

COMMON COUNCIL PROCEEDINGS
January 19, 2010

The meeting was called to order at 7:02pm 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 Richard Frey, Public Works Director Gugino, City Treasurer Mark Woods, Fiscal Affairs Officer Curtin, Building & Zoning Officer Zurawski, Director of Development Kory Ahlstrom, Grants Administrator Gornikiewicz, Personnel Administrator Heyden, Clerk, Board of Assessors Mleczko, Fire Chief Keith Ahlstrom and Police Chief Ortolano.

Certification January 1, 2010, and January 5, 2010 council meetings was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of January 1, 2010 and January 5, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Edna Sek 7 Lakerefront Blvd, Dunkirk spoke in regard to denial of CDBG funding to the Great Lakes FX Organization. She noted that an article in the newspaper regarding a CDBG hearing on funding made it look like Great Lakes FX did something wrong, and that was why they were denied CDBG funding. Mrs. Sek also spoke in regard to the dedication of the group's directors, submission of quarterly reports, taking pictures of their projects and helping the children with different art projects. She further requested that CDBG funding be restored to the organization.

Stating that the City's CDBG Program had only three monitoring errors in the last two years, Development Director Ahlstrom pointed out that those errors have been related to the Great Lakes FX Organization. He noted that there has never been an accusation of wrong doings, or spending the money inappropriately, but receipts for plantings, gasoline, and things along that line could be use for anything. Mr. Ahlstrom further advised that we have been written up by HUD for such things. Stating that HUD has new reporting requirements, and granting several hundred dollars to an organization is impractical, Development Director Ahlstrom however pointed out that organizations that are awarded a small sum of money usually use the entire amount in one lump sum for a purchase.

Mrs. Sek again remarked that the directors are very dedicated and have worked very well with the group.

Councilman-at-large Dolce interrupted, advising that Mrs. Sek's time is up.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey congratulated Clara Donaldson, Clerk in the City Clerk's Office, on her pending retirement, for serving the city for 38 years, and advised that this will be her last council meeting.

Advising that Tim Gornikiewicz, and Development Director Ahlstrom recently put together a recap of the CDBG Housing Rehabilitation Projects completed in the City of Dunkirk, Mayor Frey said he is proud of what they have done and what we have done for the people in the City. Extending thanks to Tim Gornikiewicz and Kory Ahlstrom for their assistance with the 38 city projects, Mayor Frey remarked that the city's money was well spent, and appreciate all the good things the city has done.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from Mark Wisniewski, advising of resigning from the Assessment Review Board, due to his elected position as Assessor for the City of Dunkirk.

Received and filed.

Notice of Claim from Jeffrey Griffin, 700 Eagle Street, for a damaged sidewalk, allegedly due to the City's Leaf Pickup Truck.

Councilman Muldowney made a motion to refer the claim to the City's Insurance Carrier. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Clarion Hotel, requesting the presence of two police officers for an event scheduled for February 12, 2010 from 11pm to 2am.

Councilman Szukala made a motion to refer the petition to PBA. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from the American Cancer Society, requesting the use of four stage risers on June 12, 2010 at the SUNY Fredonia Track for their "Annual Relay for Life" event.

Councilwoman Szukala moved to refer the petition to Public Works.
Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski addressed Mayor Frey, inquiring about the status of the City Attorney's position.

Mayor Frey advised of holding interviews for the City Attorney's position, noted that this is not something that has been neglected, and pointed out that we did not have a City Attorney for 4 1/2 months, five years ago. He remarked that he held two interviews last week, had a meeting with a former city attorney and advised that more interviews are scheduled for those attorneys interested in the position.

Councilman Muldowney advised that he spoke with Police Chief Ortolano regarding a group interested in forming another neighborhood watch group in the Second Ward. He extended thanks to the group for coming forward, and advised of scheduling a meeting with Chief Ortolano later this week.

Councilman Muldowney also spoke in regard to holding the Economic and DLDC meetings at the new SUNY Incubator facility, and about applicants applying for space at the incubator. He also commented on the opening of one of the proposals for property near the Clarion, and noted that the proposal was ~~will be~~ put on hold for further study.

Stating that we are losing a clerk in the City Clerk's Office, Councilwoman Floramo remarked that she has not seen an announcement in the newspaper for the position. She further inquired if we are advertising and interviewing for a person in that office.

Mayor Frey replied no, and advised that the person is not leaving for another two weeks. Councilwoman Floramo also inquired if we are currently interviewing for the position.

Mayor Frey advised that it's a union position, it will be posted; we cannot simply hire someone off the street and remarked that it will probably be another four weeks before the issue is addressed.

Councilwoman Floramo also asked if we would be without a person in that office for four weeks. Mayor Frey pointed out that we still have Chris and the City Clerk in that office, and advised that the city must go through the union first.

Councilwoman Floramo announced that a Personnel Meeting is scheduled for January 28, 2010 at 6:30pm, and inquired about a draft copy of the Animal Control Officer's duties and responsibilities for review at the Personnel Meeting.

Councilman-at-large Dolce advised that he will speak on the ACO issue during his time period.

Councilwoman Floramo further suggested that council should hold a special meeting to review the Loudspeaker Law in the City of Dunkirk.

She also spoke in regard to a recent presentation on recycling in the city, stating that she missed the presentation because she thought it would be held at 6:30pm, instead of 6pm, and had requested the presentation be on video for the public to see. Councilwoman Floramo further inquired if we could schedule the presentation for public feedback, if we continue with this new recycling program.

Mayor Frey responded, stating that we first need to organize the program with council and the Public Works Department.

Councilwoman Floramo continued, stating that the presentation should be televised because the residents like to know what's going on. She also spoke in regard to the presentation on recycling, and the recent discussions on the new water meters not being televised.

Mayor Frey replied that we could do a news story on it.

Stating that the details could be ironed out during a public safety meeting, Councilman-at-large Dolce remarked that education would be the key to the new recycling program.

In regard to Mrs. Sek's comments, Councilwoman Floramo addressed Development Director Ahlstrom stating that if he is giving funds to people that are buying equipment and they have receipts, why would that be different than planting receipts. Councilwoman Floramo said she doesn't understand how we can do it for one and not the other. She further mentioned that over \$2,000 was taken from Great Lakes FX, and inquired if we were ever going to give to these kids again. Pointing out that if we are giving \$500.00 to a school district, (which has more money than the city) for a reading enrichment program, Councilwoman Floramo remarked that we should be able to fund the Great Lakes FX Group.

Regarding the issue with producing receipts, Development Director Ahlstrom explained that there are certain things that can only be purchased that has a specific use. He stated that some of the things Great Lakes FX purchased would be gasoline and plantings, and advised that this was an issue with HUD. Mr. Ahlstrom further said how do we report that the gasoline is used to transport the kids, and how do we know that dirt for plantings is actually going to a park and not to a front yard. Commenting on remarks made regarding the reading enrichment program, Mr.

Ahlstrom said it falls under the bucket of expenses he previously talked about; using the entire amount at one time for buying \$500.00 in books.

Mr. Ahlstrom further explained that funding for the kids was not cut, we did not allocate money to Great Lakes FX this year, and we allocated \$2,000 to them a year ago and in its place we gave \$4,000 in funding to the Boys & Girls Club to run an after school program they are developing. He further said considering the number of kids in the Boys & Girls Club, it would affect three times the number in that program vs. the Great Lakes Group. Mr. Ahlstrom also advised that the Boys & Girls Club has not been funded in five or six years, and it's nice to cycle these funds through to different organizations and move programs around.

Councilwoman Floramo further spoke in regard to finding a way to audit and list those receipts of Great Lakes FX so they would be acceptable.

In regard to a DLDC fund balance, Councilwoman Floramo spoke regarding the demolishing old homes, DLDC not taking any houses down, and asked if this is one of the issues in their by-laws

Mr. Ahlstrom replied no, and advised that the DLDC is not allowed to get involve in residential, it should be CDBG.

Councilwoman Floramo further spoke in regard to the City being a little kinder to local businesses and advised that she received a complaint from a local band owner, stating that he has been trying to contact Development Director Ahlstrom for the "Music on the Pier" events.

Replying that a local band did call and sent e-mails, Development Director Ahlstrom, stated that we have a diversified group of bands coming to the pier this year, and the committee made a decision to stay away from local bands. He further advised that we are not trying to put on a production where people could listen to their regular local bands, but the committee's initiative is to bring bands from the area that you would not see. He further noted that a majority of the bands this year are from Toronto, Cleveland, Rochester and Pittsburgh.

Councilwoman Floramo remarked that the explanation is stupid and she would rather spend her money in Chautauqua County.

Councilwoman Szukala continued with questions concerning Great Lakes FX, inquiring if there is a way to have the group receive required details and specifics when applying for a grant.

Development Director Ahlstrom advised that this is done annually, it's not a first year issue, and Great Lakes FX was funded a couple of years ago. He also discussed prior funding for the group and remarked that they should re-apply for the next round of funding next year.

Councilwoman Szukala also inquired into the possibility of finding another fund we could work with.

Replying that he didn't think so, Development Director Ahlstrom pointed out that this year, we would make the same decision, to fund the Boys & Girls Club because of the decrease in funds from CDBG, and remarked that funding would affect more kids with the Boys & Girls Club.

Councilwoman Szukala also commented on the \$500.00 that is going to the school, stating that she met with Mayor Frey and Development Director Ahlstrom and inquired if there is any way to implement funding for a reading program at School 3. Stating that she also met with the Superintendent of Schools and he was thrilled to know that we wanted to work together, Councilwoman Szukala said she came up with the idea of purchasing books for the first grade class. She also advised of going to the Book Nook, (a local business) and remarked that they are working with her on a price to keep it within the \$500.00 fund. Councilwoman Szukala noted that 90 children will go home with a book that she is reading to them on March 2, 2010, which is "National Read Across America Day." If there were a mis-understanding that the money was going to the school district, Councilwoman Szukala said it was not, and remarked that she is actually putting books into a child's hand and encouraging them to read at home. She further urged those with questions to give her call, announced that a Public Safety Meeting is scheduled for January 26th at 9am, and advised that representatives from MADD DADS will be there to discuss fundraising for the group, and Police Chief Ortolano and Fire Chief Ahlstrom will also be in attendance.

Councilman-at-large Dolce noted that he either handed or delivered to council, a draft of the ACO duties, advised that it's a working draft and remarked that the issue will be addressed at the Personnel Committee Meeting on January 28, 2010. He also noted that the sub-committee meetings are opened to the public and urged those interested to attend the meetings.

PRE-FILED RESOLUTIONS:

RESOLUTION #10-2010
JANUARY 19, 2010

BY: COUNCILWOMAN FLORAMO
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.

Councilman Michalski inquired if this was put out for bidding to other companies at provides the same service.

Personnel Administrator Heyden said since he has been employed with the City, Complete Testing Services has been providing the service to the City.

Mayor Frey further explained that the company was the only one in the area that was bidding on it at the time, probably three or four years ago. He also explained that there was no one out there at the time that offered that service in the immediate ~~are~~ and are willing to come to Dunkirk to perform the testing.

Area

Personnel Administrator Heyden also advised that the company is from Hamburg and does an excellent job.

Carried, all voting aye.

RESOLUTION #11-2010

January 19, 2010

By: Councilman Muldowney

**AUTHORIZING TRANSFER OF CDBG ALLOCATIONS FROM THE EMERGENCY
WATER PLANT REPAIRS TO ELIGIBLE FUNDINGS**

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 processed a reallocation of funds to cover emergency repairs to the water treatment plant, and

WHEREAS, there is a substantial excess in this fund due to the timely and under budget completion of the water plant repairs, and

WHEREAS, the City through its CDBG allocation can make allocation adjustments to reallocate these unused funds to other eligible activities, and

WHEREAS, the City has reviewed its CDBG activities and has identified allocations to be amended in order to properly expend these funds, and

WHEREAS, the Mayor, Development Director, and CDBG Program Administrator have reviewed the proposed reallocation assignments of the City's unused CDBG funds and have made the following reallocation designations as shown below:

TRANSFER FROM	ACTIVITY NAME	BALANCE	TRANSFER TO	ACTIVITY NAME	AMOUNT
066-8000-4000-0478	Water Plant Improvements	\$10,715.62	067-8002-4000-0498	2009 Brain Gain	\$ 7,000.00
066-8000-4000-0478	Water Plant Improvements	\$ 3,715.62	066-8001-4000-0444	Owner Occupied Housing Rehabilitation	\$ 3,715.62
		\$ 0.00			

\$10,715.62

now,
therefore, be it

RESOLVED, that the Common Council of the City of Dunkirk hereby approves, authorizes and directs the Mayor to facilitate a reallocation of its unused CDBG fund balances to the activity referenced above.

Councilman-at-large Dolce asked Development Director Ahlstrom to comment on the Resolution.

Development Director Ahlstrom explained that on July 7, 2009, we transferred money to cover valve replacements at the Water Filtration Plant. Due to the transaction being an emergency issue, Mr. Ahlstrom said we were able to transfer the money without holding a public hearing. He also advised that the work is completed, there is money left in that account and it needs to be transferred back to an eligible activity.

DPW Gugno also explained that when the money was approved, the contractor realized the City's situation, remarked that the contractor gave the city a discount and that's why we have money going back into this fund.

Councilman-at-large Dolce commented that the money is going back into the funds it original was taken from.

Development Director Ahlstrom explained that a majority of the money was taken from the "Street Cap Fund", and instead of transferring the money back into the fund, a decision was made to transfer the \$3,000 into the "Housing Program", but \$7,800 was transferred from the "Brain Game" fund, for the Water Plant Repairs and several thousand dollars were returned to that fund.

Councilwoman Fioramo inquired into why we are taking \$2,000 from the Great Lakes LX Group and giving it to the Clarion Hotel.

Explaining that the money was moved over to the Water Plant for meter repairs, Mr. Ahlstrom said the Clarion is a separate allocation we received from HUD From the Recovery Act, specifically for the First Phase of the Clarion Project, and there is no intermixing of fund.

Councilwoman Fioramo also spoke in regarding to the resolution accepting \$153,520 in CDBG funds to the Clarion.

Councilman-at-large Dolce noted that the Clarion Resolution is next for council's consideration.

Carried, all voting age

RESOLUTION #12-2010
JANUARY 19, 2010

BY: **COUNCILMAN MULDOWNEY**

**RESOLUTION ACCEPTING \$153,520 IN CDBG-R FUNDING FOR DLDC
ASSISTANCE TO THE CLARION WATER PARK PROJECT**

WHEREAS, the City of Dunkirk has received notification from the United States Department of Housing and Urban Development that they have been awarded CDBG-R funding through the American Recovery and Reinvestment Act in the amount of **ONE HUNDRED FIFTY-THREE THOUSAND FIVE HUNDRED TWENTY DOLLARS** (\$153,520.00); and

WHEREAS, this funding has been awarded for contribution to the assistance pledged by the Dunkirk Local Development Corporation towards this project; and

WHEREAS, after a complete review and approval of the project by HUD, funding is now available for this project, now, therefore be it

RESOLVED, that the City Treasurer and Fiscal Affairs Officer make the necessary budget line modifications to properly account for the above grant.

Development Director Ahlstrom explained that we were awarded a Recovery Act Fund last year in the amount of \$153,520, the project was pre-approved by HUD, and advised that the money is there, but we need a resolution to create the fund numbers to accept this money. He also noted that the resolution is being considered for reimbursement to the DLDC, because \$100,000 of the grant was

already advanced and we need to create this fund to get the money back for the next economic development project. Mr. Ahlstrom further pointed out that this is merely an accounting formality, and being able to establish the fund numbers to accept the money we were awarded a year ago.

Councilwoman Floramo further spoke in regard to remembering that we did something like this to accept the assessments for the county, and it was just for the county to be able to get this project going through, to have county-wide assessing, and before we knew it, we were having county wide assessing. She also remarked that she wanted to make sure Mr. Ahlstrom explained it.

Councilman Michalski spoke in regard to the newspaper reporting that the Clarion Project was on hold and asked Development Director Ahlstrom for clarification.

Replying that it's two separate projects, Development Director Ahlstrom explained that they are building a small water park and what was put on hold for further review was their plan to build on the lot adjacent to the Clarion, which would involve a sizeable larger water park. He also pointed out that the Clarion's initial proposal is completely contained on their land.

Councilwoman Szukala addressed Development Director Ahlstrom, stating that for the record she is requesting that a meeting be scheduled between council officials, the developer and the Clarion, because of different questions regarding the project. Kory Ahlstrom advised of scheduling a meeting within a month.

Councilwoman Floramo spoke in regard to the Clarion Hotel only having a fitness center for their people and the use of several machines in a small room, only because their by-laws said they had to have one. Pointing out that she asked Development Director Ahlstrom if they were having a fitness center, Councilwoman Floramo remarked that Mr. Ahlstrom replied "Hotels are usually in the business to make money for themselves," and noted that other hotels don't get lake front property and this type of assistance from the city.

Mr. Ahlstrom further explained that the Clarion's plans are to continue to take fitness center memberships after completion of the water park, the two conference rooms on the first floor will be converted to a gym, advised that their current membership is less than 150 and noted that it's currently a hotel/guest only facility. Stating that people has asked if the hotel is considering opening it to local residents afterwards. Development Director Ahlstrom replied yes; they are doing some market studies for current rates.

Councilwoman Floramo still voiced concern regarding the Health Club, once had questions regarding the Health Club when the Clarion's Water Park is completed.

Mr. Ahlstrom said he doesn't understand how that private business issue would become a matter to the council.

Discussion continued between Councilwoman Floramo and Development Director Ahlstrom regarding the Clarion, its membership and the fitness center.

Councilman-at-large Dolce interrupted, stating that we should move on.

In reply to Councilwoman Floramo's comments county-wide assessing, Mayor Frey asked if she said the city went to county-wide assessment. Councilwoman Floramo remarked they are still pushing for it. Mayor Frey remarked that he thought Councilwoman Floramo meant we did go there, because of a resolution the city had viewed.

Councilwoman Floramo replied no, and further spoke in regard to the passage of a council resolution in support for the county to conduct a study on county-wide assessing. She remarked that they keep talking about and wonder if they will go with county-wide assessing.

Mayor Frey advised that he mis-understood her comments, and thought Councilwoman Floramo said we were there already.

Carried, all voting aye.

RESOLUTION #13-2010
JANUARY 19, 2010

BY: Entire Council

**RESOLUTION IN SUPPORT OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S
CLIMATE SMART PROGRAM**

WHEREAS, the City of Dunkirk (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments which is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization, will require sustained and substantial efforts; now, therefore, be it

RESOLVED, that the City of Dunkirk, in order to reduce greenhouse gas emissions and adapt to a changing climate will attempt to

- Decrease Energy Demand for Local Government Operations Whenever Feasible
- Encourage the use of Renewable Energy for Local Government Operations
- Realize Benefits of Recycling
- Support a Green Innovation Economy
- Inform and Inspire the Public
- Commit to an Evolving Process

Carried, all voting aye.

RESOLUTION #14-2010

January 19, 2010

BY: Entire Council

**RESOLUTION IN SUPPORT OF CITY OF DUNKIRK'S APPLICATION FOR FUNDING
UNDER THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY'S
FUNDING OPPORTUNITY FOR SMALL MUNICIPALITIES**

WHEREAS, an opportunity exists to expand the effectiveness of the City of Dunkirk's recycling program and reduce the amount of waste delivered by the City to local landfills; and

WHEREAS, the New York State Energy Research and Development Authority currently has a funding opportunity available for small municipalities to assist in implementing this project; and

WHEREAS, the City of Dunkirk is an eligible applicant for this funding opportunity and the reduction of landfill waste is an eligible program goal, now, therefore, be it

RESOLVED, that the City of Dunkirk Common Council passes this resolution in complete support of the City of Dunkirk's application to secure state government assistance to insure the success of this vitally important project.

Carried, all voting aye.

RESOLUTION #15-2010
January 19, 2010

BY: **ENTIRE COUNCIL**
**RESOLUTION IN SUPPORT OF SUNY FREDONIA TECHNOLOGY INCUBATOR'S
REQUEST FOR FEDERAL FUNDING**

WHEREAS, an opportunity exists to bring grant funds to help the business expansion and development efforts at the SUNY Fredonia Technology Incubator through the support and efforts of our duly elected representatives at the Federal Government level, and

WHEREAS, a partnership exists between the City of Dunkirk and SUNY Fredonia Technology Incubator to foster the growth and success of this project, and

WHEREAS, the SUNY Fredonia Technology Incubator is an important strategic asset to the City of Dunkirk and surrounding area, whose expansion and programming will support efforts to improve the quality of life for the residents of the City of Dunkirk and the Western New York area as a whole, now, therefore, be it

RESOLVED, the City of Dunkirk Common Council passes this resolution of support for the SUNY Fredonia Technology Incubator and their efforts to secure federal government funding to expand and insure the success of this vitally important regional project.

On behalf of the Common Council, Councilman-at-large Dolce extended thanks and gratitude to Clara Donaldson for her hard work and assistance to council for the past 38 years, said he doesn't feel worthy enough to be the one doing this, and Councilwoman Szukala presented Clerk Donaldson with a bouquet of flowers.

Councilwoman Szukala made a motion to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

Adjourned at 7:57pm

William Tugle, City Clerk
