

COMMON COUNCIL PROCEEDINGS
July 20, 2010
- Dunkirk Flavors -

The meeting was called to order at 6:15 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Muldowney, Council women 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, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

RESOLVED: That the reading of the minutes of Tuesday, July 6, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Keith Ahlstrom, 25 Cedar Street, Dunkirk, NY spoke as County Legislator in regard to the resolution (#50-2010) authorizing a tax collection agreement with the County. He stated that he felt this was a good agreement, but if the Council did not agree and wished to go another way, they (Dunkirk Legislators) would support Council's decision on this matter, and go accordingly. He personally felt it was a good agreement, but if Council felt it was something they should not get into, he would take this message back to the Dunkirk Legislators and let them know.

Jim Muscato, 280 Lake Shore Dr. West, Dunkirk, NY stated that he spoke to Councilman Michalski earlier in regard to classified ads in the newspaper this week along with notices today relative to stray dogs, and three complete ads covering cats, totaling fourteen in all. He therefore questioned if this was coming from the ACO budget, who is paying for this, and where they were kept.

Councilwoman Szukala advised that there was no charge for lost ads from the ACO, and that the dogs/cats were kept separately at the shelter at Cedar Beach and taken care of.

Mr. Muscato also spoke relative to web sites on the internet speaking negative about Dunkirk without names listed, stated that the ACO was called to a couple of residences on complaints other than dogs or cats, and that the ACO said that he did not do this, handed them his personal card, and said to call him later about removal. Mr. Muscato therefore stated that he felt this was an abuse of his position.

Councilwoman Szukala stated that this was brought to her attention, that she called the ACO, and on behalf of the city, he took care of this through his contract at no reimbursement or personal gain.

Councilman-at-large Dolce stated that he talked to him as well, and Councilwoman Floramo also advised that they discussed this in depth when they hired him. She also mentioned that the resolution showing where the funds were allocated from was taken care of, and they would be getting other similar resolutions in full as well.

Mr. Muscato also spoke relative to the city's web site, stating that nothing has been on the site since January in regard to the Agenda or Council minutes. He questioned if there was a problem in the Development Department, as this was simple enough to do, that there is only an announcement, and the monthly calendar only lists the date of the meeting.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey thanked the Banachs on behalf of the City for investing here and bringing the city back to life. He further stated that they along with Bob Habich and Randy Van Wey have done an outstanding job, and appreciated what they have given to invest in the community.

Mayor Frey further spoke of summer activities over the weekend, stating that there were three to four thousand people on the waterfront, and this was our intention when this originally started. He also advised of the First Ward Falcon tournament this past Sunday with a chicken barbecue, the recent Joe Karnes Memorial Tournament, the car show at Point Gratiot, the Amara-Can fishing tournament, and the Cliffstar picnic at Point Gratiot with over 500 in attendance.

Mayor Frey also advised of Medicore renovating and investing one million on Central & Fifth, relating to how Dunkirk is rebuilding. He stated that we have to look at the positives, as there is a lot of work being done throughout the City. He informed of the street paving being completed on Fairview Avenue, that the city was going back and looking at the nova chip process, and the water meter project being on target. He informed that the city was looking at redoing the water budget for next year on the water meter readers to possibly reduce costs, and commented on the major water break on Robin Street, commending our workers for doing a great job.

In regard to the tax collection agreement with the County, Mayor Frey stated that this was not about hiding it from the public, that this first needed to be explained, and if we do not move forward, the city and public will not be able to afford it.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from the First Ward Falcon Club requesting to close South Serval Street between Lake Shore Drive East & Chestnut Street on September 4th & 5th from 5:00 PM to midnight for their annual Labor Day Street Dance along with barricades for the intersections and trash barrels.

Councilman Michalski moved that this be approved and referred this petition to the Public Works & Police Departments (PBA). Seconded by Councilwoman Szukala. Carried, all voting aye.

Petition from Councilwoman Rose Floramo on behalf of the Washington Park Restoration Committee requesting to use Washington Park on August 7th from 9:00 AM to 2:00 PM with additional time to clean up for their yard sale.

Councilwoman Floramo stated that this was explained in the workshop, and it should have been signed by a chairperson.

Councilman Muldowney moved that Councilwoman Floramo be granted permission to abstain from voting. Seconded by Councilman Michalski.

Vote on abstention: Carried all voting aye.

Councilman Michalski moved that permission be granted for the petition, and referred this to the Public Works Department. Seconded by Councilman Muldowney.

Ayes: Councilmen Michalski, Muldowney, and Councilman-at-large Dolce.
No: Councilwoman Szukala. Carried. (3-1)

Loudspeaker applications from:

- a) The First Baptist Church for a PA System and radio for their 3 on 3 (Ignite Youth Group) basketball event on August 7th & 14th from 2:00 to 6:00 PM.
- b) First Ward Falcon Club for live bands on September 4th & 5th for their annual Street Dance from 5:00 to 11:00 PM.
- c) Charles James Fredrick for a PA system and minimal Gospel solos in Washington Park on August 17th for a youth outreach event from 1:00 to 4:00 PM.

Councilwoman Floramo moved that permission be granted on all three loudspeaker applications. Seconded by Councilman Muldowney.

Carried, all voting aye.

Communication from Fire Chief Ahlstrom requesting to add Jason Aldrich, Kevin Perry, Kyle Goss and Jorge DeJesus to the active fire roll.

Received & filed.

Petition from Kory Ahlstrom on behalf of the Festivals & Events Committee requesting to close Serval Street at Pine, and Ocelot Street at Lake Front Blvd. on July 31st from 7:00 AM to 10:00 PM for setting up and breaking down to enable hosting of certain festival events.

Councilman-at-large Dolce stated that there would be sign-up sheets in the City Clerk's Office for volunteers.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that there will be a Public Works Committee Meeting on Thursday, July 22nd at 5:00 PM in the Conference Room. He also questioned if there was any type of formal announcement in regard to the Bertges property (DLDC) and who was paying for the improvements made there.

Mayor Frey advised that the funding was through a grant from Senator Cathy Young's Office, and there would be an announcement forthcoming.

Councilman Muldowney thanked the Banachs for hosting this meeting and for their hospitality, along with Bob (Habich) and Randy (Van Wey) for making this happen. Mrs. Banach advised that there would be a tour after the meeting explaining how everything works.

Councilman Muldowney also thanked the ladies from the Jamestown branch of Lake Shore Savings & Loan for attending, and stated that it would be nice to see the Jamestown branch compete in the sand castle event. He stated that this was our third year for this, and they were looking for corporations to put together a nice sand castle event. He also informed them that City Clerk Tuggle would be the contact person if they are interested in this event.

Councilwoman Floramo thanked the businesses on the pier, as the music has been kept down and there were no complaints.

Councilwoman Floramo advised that she received eleven phone calls, thanking the Mayor, Council and responsible departments for the work done on city streets. She stated that there were a lot of good things happening in Dunkirk, and the people on Tenney Street were thrilled with the street paving. Mayor Frey also informed that the Benton Street Tower would be painted possibly next week.

Councilwoman Floramo also informed that there would be a Personnel Meeting on July 29th at 6:00 PM. She further spoke in regard to people leaving their trash out too early, advising of six bags of rubbish on Main Street between Fourth & Seventh Streets. Councilwoman Floramo therefore stated that we needed to raise the fines if this continues.

Public Works Director Gugino stated that this was very frustrating as he and the Police Chief have done everything they could in the past, that he along with the Mayor and Al Zurawski have seen illegal brush and garbage left out continuously, and that ticketing/tagging had started immediately with requests for billing through the Treasurer's Office. He informed that three bills were sent out yesterday alone for this offense.

Councilwoman Floramo thanked Mr. Gugino for this along with taking care of another personal problem on Deer Street.

Councilwoman Szukala thanked everyone for coming tonight.

Councilman-at-large Dolce advised that the Finance Committee Meeting would be held on Wednesday, July 28th at 5:00 PM. where they would be discussing the city's vehicles/equipment.

Public Works Director Gugino advised that he left copies of the inventory of vehicles and equipment from Public Works with the Mayor, and Councilman-at-large Dolce advised that he already received a copy from Fiscal Affairs Officer Curtin.

UNFINISHED BUSINESS:

RESOLUTION #46-2010
JULY 6, 2010

BY ENTIRE COUNCIL:

APPOINTED/ELECTED OFFICIALS OF THE CITY OF DUNKIRK TO BE REQUIRED TO SUPPLY WEEKLY TIME LOGS FOR A THREE MONTH PERIOD

WHEREAS, any appointed/elected official of the City of Dunkirk, who does not participate in an employers' time keeping system, must keep a day by day log of their work performed, for a three (3) month period; and

WHEREAS, it is the intention of this resolution to have the time logs certified by the City Clerk; and

WHEREAS, the logs will then be submitted to the New York State Retirement System for their review; now, therefore, be it

RESOLVED, that the City Attorney, Animal Control Officer, Personnel Director, Bingo Inspector, City Treasurer, Clerk Board of Assessors two (2) City Assessors, Director of Development, Mayor, Community Development Block Grant Program Administrator, and Common Council members, be required to submit a log of their time to the City Clerk of the City of Dunkirk, beginning Monday, July 12th through Sunday, October 10th, on Monday of each week by 5:00 pm, for the previous week worked.

Councilman-at-large Dolce advised that this would be removed from the table to vote it down, as a new resolution modifies this one and presented in its place.

Councilwoman Floramo motioned to remove Resolution #46-2010 from the table for vote. Seconded by Councilman Michalski.

Carried, all voting aye.

Vote on resolution: No: Councilmen Michalski, Muldowney, Councilwomen Floramo, Szukala and Councilman-at-large Dolce. Resolution defeated.

PRE-FILED RESOLUTIONS:

RESOLUTION #48-2010
JULY 20, 2010

BY ENTIRE COUNCIL:

**AUTHORIZING CONTRACT WITH
FAMILY SERVICE OF THE CHAUTAUQUA REGION, INC.,
FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP)
(AUGUST 1, 2010 THROUGH JULY 31, 2011)**

WHEREAS, Family Service of the Chautauqua Region, Inc., located in Jamestown, New York, had developed a comprehensive education and counseling program servicing employees, retirees, and the employees' immediate family members; and

WHEREAS, the contract will be for the period of August 1, 2010 through July 31, 2011; and

WHEREAS, the total cost for the twelve-month program will be Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); and

WHEREAS, funds were budgeted for this item in the 2010 Budget; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and empowered to execute a contract, on behalf of the City of Dunkirk, with Family Service of the Chautauqua Region, Inc., located in Jamestown, New York, for the provision of an Employee Assistance Program to cover eligible City employees for the period from August 1, 2010 through July 31, 2011; and, be it finally

RESOLVED, that the funds for the above will come from Account #001-1430-4036 Personnel Department Employee Services EAP.

Carried, all voting aye.

RESOLUTION #49-2010
JULY 20, 2010

BY ENTIRE COUNCIL:

**APPOINTED/ELECTED OFFICIALS OF THE CITY OF DUNKIRK TO BE REQUIRED
TO SUPPLY WEEKLY TIME LOGS FOR A THREE MONTH PERIOD**

WHEREAS, any appointed/elected official of the City of Dunkirk, who does not participate in an employers' time keeping system, who are eligible to receive time towards the New York State Retirement System, must keep a day by day log of their work performed, for a three (3) month period; and

WHEREAS, it is the intention of this resolution to have the time logs certified by the City Clerk; and

WHEREAS, the logs will then be submitted to the New York State Retirement System for their review; now, therefore, be it

RESOLVED, that the Personnel Director, Bingo Inspector, City Treasurer, Clerk Board of Assessors, two (2) City Assessors, Director of Development, Mayor, Community Development Block Grant Program Administrator, Common Council members, and all other employees who are eligible to receive time towards the New York State Retirement System, be required to submit a log of their time to the City Clerk of the City of Dunkirk, beginning Monday, July 26th through Sunday, October 24th, on Monday of each week by 5:00 pm, for the previous week worked.

Councilman-at-large Dolce advised that this process begins on Monday, July 26th.

Vote on resolution: Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #50-2010
JULY 20, 2010

BY ENTIRE COUNCIL:

**RESOLUTION AUTHORIZING TAX COLLECTION AGREEMENT
WITH THE COUNTY OF CHAUTAUQUA**

WHEREAS, pursuant to Chautauqua County Legislature Resolution 111-09, the County Legislature authorized negotiations between the City of Dunkirk and Chautauqua County for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the cities and school districts within the cities would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the cities, including the guarantee of all such taxes; therefore be it

RESOLVED, that consistent with Chautauqua County Legislature Resolution 111-09, the Mayor is authorized and empowered to execute a new joint tax collection agreement with the County of Chautauqua on the following terms and conditions:

1. **Term.** Two (2) year term covering the 2010 and 2011 tax levies.
2. **Return of City Taxes and Liens.** The City's return of taxes shall occur on August 1.
3. **Guarantee of City Taxes and Liens.** The County's guarantee of City taxes and liens shall be equivalent to the guarantee afforded to towns, villages, and school districts outside the cities, and shall only include unpaid City and school taxes, unpaid water and sewer charges, and unpaid solid waste charges. The County's guarantee shall not include any other unpaid City liens, including, but not limited to liens for unpaid electric charges, district heating charges, charges for regular City services incurred by the property owner for encroachment fees, DPW charges, master alarm fees, and code enforcement charges.
4. **Extinguishing of City Liens.** The City shall acknowledge that all unpaid City liens not included in the return of unpaid taxes are extinguished upon the completion of the County's tax foreclosure, and the City and all other City agencies shall cease any further collection efforts against the affected parcels and subsequent owners of same.
5. **Tax Bills and Collections.** The City shall utilize the County for preparation of City tax bills, and to collect County taxes both before and after the return of County taxes utilizing the County's on-line tax collection system.
6. **Sharing of Assessment Data.** The City and County shall work in good faith to improve the sharing of assessment data through the use of shared or interfacing computer software and hardware.
7. **Tax Foreclosure Proceeds.** The County is responsible for deficiencies but entitled to retain all surpluses.
8. **Liabilities Under Prior Joint Tax Collection Agreements.** The County and City shall release each other from any claims or liabilities arising under prior joint tax collection agreements.
9. **Inspection Reports.** The City may provide exterior and/or interior inspection reports outlining city Code violations related to the foreclosed parcels to be sold or transferred by the County, and the County will agree to advertise and provide access to such information to potential purchasers or transferees prior to the sale or transfer.

10. Other. As negotiated by the Mayor.

Councilman Michalski stated that he appreciated the input from the Mayor, Kory Ahlstrom and Mark Woods, but felt that this was politically motivated, as Legislator Barmore had a problem with the city on some issues in the past, and that was the reason this was presented so late.

Vote on resolution: Carried, all voting aye.

Mayor Frey spoke briefly on the demolition of the Masonic Building, advising that this was moving forward, would start later this week, and it was an eight week project.

Public Works Director Gugino advised that he met with the demolition people, that the Masonic Building is a closed site, and requested everyone to respect this and not go through the gates.

Building Inspector Zurawski also advised that this was a controlled asbestos demolition site, that there should be no real concern at this time, and this was the process we had to go through.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:45 PM

William Tuggle, City Clerk
