

COMMON COUNCIL PROCEEDINGS
July 6, 2010
-Beach House Grill-

The meeting was called to order at 6:05 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, Clerk, Board of Assessors Mleczo, Director of Development Ahlstrom, Personnel Administrator Heyden, and Fire Chief Ahlstrom.

RESOLVED: That the reading of the minutes of Tuesday, June 15, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Kurt Warmbrodt of 115 Frazier Street, Dunkirk, NY spoke and read the following statement:

“Ladies and Gentlemen:

The New York State Research and Development Agency has stated the desire to place windmills in Lake Erie. I would like to suggest that the City of Dunkirk look into locating windmills in Lake Erie off the waste water treatment plant, directly across from where we are today. The waste water plant was budgeted \$575,000.00 this year for electrical usage.

I ask you, can Dunkirk become the host of the windmill project and get the electricity for the waste water treatment plant for free? Should NYSERTA place 6 to 8 windmills in a cluster, one of the windmills in the cluster would produce enough power for our waste water plant. The waste water plant will be needed forever and the plant will need electricity forever.

Could Dunkirk get a multi year agreement for free electricity, 10 or 20 years?

The windmill project most likely will be build along Lake Erie in the next few years. Dunkirk should be on the lead of this project and get a reward for stepping forward and hosting the new construction.

A large majority of people I have spoken with regarding windmills in Lake Erie do not have a problem with placing them in the Lake.

This is a great opportunity for the City of Dunkirk to create new jobs in Dunkirk.

Thank you for listening.”

Kurt Warmbrodt
Dunkirk

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey thanked Mr. Warmbrodt for his input on the windmill project, and also thanked him for the Dunkirk Lakefront 5K Race/Walk that was held on July 3rd, stating that the race was a great success.

Mayor Frey spoke of the July 4th holiday weekend, stating that the City of Dunkirk had the largest crowd ever to watch the firework display. He also stated that the City went over budget in regards to the firework display, however, the City raised an additional \$13,000.00 from our clubs, businesses and industry in the City of Dunkirk; the City is now under budget due to the fundraising efforts, and hopes that we have enough left to put towards next years budget.

Mayor Frey stated that the beaches and parks were packed, thanks to the perfect weather, and thanked the Parks Department, Police Department, Streets Department, and the Fire Police.

Mayor Frey advised the public of upcoming events such as the Joe Karnes Tournament, the Auto Show at Point Gratiot, the Amara-Can Fishing Tournament, and the Rotary Club Fly-In. He further advised that we only have a 2-3 month span for such events, and reminded residents that there are costs associated with the success of these events.

Mayor Frey informed residents that hot patching the city's potholes is 99% complete. He thanked the Streets Department, especially the city's mechanics for converting a truck, making it possible to fill the potholes, at a minimal cost, without taking money from the General Fund. Mayor Frey stated that this was possible because everyone worked together, and further advised residents that if they have any pothole problems, to call the Streets Department (366-4411), or the Mayors Office (366-9882). He also stated that the Streets Department will soon begin their street paving program.

Mayor Frey reminded residents that First Ward brush pickup will begin tomorrow.

Mayor Frey mentioned that month end financial reports were turned in; Fund I came in 6.4% under budget, Fund II came in 8.9% under budget, and Fund III came in 2.4% under budget. He stated that this is a result of department heads working together, who are trying to cut costs, and save money. He praised everyone for their work.

Councilman-at-large Dolce advised that Building Inspector Zurawski, and Police Chief Ortolano were excused from tonight's meeting.

Communication from Mayor Frey appointing Marcelline Rice to the Dunkirk Zoning Board of Appeals to fill an unexpired term, effective immediately and will expire December 9, 2011.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Dom Polski Club requesting that Antelope Street be closed to traffic between East Second Street and Lake Shore Drive East on Saturday August 7th from 6:00 PM to 12:00 AM and August 8th from 3:00 PM to 9:00 PM, with the support of the City Parks, Police and Fire Departments, for their Annual Street Dance, along with a loudspeaker application from the Dom Polski Club requesting permission to use a sound system, and live bands on August 7th from 6:00 PM to 11:00 PM and on August 8th from 4:00 PM to 8:00 PM for their Annual Street Dance.

Councilman Michalski 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 Mari Ellen Szejbka requesting that the 400 Block of Robin Street (between 4th and 5th Street) be closed on August 14th from 11:00 AM to 12:00 PM to hold their Annual Block Party (rain date August 15th) with barricades at each end of the street.

Councilman Muldowney 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.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski thanked John Dolce, owner of the Beach House Grill for hosting tonight's Common Council Meeting.

Councilman Michalski stated that although money decides what the City decides to do, the City residents have a lot to be proud of; with the recent events of the Wreck & Roll, the July 4th celebration, and Music on the Pier. He further stated that you can not put a dollar figure on pride, and that you could see the pride with these recent events. Councilman Michalski thanked the Mayor for his efforts, Kory Ahlstrom and Bill Tuggle for their work on the Wreck & Roll, the Department of Public Works, and everyone involved with these events; their efforts are greatly appreciated.

Councilman Muldowney thanked Kory Ahlstrom and his staff for their efforts on the Wreck & Roll, and he also thanked Bill Tuggle for his work on Music on the Pier.

Councilman Muldowney stated that he would like to speak with Officer Polowy, or any member of the Police Department, after the meeting, in regards to an issue on New York Avenue, and to Kory Ahlstrom, about an auction issue for a house located in the Second Ward.

Councilwoman Floramo thanked everyone responsible for the summer months, and thanked the Department of Public Works for keeping the beaches clean, stating that there were over 200 people at the Wright Park beach over the holiday weekend.

Councilwoman Floramo advised that the next Personnel Committee Meeting will be held July 29th at 6:00 PM. Councilwoman Floramo further advised that due to a short week, and

computer problems reports were not completed. She stated that she will forward whatever reports are ready to the CAC, and then to the appropriate individuals at a later time.

Councilwoman Floramo spoke in regard to residents putting their rubbish, and brush out too early; stating that it is the same offenders, the City should increase the fines, and the laws need to be enforced.

Mayor Frey agreed with Councilwoman Floramo and stated that there will be change.

Councilwoman Szukala expressed her condolences to the Mayor on the loss of his sister, Joyce Frey, and that if there was anything that the Council could do, to let them know.

Councilwoman Szukala stated that the individuals responsible for the Wreck & Roll did a fabulous job, and that she would like to see every elected official volunteer at least one hour of their time next year. Councilwoman Szukala further suggested that a sign up sheet should be passed around, that this would not be too much to ask to help out our department.

Councilwoman Szukala advised that the Council will be on WDOE on July 13th from 9:30 to 10:00 AM.

Councilman-at-large Dolce advised that brush is being dropped off at the City Barns all hours of the night, and that perhaps we should look into posting hours at the main entrance letting residents know when and where brush can be dropped off.

Tony Gugino stated that one resident expressed concern, but if the Mayor or Council wanted signs that would be no big deal.

Councilman-at-large Dolce recognized and welcomed the new Animal Control Officer, Steve Purol.

Tony Gugino stated that it has been a tough year in regards to the hot patch truck issue; however, the Mayor, himself, and his department head have been working together everyday with the cooperation of the city employees, vendor's, and Fiscal Affairs Officer Curtin. Mr. Gugino advised that these have been tough, stressful months, but that we are on the same page, same team, and that we have a common mission; we live here, we know what we do, but at the same time it is challenging, and they are up to the challenge. Mr. Gugino continued by saying that it takes a lot of synergy, and that a lot of it comes from our employees, who are pushed to the max, but they are dedicated, and that most of them are right here living with us. Thank you for the recognition.

UNFINISHED BUSINESS:

PRE-FILED RESOLUTIONS:

RESOLUTION #45-2010
July 6, 2010

By: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF CITY ATTORNEY

WHEREAS, Section 2-6.01 of the City Code provides that the City Attorney shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-6.01 of the City Code, Mayor Richard Frey has appointed Michael Robert Cerrie, to be the part-time City Attorney, subject to the consent of the Common Council, and

WHEREAS, the City Attorney’s contract is due to expire on August 6, 2010, now, therefore, be it

RESOLVED, that Michael Robert Cerrie’s contract with the City of Dunkirk, as the part-time City Attorney, be extended to December 31, 2010, and shall be paid at the rate of \$500.00 per week.

Carried, all voting aye.

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.

Councilwoman Floramo stated that on May 20, 2008 she presented a resolution requesting a log of the City's contracted employees, and stated that she felt that it was up to the department heads to watch their employees, not up to the Council. Councilwoman Floramo further stated that as far as retirement, she is only in favor of this for the two contracted employees, but could not get support for that resolution at that time.

City Attorney Carrie informed Councilwoman Floramo that this is a mandate, not an option, from the New York State Retirement System. He further stated that this is New York State Retirement System's way to look into and investigate that the people who are paying into the system, are actually putting in the time. City Attorney Carrie stated that counties all across New York State have to do this. This is to ensure that there is no fraud within the Retirement System.

Councilman-at-large Dolce informed Councilwoman Floramo that this was stated in a letter dated last December.

Mayor Frey stated that having to log your time was not a bad idea.

Councilwoman Szukala moved to table this resolution until we get all the information needed to move forward.

Carried, all voting aye. Tabled.

NEW BUSINESS:

RESOLUTION #47-2010
NEW BUSINESS
July 6, 2010

BY: Councilwoman Szukala and Councilman Michalski

TRANSFERS FROM THE BILL CEASE FUND

WHEREAS, the Bill Cease Fund was created to support youth activities within the City of Dunkirk, and

WHEREAS, the City of Dunkirk currently has the funds available and designated for youth use, in a reserve account; now, therefore, be it

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn from the Bill Cease fund, in accordance with the terms of the reserve fund, to contribute towards a scholarship to be presented by the Joseph Karnes Memorial Fund, which is holding a Softball Tournament on Sunday, July 11th; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer’s office make the following entries on the ledger of this City, to accommodate the City’s share of this scholarship:

<u>ACCOUNT NO.</u>	<u>LINE</u>	<u>INCREASE</u>
<u>DECREASE</u>		
001-7140-4170	J Karnes Mem Sftbl Trn	\$ 500.00
001-0001-5031	Interfund Transfer	500.00
070-0070-2403	Reserve/Youth Programs	500.00
070-0070-9901-9000	Transfer To General Fund	500.00
070-0070-0201-2010	Recreation Cert of Deposit	\$ 500.00
070-0070-9999	Suspense – Recreation	500.00
070-0070-0200-2000	Cash	500.00
070-0070-9901-9000	Transfer To General Fund	500.00
001-0001-0200-2016	Cash	500.00
001-0001-5031	Interfund Transfer	
500.00		

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

Adjourned at 6:26 PM

William D. Tuggle, City Clerk
