COMMON COUNCIL PROCEEDINGS
January 5, 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, Public Works Director Gugino, City Treasurer Woods, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of December 14th & December 21st meetings was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of the meeting of Monday, December 14th & the Special Meeting of Monday December 21st be dispensed with.

Carried, all voting aye.

PUBLIC COMMENTS:

Tom Lundgren, 208 Mullet Street, Dunkirk, NY addressed the Council in regard to plowing the sidewalks by the old School #5 property on Second Street owned by the Housing Authority. He stated this was very dangerous, as the children were walking in the road. Mr. Lundgren also advised that the city plows on his side and down Second Street, but some other areas there are not touched, stating this was difficult for the handicapped as well.

Councilman Muldowney advised that a phone call should be made to Judy Presutti, as she was contacted two years ago and made sure a sidewalk replacement was taken care of in front of the building.

Legislator Bob Duff advised of a recent gas well leak in the Fourth Ward, and thanked the Mayor, Public Works Director Gugino, Fire Chief Ahlstrom and Councilwoman Szukala for their help with this dangerous situation. He advised that this was owned by the County and the information forwarded to them by Legislator Ahlstrom, and both Keith and Tony Gugino came out, with the problem taken care of after eight or nine days.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey commended our Public Works & Water Departments for taking care of snow removal and water breaks, advised of a new cell phone program which will be cost effective for the city, and of a recycling program for the city. Mayor Frey stated that this was not ready to bring to the Council yet, but "Zero Waste" was offered to the city, and the Development Department was working on a grant for another truck to work into this program.

Mayor Frey also informed of a letter he received from CSX stating that they are working on a crossing situation at NRG with possibly a new warning system, and this would be discussed in the future for possible resolution.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Nancy L. Smith, Poppy Chairperson of Post #1344 Auxiliary requesting to sell poppies on Memorial Day May 31st, 2010 in Memorial Park from 9:00 AM to 11:00 AM (not during Memorial Services).

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

Carried, all voting aye.

Petition from Paul P. Lyons, Principal at DHS requesting three police officers to be present at the Winter Ball on Saturday, January 23rd from 7:45 to 11:15 PM.

Councilman Muldowney moved that permission be granted and referred this to the Police Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Keith Ossman, Secretary of the Lakeshore Street Rod Association requesting permission to reserve the large & lower pavilions, part of the main parking lot, permission for food & refreshment vendors, use of bandstands, trash barrels & trash pick-up for their 8th annual Harbor Cruise on Sunday, July 11th at Point Gratiot.

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

Carried, all voting aye.

Notice of Claim from Matthew M. Raynor for a broken mirror on his vehicle allegedly due to a city snowplow.

Notice of Claim from Grace A. Velk for damages to her mailbox allegedly due to being hit by a city snowplow.

Councilwoman Szukala moved to refer these two claims to the city's insurance carrier.

Seconded by Councilman Michalski.

Carried, all voting aye.

Summons & Complaint from Henry R. Serafin vs. the City of Dunkirk.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski thanked the residents that supported him in the election, and encouraged anyone to contact him with any questions. He informed that he would be taking out an ad in the Observer to contact him by e-mail. He adviseded that he met with the Water Filtration Plant & Sewer Treatment Plant representatives, and he would be meeting with Al

Zurawski in the near future. Councilman Michalski also stated that he was looking forward to serving the city to the best of his ability.

Councilman Muldowney spoke relative to the recent opening of the Incubator, stating that this was the biggest project in Chautauqua County, that he met with the Director who brought a lot of experience, and was looking for good things to happen there. Councilman Muldowney also advised that he notified the Mayor and Kory of hoping to have the next DLDC reorganizational meeting open to the public, encouraged everyone to come, and hopefully this would be held in the new Incubator Conference Room on Monday at 10:30 AM. He also stated that he would like to have an Economic Development Meeting immediately following the Director's Meeting in the Incubator, an agenda would follow shortly, and he was looking forward to working with the college.

Councilwoman Floramo also thanked Dunkirk for their support, the Mayor and his secretary for the wonderful Inaugural festivities, and the rubbish crew for waiting for some residents to bring their trash out last Friday.

Councilwoman Szukala thanked the voters for supporting her, as she was proud to be representing the City of Dunkirk, and was looking forward to starting new projects. She also thanked the Mayor and Kory Ahlstrom for backing her and securing $500.00 through CDBG funds for implementing the "Cool School" reading program at School #3. Councilwoman Szukala further advised that she was looking forward to working on the new recycling program, that her number was not in the book, but she gave all of her information to the Mayor and Kory Ahlstrom, and she could be reached by cell phone or e-mail on the city's web site.

Councilman-at-large Dolce spoke in regard to the ACO position, stating that he would be giving them something relative to recommendations made, and he would put something together for Council to submit to the Mayor. He advised that there would be a Finance Committee meeting this month, he would talk to Rose and Mike after the meeting for a date and time, and the first matter of discussion would be the State audit. Councilman Dolce also stated that all sub-committee meetings were open to the public, and that Council would be on the radio on Monday, January 11th from 9:30 to 10:00 AM, and would also meet after that.

Councilman Muldowney advised that the DLDC would be meeting at the Incubator immediately following the radio session after 10:00 AM.

Public Works Director Gugino advised the public that Lake Front Blvd. was closed from North Beagle to North Ocelot Streets, signs were posted, and travel was at their own risk. He stated that this was saving on salt and plowing, and safer for the public as well.

Director of Development Ahlstrom advised that this was the second year for the indoor baseball program at the Recreation Center starting January 6th, informed of the ages, fees and times, and that this was making use of the facility for them to have a good time.

Mayor Frey informed that the new water meter installation program would start on Monday, January 11th, notices would be sent throughout the school system in English & Spanish and the workers would have proper ID. He also informed that they would be working Monday through Thursday and Tuesday through Saturday from 7:00 AM to 5:00 PM with Saturdays to follow if needed. Mayor Frey also informed that an intern was in the Department of Development to do the Hispanic translation.

PRE-FILED RESOLUTIONS:

RESOLUTION #08-2010
JANUARY 5, 2010

By Councilman Muldowney:

AUTHORIZING THE EXECUTION OF AN EASEMENT RENEWAL WITH THE NEW YORK STATE OFFICE OF GENERAL SERVICES FOR THE CITY'S BOAT LAUNCH FACILITY

WHEREAS, the current easement with the State of New York for the construction and maintenance of the City's small boat launch facility has expired and will require renewal, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and empowered to execute any necessary documents related to the renewal of an easement for the use of State-owned lands underwater for the construction and maintenance of the City's small boat launch facility, on behalf of the City of Dunkirk, with the New York State Office of General Services, and, be it further

RESOLVED, that the required $1,000 easement renewal fee be paid from a pending donation from the Dunkirk Local Development Festivals and Events Committee, and, be it finally

RESOLVED, that the City Treasurer and Fiscal Affairs Officer are hereby authorized to make the necessary budget revisions for the acceptance of the aforesaid donation and payment of the renewal fee.

Councilman Michalski questioned if this was already in the budget.

Public Works Director Gugino advised that NYS called two months ago and stated that when this was originally built, the city entered into an agreement for $1,000 for ten years. He further advised that he and Sr. Engineering Technician Manzella had no idea this was coming, and it was prior to the budget. He also stated that for $1,000, the city grants them the access and right to maintain and/or access the facility, as they were contributory to the cost of building it.

Director of Development Ahlstrom also informed that two-thirds of the Festival Executive Committee discussed this, and based on the cohesion of the boat launch with the festival and the fishing tournament, they contributed $1,000 left over from their 2009 budget.

Vote on resolution: Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #09-2010
January 5, 2010

BY COUNCILMAN MULDOWNEY AND COUNCILWOMAN SZUKALA:

AUTHORIZING ANNUAL RENEWAL AGREEMENT WITH STATE OF NEW YORK UNIFIED COURT SYSTEM FOR CITY COURT SECURITY SERVICES CONTRACT NO. C200440 (APRIL 1, 2009 TO MARCH 31, 2010)

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, 2009 and terminates on March 31, 2010, and during which reimbursement has been amended to increase the allocation to not exceed Two Hundred Forty-One Thousand Dollars ($241,000.00), an increase of Fifty-One Thousand Six Hundred Thirty-Five Dollars ($51,365.00); 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, 2009 to March 31, 2010) for which reimbursement shall be in an amount not to exceed Two Hundred Forty-One Thousand Dollars ($241,000.00) to compensate the Police Department for City Court security services.

Carried, all voting aye.

Adjourned at 7:35 PM **William D. Tuggle, City Clerk**

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Referrals – Common Council Meeting – January 5, 2010

Referred To:	Resolution #	Item:
Mayor, Council, Police Dept		Permission granted to Frank Acq. Post #1344 Aux. to sell poppies in Memorial Pk. on Memorial Day from 9 - 11 AM.
Mayor, Council, Police Dept./PBA		Pet. from the Principal @ DHS for three police officers at the Winter Ball on Sat. 1/23 from 7:45 to 11:15 PM.
Mayor, Council, City Clerk, Public Wks./Parks & Police Depts.		Permission granted to Lakeshore Street Rod Assoc. for the large & small pavilions, part of the pkg. lot, food vendors, bandstands, trash barrels & pick-up for their 8th annual Harbor Cruise on 7/11/10 at Pt. Gratiot
Mayor, Council, Legal Secretary		Notice of Claim from Matthew Raynor referred to the city's insurance carrier.
Mayor, Council, Legal Secretary		Notice of Claim from Grace Velk for dmgs. to her mailbox referred to the city's insurance carrier.
Mayor, Council, City Clerk		Summons & Complaint from Henry Serafin received & filed.
Mayor, Council, City Clerk		Petition from Joseph Gullo for use of city streets on Sept. 4th & 5th for the annual "Labor Day Telethon" **pulled.**
Mayor, Council, Public Wks. Development, Fiscal Affairs & Treasurer.	**#8-2010**	Reso. authorizing exec. of an easement with NYS for the city's boat launch facility.
Mayor, Council, Police Dept.	**#9-2010**	Reso. authorizing renewal agreement w/NYS Court System for security services.
		William Tuggle City Clerk