

COMMON COUNCIL PROCEEDINGS
July 5, 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, 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.

Councilman-at-large Dolce excused DPW Director Gugino from tonight's meeting.

Certification of June 21, 2011 meeting was read by City Clerk Mleczko.

RESOLVED: That the reading of the minutes of Tuesday, June 21, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

On behalf of the City, Mayor Frey thanked all sponsors, public and private, who donated to last night's firework display. Mayor Frey thanked the Council for allocating funds for this display and advised the majority of funding was raised through private donations and stated "we're just about there right now of what we needed but I wanted to thank everybody and I hope everybody enjoyed them."

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from First Ward Falcon Club requesting to close S. Serval St. between Lake Shore Drive East and Chestnut St. to traffic on Friday, September 2nd, Saturday September 3rd, and Sunday, September 4th from 5:00 PM until Midnight for their "Annual Street Dance." Also, requesting barricades for both intersections as well as trash barrels.

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

Carried, all voting aye.

Petition from Walgreens requesting Police presence around the Clarion Hotel on August 20th between 10:00 Am until 6:00 PM for a motorcycle and car cruise to benefit the National Muscular Sclerosis Society.

Councilman-at-large Dolce advised this petition was pulled during workshop session. Police Chief Ortolano will contact Walgreens to clarify what times they specifically want police presence.

Petition from The Resource Center Foundation requesting permission to sell newspapers at various Dunkirk intersections on July 6th from 6:00 AM until 9:00 AM. Also, requesting permission to use City Streets on July 15th for their “Annual Laurel Run Flag Relay.”

Councilman Muldowney advised this petition states the group will be selling newspapers on corners designated within the City’s Fundraising on City Streets Policy, moved that permission be granted and referred this to the Department of Public Works and Police Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Chautauqua County Youth Corps of Chautauqua Opportunities, Inc. requesting permission to use Washington Park to host a community touch football tournament on July 23rd from 10:00 AM until concluded.

Councilwoman Floramo advised liability insurance should already be on file in the City Clerk’s Office, moved that permission be granted and referred this to the Department of Public Works. Councilwoman Floramo further advised if insurance is not on file in the clerk’s office permission is granted contingent upon liability insurance. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from John T. Murray VFW requesting permission to use speakers and live music for a motorcycle run on July 23rd from 3:00 PM until 6:00 PM.

Loudspeaker application from First Ward Falcon Club permission for live bands on September 2nd thru September 4th from 5:00 PM until 11:00 PM for their “Annual Street Dance.”

Councilwoman Floramo moved that the two loudspeaker applications be approved and referred them to the Department of Public Works and Police Department. Seconded by Councilman Muldowney.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski thanked the Parks Department for the wonderful job in cleaning up Memorial Park this morning.

Councilman Muldowney thanked Mayor Frey for his fundraising efforts for this year’s firework display and thanked everyone who helped with this festival.

Councilwoman Floramo thanked the Fredonia Village Board in regard to an article in this morning's Observer and for contributing to this year's firework display.

Councilwoman Floramo thanked Town of Dunkirk Supervisor Mr. Purol for responding quickly in regard to the animal control problem.

Councilwoman Floramo thanked her Park Neighborhood Committee for their diligent work in getting their neighbors to fix their properties.

Councilwoman Floramo advised perhaps the Council could revisit giving audience members the opportunity to speak again after council meetings.

Councilwoman Floramo advised of a deep pothole near the railroad tracks on Route 60 and inquired who is responsible for repairing these potholes, New York State or the Railroad Company.

Councilwoman Floramo advised City Attorney Carrie he has promised to get her addresses from the DLDC; she has yet to receive the information. Councilwoman Floramo advised that she has asked Mr. Gornikiewicz and Mr. Ahlstrom for five addresses.

Development Director Ahlstrom advised Councilwoman Floramo that Mr. Gornikiewicz placed a packet (6-8 pages) of information in her mailbox prior to the council meeting held on June 21st, and stated if she is looking for 5 specific address she could submit a list to him or she could call him with the address and he could give her an immediate response. Development Director Ahlstrom further advised the packet placed in her mailbox listed every house done over the past three years.

Councilwoman Floramo advised the next Personnel Meeting will be held on Wednesday, July 20th at 5:00 PM.

Police Chief Ortolano advised he received a memo from the DOT stating they will repair the potholes near the railroad tracks on Route 60.

Mayor Frey advised there are two sets of railroad tracks on Route 5; one is owned by Norfolk & Southern Railroad, the other is owned by CSX Railroad. Mayor Frey further advised CSX Railroad will repair the potholes on Route 5 near the tracks by the NRG plant.

Councilwoman Szukala advised residents the Dunkirk Free Library be holding an Open House tomorrow at 2:00 PM where they will be presenting their new computer center.

Councilwoman Szukala advised the next Public Safety Meeting will be held July 18th at 1:30 PM in the Mayor's conference room.

Councilman-at-large Dolce advised the next Finance Committee Meeting will be held July 11th at 5:30 PM, and asked City Treasurer Woods and Fiscal Affairs Officer Curtin if the city audit would be available by this date.

City Treasurer Woods and Fiscal Affairs Officer Curtin both replied it's possible the audit would be available by July 11th.

Councilman Muldowney thanked Councilwoman Szukala for the great job she did with this year’s Senior Sweep stating she organized all the routes and prizes for the kids. Councilman Muldowney advised over 100 kids participated in this year’s Sweep, thanked Mayor Frey, all Department Heads, and the Citizens’ Advisory Committee for participating in this year’s Senior Sweep.

Councilwoman Floramo apologized for missing this year’s Senior Sweep.

PRE-FILED RESOLUTIONS:

RESOLUTION #38-2011
July 5, 2011

By: COUNCILWOMAN FLORAMO AND COUNCILMAN MICHALSKI

**AUTHORIZING THE MAYOR TO EXECUTE A
SHARED SERVICES AGREEMENT BETWEEN
THE CITY OF DUNKIRK AND THE TOWN OF DUNKIRK
FOR THE CITY ANIMAL SHELTER**

WHEREAS, the Town of Dunkirk would like to engage in a Shared Services Agreement with the City of Dunkirk for the City Animal Shelter fee; and

WHEREAS, the Town of Dunkirk would like an Agreement from July 1, 2011 through December 31, 2011; now, therefore be it

RESOLVED, that the Town of Dunkirk agrees to pay the City of Dunkirk a fee of Seventeen Dollars (\$17.00) per day for each dog that is caught in the Town of Dunkirk and needs to be housed at the City’s Animal Shelter.

Carried, all voting aye.

RESOLUTION #39-2011
July 5, 2011

By: COUNCILMAN MULDOWNEY

**AUTHORIZING THE MAYOR TO EXECUTE A
SHARED SERVICES AGREEMENT BETWEEN
THE CITY OF DUNKIRK AND THE VILLAGE OF FREDONIA
FOR SUPPLEMENTAL WATER SUPPLY**

WHEREAS, the Village of Fredonia (“Village”) approached the City of Dunkirk to enter into a Shared Services Agreement for supplemental water supply; and

WHEREAS, the City of Dunkirk ("City") has the means to supply the supplemental water supply when needed; and

WHEREAS, the parties have agreed in principal, to a thirty (30) year contract, to commence on July 1, 2011, whereby the City will supply the water to the Village at the rate the City supplies water to the residents of the Town of Dunkirk; and

WHEREAS, Department of Public Works Director Gugino and the Department of Water have been consulted, and have agreed that this Shared Services Agreement shall have no adverse affect on the City of Dunkirk's water supply; and

WHEREAS, the parties agree that if the sale of water to the Village shall render insufficient, the supply of water to City customers or the sale of the City water to the Village creates material adverse conditions, the City may terminate this agreement with thirty (30) days written notice; however, in the event that the City determines that an extreme adverse condition exists, the thirty (30) day notice may be reduced to a lesser period; now, therefore, be it

RESOLVED, that the Village of Fredonia agrees to pay the water rate that the Town of Dunkirk residents are being charged for supplemental water usage; and, be it further

RESOLVED, the City has the power to terminate the agreement if the agreement adversely affects the residents of the City of Dunkirk; and, be it finally

RESOLVED, that the Mayor is hereby authorized and empowered to execute any and all documents relative to this Shared Services Agreement.

Councilman-at-large Dolce advised the only change to this Resolution is instead of six five year intervals, it will be one consecutive thirty year period.

City Attorney Carrie advised aside from the change mentioned by Councilman-at-large Dolce, Village residents will be assessed the same rate that the Town of Dunkirk residents are assessed during the life of this agreement.

Carried, all voting aye.

RESOLUTION #40-2011

July 5, 2011

By: COUNCILMAN SZUKALA

**AUTHORIZING BILLING RATES WITH
ENHANCED MANAGEMENT SERVICES, INC.**

FOR TRANSPORTS BY THE DUNKIRK FIRE DEPARTMENT

WHEREAS, the City of Dunkirk has entered into an agreement with Enhanced Management Services, Inc. to bill for ambulance transports by the Dunkirk Fire Department; and

WHEREAS, the billing rates need to be established by the Dunkirk Common Council; now, therefore, be it

RESOLVED, that Basic Life Support (BLS) transport rate be set at Five Hundred Twenty-Five Dollars (\$525.00); and, be it further

RESOLVED, that the mileage rate be set at Thirteen Dollars and Fifty Cents (\$13.50) per mile; and, be it further

RESOLVED, that City of Dunkirk residents will not be responsible for any charges above those received by any third party insurance (i.e. Medicaid, Medicare, private insurance); and, be it finally

RESOLVED, these rates will go into effect on July 6, 2011.

Carried, all voting aye.

RESOLUTION #41-2011
July 5, 2011

BY: ENTIRE COUNCIL

**RESOLUTION CHANGING THE COMMON COUNCIL
MEETING DATE FOR THE FIRST MEETING IN AUGUST, 2011**

WHEREAS, the Common Council wishes to change the date of their first meeting in August, and

WHEREAS, the Tuesday, August 2nd meeting will be changed to Monday, August 1st due to National Night Out, now, therefore, be it

RESOLVED, that the August 2nd meeting be changed to August 1st due to National Night Out.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #42-2011
NEW BUSINESS
JULY 5, 2011

BY: COUNCILWOMAN SZUKALA, SECONDED BY COUNCILWOMAN FLORAMO

**AUTHORIZING AWARD OF BID FOR THE FURNISHING
OF A POLICE PATROL CAR**

WHEREAS, the City has been awarded a grant under 2010/2011 Byrne JAG Grant Funds administered by the State of New York Division of Criminal Justice Services toward the purchase of a police patrol car; and

WHEREAS, sealed bids for the purchase of said vehicle were received and opened in the City Clerk's office at 2:00 P.M, local time, on Friday, July 1, 2011 with one (1) bidder responding; now, therefore, be it

RESOLVED, upon the review and recommendation of Police Chief Ortolano, that the bid of Delacy Ford, Inc., 3061 Transit Road, Elma, NY 14059, be accepted in the amount of \$24,362.00; and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute any necessary paperwork on behalf of the City of Dunkirk with the NYS Division of Criminal Justice Services and Delacy Ford, Inc., for the above described purchase in accordance with the bid documents, and that the funding shall be allocated from said grant funds; and, be it further

RESOLVED, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts necessary for this purchase; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:18 PM

Tom Mleczo, City Clerk