

COMMON COUNCIL PROCEEDINGS
January 4, 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, Councilwomen Floramo, 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, Director of Development Ahlstrom, Community Development Block Grant Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of December 21, 2010 meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, December 21, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

David Thomas, Director of Finance, for W.C.A. Services Corporation stated that WCA Services Corporation and Alstar Ambulance Service have provided ambulance service to the surrounding community for over 25 years. Mr. Thomas advised this company operates ALS/BLS (Advanced Life Support/Basic Life Support) services throughout Chautauqua County, the Starflight Medevac program, and employs over 140 employees with 50 employees based in the Dunkirk facility.

Mr. Thomas advised the challenges that his company has been faced with over the past few years with over 6000 calls per year coming out of the Dunkirk location, an aging/ailing population, and an increased demand to transfer patients to specialty centers. Mr. Thomas acknowledged that there has been an increase in out of service times the past few years and advised that his company has been looking at ways to improve their service. Mr. Thomas stated that WCA Services has implemented the following to improve services to this community: added bariatric rigs, facility improvements for their employees, staffing additions to the Dunkirk and Jamestown facility, and further advised that they are awaiting the delivery of additional ambulances.

Mr. Thomas reiterated there has been an increase in out of service times in the Dunkirk area, they are making strides to improve the level of service in the community, and are requesting the opportunity to work with the City more intensely in finding a solution to help provide intense BLS and ALS ambulance service for the area.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey had nothing to report at this time.

Communication from Mayor Frey appointing Edward Wisniewski to the position of City of Dunkirk Bingo Inspector.

Received and Filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski advised that the ambulance service issue was discussed during last month's council meeting, and thanked Fire Chief Ahlstrom for providing the Council with numbers and projections in regard to this matter. Councilman Michalski further advised that it is the Council's job to step forward with information to make educated decisions and use due diligence as a Council when making these decisions.

Councilman Muldowney had nothing to report at this time.

On behalf of herself, and the Council, Councilwoman Floramo wished Dunkirk a happy, prosperous, and healthy New Year.

Councilman Flormano advised there will be a Personnel Meeting January 12th at 6:30 PM in the conference room.

Councilwoman Floramo advised that she like Fire Chief Ahlstrom's report and inquired if the Council receives reports in regard to requests for proposals.

Fire Chief Ahlstrom advised "if the City goes through with the billing system, that it would be a process through council so requests for proposals would come back to the council to make a decision". Fire Chief Ahlstrom further advised that by going with the attorney because its professional services the City would be able to look for people who have the expertise in the field and this company is nationally recognized as the leader in this field.

Fire Chief Ahlstrom stated "this is a two step process; first is establishing the city to be able to bill, the second would be actually to enter into a contractual relationship with a third-party billing company, at that point council would go out for a request for proposal, or the city and the council would be part of that process in deciding who we would go with if we hired a third-party billing company".

Councilwoman Floramo displayed a pendent that she received as a Christmas gift and advised the pendent was made from a recycled tin can and stated that we could have a better country if we recycle.

Councilwoman Szukala advised that she was happy with the amount of recycling that went out yesterday, the next scheduled pickup will be January 10th, and is hoping for continued participation from all the Wards in the City.

Councilwoman Szukala advised she met with a representative from Solar Liberty last week to discuss solar panels in the city, that information was exchanged, and some proposals were received. Councilwoman Szukala further advised that she is waiting for one more packet of information and that she should be able to present the information at the next council meeting. Councilwoman Szukala further advised that they can then either move forward to the next step or find someone else to do what needs to be done.

Councilman-at-large Dolce advised that there will be a Finance Committee meeting Monday, January 10th at 5:00 PM.

Councilman-at-large Dolce advised that the Council will be on WDOE January 18th at 9:00 AM.

Councilman-at-large Dolce thanked Fire Chief Ahlstrom for providing Council with a detailed report, stated that he did further research regarding tonight's resolution, and questioned where was the money going to come from because he does not recall Council dedicating money for this in the budget.

Mayor Frey advised the money was going to come from the income for doing this resolution.

Fire Chief Ahlstrom suggested "the fire department budget be adjusted to have it come out of their budget with the understanding or through council agreement whether by resolution that when receipts start coming in that the fire department budget is made whole". Fire Chief Ahlstrom further advised that he could work with Fiscal Affairs Office Curtin to pull the money from a variety of accounts so other department's budgets would not be affected.

Councilman-at-large Dolce asked Fire Chief Ahlstrom if he had some funds in his account to start with.

Fire Chief Ahlstrom advised he felt confident that we would have receipts coming in this year that would make his budget whole.

Councilman-at-large Dolce asked Fire Chief Ahlstrom if he looked at other firms.

Fire Chief Ahlstrom advised that he spoke with numerous departments around New York State and those who have gone this route to a third-party billing and not doing it in-house have all come back to this firm. Fire Chief Ahlstrom advised that he did not look at other firms "because that is where everybody that has been successful, where they have gone".

Councilman-at-large Dolce advised that he is having a problem with the dollar amount of this resolution, and that upon his own research, on-line, speaking with other municipalities and business owners' becoming incorporated does not cost \$25,000.00. Councilman-at-large Dolce further advised that he has mixed feelings about the City getting involved in the ambulance provider service, and \$25,000.00 is not a justifiable amount.

Fire Chief Ahlstrom advised "the small part of this will be in establishing the ambulance service. The majority of this work is establishing the ambulance service with Medicare, Medicaid, private insurance companies to do that, that is where the expertise comes in". "I think City Attorney Carrie would agree, that the majority of the work is going to be actually establishing the billing criteria and making sure that the city does things right when we're

establishing a relationship with the federal government, we're certainly opening ourselves to the opportunities for them to come in and audit us, we want everything to be done right from the very beginning and that's where the majority of the work is going to be done".

Councilman-at-large Dolce advised that he understands Chief Ahlstrom's explanation, but stated this resolution does not indicate a breakdown of the scope of services that will be provided, it only indicates attorneys' costs.

UNFINISHED BUSINESS:

PRE-FILED RESOLUTIONS:

RESOLUTION #1-2011
January 4, 2011

By: COUNCILWOMAN SZUKALA

**AUTHORIZING MAYOR TO SIGN AGREEMENT
BETWEEN THE UNIFIED COURT SYSTEM AND THE CITY OF DUNKIRK
FOR COURT CLEANING AND MINOR REPAIRS
(CONTRACT #300226)
(APRIL 1, 2010 TO MARCH 31, 2011)**

WHEREAS, the State of New York Unified Court System reimburses the City for expenses associated with the maintenance and operation of the court facilities which includes, but is not limited to, cleaning, building and grounds maintenance and capital improvements requested by the Court, through a maintenance agreement; and

WHEREAS, the State 2010 - 2011 fiscal year (April 1, 2010 – March 31, 2011) reimbursement amount under the operations and maintenance agreement budget is estimated to be \$65,409.00; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute a contract renewal for maintenance and operations of City court facilities for State fiscal year 2010 – 2011 with an estimated reimbursement in the amount of \$65,409.00, which said funds to be allocated to revenue account #001-0001-3330 - Court Operations & Maintenance for reimbursement of funds expended from City Hall account #001-1620-4021.

Carried, all voting aye.

RESOLUTION #2-2011
January 4, 2011

By: COUNCILWOMAN SZUKALA

AUTHORIZING MODIFICATION OF AGREEMENT WITH NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORICAL PRESERVATION RELATING TO THE POINT GRATIOT RECREATIONAL TRAIL, PHASE 1

WHEREAS, the City has entered into an agreement with the New York State Office of Parks, Recreation and Historical Preservation (NYSPRHP) for projects including the Point Gratiot Recreational Trail, Playground Improvements and Sluiceway Repairs which term is scheduled to end on December 31, 2010; and

WHEREAS, work associated with the Point Gratiot Recreational Trail Project, Phase 1, cannot be completed prior to the end of the term because of weather limitations necessitating the request for an agreement extension; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute an agreement modification, and other associated documentation, to Contract #C540404 (Project #EPF-540404-A4) on behalf of the City of Dunkirk with the NYSPRHP for an agreement extension to June 30, 2011.

Carried, all voting aye.

RESOLUTION #3-2011
January 4, 2011

By: COUNCILWOMAN SZUKALA

AUTHORIZING A CONTRACT EXTENSION TO S. TABONE CONSTRUCTION CO., INC., FOR THE POINT GRATIOT RECREATIONAL TRAIL, PHASE 1, PROJECT

WHEREAS, S. Tabone Construction Company, Inc., was awarded the contract for the Point Gratiot Recreational Trail, Phase 1, on October 5, 2010, which contract included a completion date of November 17, 2010; and

WHEREAS, landscaping and other minor operations were unable to be completed because of weather limitations necessitating the request for a contract extension; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute a contract extension with S. Tabone Construction Company, Inc., for the Point Gratiot Recreational Trail, Phase 1, which extends the contract completion date from November 17, 2010 to May 31, 2011, at no cost to the City.

Carried, all voting aye.

RESOLUTION #4-2011
JANUARY 4, 2011

BY: COUNCILWOMAN SZUKALA

**AUTHORIZATION FOR THE MAYOR TO EXECUTE A
CONTRACT FOR NOT FOR PROFIT AMBULANCE SERVICE IN THE CITY OF
DUNKIRK THROUGH THE FIRE DEPARTMENT**

WHEREAS, the City of Dunkirk has inquired into creating a not for profit Ambulance Service through the City of Dunkirk's Fire Department; and

WHEREAS, Fire Chief Ahlstrom has assured the Common Council creating a not for profit Ambulance Service will not require additional manpower; and

WHEREAS, this Council has been informed that it would be necessary for a private law firm to be hired to properly certify the not for profit Ambulance Service, so that they may bill private insurance companies, Medicare, and Medicaid; and

WHEREAS, the name of the private law firm is Page Wolfberg & Wirth LLC, of 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050; and

WHEREAS, the Council has been informed that the maximum cost for the creation of the service in legal fees would be Twenty-Five Thousand Dollars, (\$25,000.00); and

WHEREAS, it is necessary for the City to enter into a written agreement with Page Wolfberg & Wirth LLC, for their services; now, therefore be it

RESOLVED, that this Common Council determines that it be in the best interest of the City to create a not for profit Ambulance Service; and, it is further

RESOLVED, that the Mayor is hereby directed, authorized and empowered by the Common Council, to execute an agreement with Page Wolfberg & Wirth LLC, to create the not for profit Ambulance Service.

Councilman Michalski asked if this resolution passes and not for profit status is granted would this fall under the city's insurance umbrella policy or would a separate policy be needed.

Fire Chief Ahlstrom advised that this would fall under the fire departments policy.

Councilman Michalski further advised that he has spoken with representatives from Alstar, their concerns were that when calls were coming into the dispatch service, our emergency personnel would arrive and at that point a determination of advanced or basic services was being decided at the scene. Councilman Michalski asked Fire Chief Ahlstrom if this was common, or is this something that needs to be done at the point of dispatch.

Fire Chief Ahlstrom advised there is a possibility of a little screening at the point of dispatch; when they receive a call for an individual who meets the criteria of New York

State protocol, WCA is notified to see if a rig available. Fire Chief Ahlstrom further advised that this decision for the fire department to transport was not based on revenue but based on service to the community as WCA's rigs are not available in this area 25-30% of the time. Alstar's response and availability has not changed since the fire department began transporting on a full time basis on November 5, 2010. Fire Chief Ahlstrom advised that they were doing 200 transports per year and that "they were running into situations where they were waiting on the scene and being told that there was a rig coming, an ambulance coming, and we were delaying care while we waited for Alstar to arrive on the scene, this is not the correct protocol". He stated that this has been a four year process, of working with WCA trying to get them to live up to their commitment to the city, but nothings changed.

Fire Chief Ahlstrom continued "we had an incident in October where the response from WCA was just absolutely unacceptable to us and the letter went out on November 1 that we were going to begin transporting on November 5." He further advised that he met with WCA on November 9th, that nothing changed and that the assurances that he received were the same assurances that he has been receiving over the past four years that they would try to do a better job. Chief Ahlstrom advised that he understands their business problem that we have tried to maintain a good working relationship with Alstar ambulance, and plan on continuing this good working relationship. Chief Ahlstrom advised that "there is a 3 minute response time from almost any place in the city to Brooks Hospital even with us delivering a basic life support level of care we can have them to a better solution than even ALS care on the scene by putting them in an ambulance, in our rig, and getting them to the hospital". Chief Ahlstrom reiterated that this decision was not based on revenue that "we are still going to transport people because it's the best care that we can provide to the people of the City of Dunkirk, and as fire chief, that's my responsibility to do".

Councilwoman Floramo advised that she became ill following a council meeting on May 19, 2010, was unsure if she wanted to go to the hospital for treatment, our firemen did a wonderful job in providing treatment to her, and were capable of transporting her to the hospital yet they advised her that they had to wait for an ambulance.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilwomen Floramo, Szukala.

No: Councilman-at-Large Dolce

Carried, 4 to 1.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Muldowney.

Carried, all voting aye.

Adjourned at 6:23 PM

William D. Tuggle, City Clerk
