program.

Carried, all voting aye.

**NEW BUSINESS:**

RESOLUTION #18-2010  
NEW BUSINESS  
FEBRUARY 2, 2010

**BY COUNCILWOMAN SZUKALA AND COUNCILMAN MULDOWNEY :**

**APPOINTMENTS TO BOARD OF ASSESSMENT REVIEW**

WHEREAS, the Common Council wishes to appoint Kenneth Hollander and Nancy Tuggle to five (5) year terms on the Board of Assessment Review as provided for by the Real Property Tax Law, Section 523, now, therefore, be it

RESOLVED, that this Common Council hereby appoints Kenneth Hollander, 34 Newton Street, Dunkirk, New York 14048, and Nancy Tuggle, 89 W. Fifth Street, Dunkirk, New York 14048, to five (5) year terms on the Dunkirk Board of Assessment Review, which terms started on January 1, 2010 and expire on December 31, 2015.

Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Fioramo.

Carried, all voting aye.

Adjourned at 7:25 PM  
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William Tuggle, City Clerk  
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