

COMMON COUNCIL PROCEEDINGS
January 18, 2011

The meeting was called to order at 6:03 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, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Building/Zoning Officer Zurawski, Director of Development Ahlstrom, CDBG Program Administrator Gornikiewicz, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of January 4, 2011 was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, January 4th, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

Councilman-at-large Dolce advised that City Attorney Cerrie was excused from tonight's meeting.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey spoke relative to the pothole situation in the city stating that our biggest problem in the city right now were the water breaks, and right now what we are doing with the potholes was not a good solution (millings). He advised that we just ordered twenty tons of cold patch, and Mike Porpiglia along with the Streets Department will be getting away from using the millings. Mayor Frey further stated that complaints are given to him as well as the Streets Department, but these should be checked by the caller first to see if they are done or not, if not there are reasons, and then the issue in question needs to be brought forward to them.

Mayor Frey complimented our Police Chief along with his Secretary Debbie Paul for taking a look at their department's expenses and finding a better solution. He informed that this saved the city over \$1,000, that this was an example of the challenges the city faces everyday, and this was no different than working with the Fire Chief and the ambulance service. Mayor Frey stated that we have intelligent people running our departments who are working hard to save every dollar we can, and thanked Police Chief Ortolano, Fire Chief Ahlstrom and Mike Porpiglia for doing an outstanding job and working with the tight budget given to everyone.

Communication from Mayor Frey appointing Aisling Heenan to serve on the Dunkirk Planning Board effective immediately.

Received and filed.

Communication from Mayor Frey reappointing James Sheedy to another term on the Dunkirk Housing Authority Board effective immediately and expiring July 11, 2015.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Jeffrey Marsowicz requesting to hold the fifth and final 5k run/2 mile walk starting on Route 5 and ending in Point Gratiot on August 13th, 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.

Councilwoman Szukala moved to table this Petition until the Public Safety Meeting on January 24th for a better route for everyone involved.

Vote on motion to table: Carried, all voting aye. Tabled.

Petition from Tim Wdowiasz on behalf of the First Ward Falcon Club requesting to use the Stadium and Koch's Field on July 15th, 16th & 17th, waiver of the curfew at the Stadium for all three days, and operation of a food stand around the Stadium for their annual Fast-Pitch Softball Tournament.

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

Carried, all voting aye.

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

Councilwoman Szukala moved to table this Petition until the Public Safety Meeting on January 24th at 5:00 PM for discussion on the route.

Vote on motion to table: Carried, all voting aye. Tabled.

Petition from Janie Raynor, Chautauqua County Health Department requesting to use the City Garage on Lucas Avenue on Thursday, March 31st, 2011 from 4:30 to 6:30 for the annual rabies immunization clinic.

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

Carried, all voting aye.

Notice of Claim from Jodi L. Bowman for damages to her tire and rim allegedly due to driving over a loose manhole on New York Avenue.

Councilwoman Floramo moved to refer this Claim to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Summons & Complaint from Carmen Hernandez as Parent & Natural Guardian of Jadiel Agosto, Joseph Hernandez and Carlos Hernandez vs. the City of Dunkirk and Dunkirk Housing Authority.

Councilwoman Floramo moved to refer this Summons & Complaint to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of Claim from Melanie L. Mann for damages to her car allegedly due to hitting a sinkhole on Central Avenue.

Councilwoman Floramo moved to refer this Claim to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Nancy L. Smith, Frank Acquavia Post #1344 Auxiliary requesting to sell Poppies on Memorial Day, May 30th in Memorial Park from 9:30 to 11:00 AM.

Councilman Muldowney moved that permission be granted and referred this to the Police and Public Works Departments.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski spoke on the possible windmill project at the Sewage Treatment Plant. He advised that he spoke with a representative from Siemens who advised that this was not feasible until grant money was available. He stated that we were put on a list as a possible host for such a project pending windmills and grant money available at a federal level, and he would notify us when they are out there.

Councilman Muldowney advised that he had the privilege of hearing our Governor speak at the Jackson Center in Jamestown. He stated that the Governor was interested in "green jobs" and hopefully there would be money available in this year's budget. Councilman Muldowney also spoke relative to our budget process stating there was a lot of "doom & gloom", and hard decisions for the next couple of years had to be made.

Councilwoman Floramo stated that cold patch was not the problem, but the railroad on Route 60, as we are headed for a claim, and she would like this taken care of. She also stated that people should take advantage of the rabies clinic, as well as being grateful for this, and thanked Councilwoman Szukala for all of her work with the dogs.

Councilwoman Floramo also advised that the Personnel Meeting was moved forward to February 2nd due to not getting the needed material to the Mayor and Building Inspector. She

stated that this has to be taken care of, and if Chapter 56 (Property Maintenance Code) was so great we should be going down the line with buildings in such bad shape. She stated this would work better for tenants and landlords if we enforce it, and hoped that the Committee can be at the meeting.

Councilwoman Szukala advised that she met with a representative from Solar Liberty a couple weeks ago in regard to the possibility of solar panels on some properties in the city, and information was put in everyone's boxes. She stated that in her opinion and at this time, it didn't make sense with this company and possible NYSEDA incentives to go forward with any of these panels except for the Parks Department on Robin Street, which was a pay back for ten years, with an upfront cost of \$6,800. She advised that all of the others were for fifteen to eighteen years payback before we saw money coming back to the city. Councilwoman Szukala advised that she would continue to research different companies, and possibly NYSEDA incentives will change, as they were much higher before she came on board with Council.

Mayor Frey thanked Councilwoman Szukala for putting all her effort into it, along with Councilman-at-large Dolce also thanking her and Councilman Michalski for trying to look at alternative energy solutions with things that will eventually save money for the city. He also stated that Council can always come back to this in the future.

Councilman-at-large Dolce also advised that the Finance Committee Meeting will be held tomorrow, January 19th at 5:00 PM.

PRE-FILED RESOLUTIONS:

RESOLUTION #5-2011
January 18, 2011

BY COUNCILMAN MICHALSKI:

AUTHORIZING INCREASE IN SIDEWALK PROGRAM REIMBURSEMENT

WHEREAS, the cost per square foot reimbursement for the City sidewalk replacement program has remained at \$1.25 per square foot for numerous years and replacement costs have increased steadily, now, therefore, be it

RESOLVED, that, in accordance with City Code Section 65-28 A(4), this Council hereby increases the cost per square foot reimbursement for the City Sidewalk Program from \$1.25 to \$2.00 per square foot, and, be it further

RESOLVED, that the Public Works Department is directed to make the necessary changes in the program to administer this increase.

Councilman Michalski stated that this resolution came about due to a letter received from Public Works Director Gugino and Dave Manzella. He advised that there were 64 applications last year, with only 36 completing this program. He also stated that the percentage of replacements compared to the number of applicants has decreased since 2001 possibly due to out of pocket expenses. He further advised that Tony and Dave increased the city's rate for more development in this area, and this was important not only for aesthetics but safety reasons where sidewalks have deteriorated. Public

Works Director Gugino also advised that this has not increased since 2001 while Fredonia has been more aggressive with their reimbursement.

Councilwoman Floramo stated that people questioned if this came out of the "Safe Routes to School" grant but was advised that this was finished.

Councilman-at-large Dolce stated that this will help significantly with the rising price of concrete.

Fiscal Affairs Officer Curtin questioned if applications were cut off at a certain time based on the amount, and Councilman-at-large Dolce questioned how this was handled.

Public Works Director Gugino explained that budget appropriations are taken to the Mayor and Council, based on whatever dollar figure per square foot for reimbursement along with the amount of applicants, and once the money is gone, it's gone.

Mayor Frey further informed that there was also a program through CDBG to go above and beyond for sidewalks.

Councilwoman Floramo questioned this being increased to encourage people to apply vs. CDBG money.

Mayor Frey explained that once the money is gone, it's gone, but there was also a supplement in the budget through CDBG funds.

Director of Development Ahlstrom also advised that money was allocated for sidewalks (CDBG) every year, and last year this was spent on Washington Park.

Councilwoman Floramo thought that Washington Park was done via "Safe Routes to Schools" and was advised that this covered the outside of the Park, while the inside was done through CDBG.

Vote on resolution: Carried, all voting aye.

RESOLUTION #6-2011
JANUARY 18, 2011

BY ENTIRE COUNCIL:

TRANSFER FROM THE BILL CEASE FUND

WHEREAS, the Bill Cease Fund was created to support youth activities within the City of Dunkirk, and

WHEREAS, the City of Dunkirk currently has the funds available and designated for youth use, in a reserve account; now, therefore, be it

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn from the Bill Cease fund, in accordance with the terms of the reserve fund

to contribute toward the Dunkirk High School Varsity Baseball program; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this City, to accommodate the City's share of this project:

<u>ACCOUNT NO.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-7140-4169	DHS Boys Varsity Baseball	\$500.00	
001-0001-5031	Interfund Transfer	500.00	
070-0070-2403	Reserve/Youth Programs	500.00	
070-0070-9901-9000	Transfer To General Fund	500.00	
070-0070-0201-2010	Recreation Cert of Deposit		\$ 500.00
070-0070-9999	Suspense – Recreation 500.00		
070-0070-0200-2000	Cash		500.00
070-0070-9901-9000	Transfer To General Fund	500.00	
001-0001-0200-2016	Cash	500.00	
001-0001-5031	Interfund Transfer		500.00

Carried, all voting aye.

RESOLUTION #7-2011
JANUARY 18, 2011

BY ENTIRE COUNCIL:

TRANSFER FROM THE BILL CEASE FUND

WHEREAS, the Bill Cease Fund was created to support youth activities within the City of Dunkirk, and

WHEREAS, the City of Dunkirk currently has the funds available and designated for youth use, in a reserve account; now, therefore, be it

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn from the Bill Cease fund, in accordance with the terms of the reserve fund to contribute toward the Dunkirk Girls Varsity Softball program; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this City, to accommodate the City's share of this project:

<u>ACCOUNT NO.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
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001-7140-4166	Dunkirk H.S. Sports	\$ 500.00	
001-0001-5031	Interfund Transfer	500.00	
070-0070-2403	Reserve/Youth Program	500.00	
070-0070-9901-9000	Transfer To General Fund	500.00	
070-0070-0201-2010	Recreation Cert of Deposit		\$ 500.00
070-0070-9999	Suspense – Recreation	500.00	
070-0070-0200-2000	Cash		500.00
070-0070-9901-9000	Transfer To General Fund	500.00	
001-0001-0200-2016	Cash	500.00	
001-0001-5031	Interfund Transfer		500.00

Councilman Muldowney stated that both of these programs do aggressive fund raising, and it was nice to give money to these groups.

Councilwoman Floramo questioned if this was just a certain amount to donate right now, and Mayor Frey advised that this was correct, there was about \$95,000 left in the account, and we try to look at this based on the interest return and spend off of that. He also stated that we've done this for nine years, and still have \$95,000 left in that account. He commended Council for doing an outstanding job with this, and stated that the baseball and softball teams were great ambassadors for the city. He also reminded everyone of the Dunkirk/Fredonia basketball game tomorrow night, asking everyone to get out there and support our local team.

Vote on resolution: Carried, all voting aye.

RESOLUTION #8-2011
JANUARY 18, 2011

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING ANNUAL RENEWAL AGREEMENT WITH
STATE OF NEW YORK UNIFIED COURT SYSTEM
FOR CITY COURT SECURITY SERVICES CONTRACT NO. C200440
(APRIL 1, 2010 TO MARCH 31, 2011)**

WHEREAS, the City's five-year contract with the New York State Unified Court System reimburses the City's Police Department for security services in City Court was renewed in 2009 and terminates in 2014; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2010 and terminates on March 31, 2011, and during which reimbursement has been amended to increase the allocation to not exceed Two Hundred Forty-Four Thousand Eight Hundred Ninety-Seven Dollars (\$244,897.00), an increase of Three Thousand Eight Hundred Ninety-Seven Dollars (\$3,897.00); and now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2010 to March 31, 2011) for which reimbursement shall be in an amount not to exceed Two Hundred Forty-Four Thousand Eight Hundred

Ninety-Seven Dollars (\$244,897.00) to compensate the Police Department for City Court security services.

Carried, all voting aye.

RESOLUTION #9-2011
JANUARY 18, 2011

BY COUNCILMAN MULDOWNEY:

INTRO NO. 1 TO LOCAL LAW NO. 1-2011
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.

Councilwoman Szukala moved to table Local Law #1-2011 with the Public Hearing to be held on February 1st at 5:50 PM.

Carried, all voting aye. Tabled.

Mayor Frey thanked Fire Chief Ahlstrom for working on this Local Law.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Muldowney.

Carried, all voting aye.

Adjourned at 6:28 PM

William Tuggle, City Clerk
