

**COMMON COUNCIL PROCEEDINGS**  
**June 1, 2010**

The meeting was called to order at 7:03 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 Curtin, Building Inspector Zurawski, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Absent: Clerk, Board of Assessors Mleczeko.

**RESOLVED:** That the reading of the minutes of Tuesday, May 18, 2010 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Greg Sek, 14 Armadillo Street, Dunkirk, NY commented on resolution listings on the agenda. Would like the public to have more detailed information, so that the public knows what the resolutions are for, and what the money is being spent on.

Mr. Zurawski advised Mr. Sek that the resolutions give detailed information. Mr. Sek pointed out that the public's agenda's are not as detailed.

James Muscato, 280 Lakeshore Drive West, followed up with Mr. Sek's comments, to make the public aware of council meetings, resolutions, and agendas. He stated that it started with the website with Mr. Ahlstrom, but the last time anything was put on the website was January of this year (agendas, minutes, video). Mr. Muscato also advised that Mr. Ahlstrom should explain to the public if there are problems.

Kory Ahlstrom replied that the minutes are on the website; however, it appears that at this time it is not linking to the menu appropriately, he stated that this will be corrected. Mr. Ahlstrom further stated that with regard to the agendas, it's a timing issue. Incorrect agendas were posted on the website in the past; agendas are posted to the website retroactive once they become finalized.

Mr. Muscato also spoke in regards to the Animal Control Officer resolution. He stated that initially the entire council sponsored this resolution; however, there seems to be a difference of opinion from the council in the workshop. Mr. Muscato stated that the resolution does not explain how the \$2000.00 will be handled. Will it be similar to Mr. Baker's contract?

Councilman-at-large Dolce replied that the same resolution was used for the new Animal Control Officer that was used for Mr. Baker. He further stated that the agreement is the same with regards to the vehicle, insurance and gas.

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Frey stated that we are working on rebidding the sea wall in the First Ward along Lake Front Boulevard, rethinking what we want to do, working with the engineering firm and are hoping to have something a little more firm within the next 30 days.

Mayor Frey also stated that the Water Tower on Benton Street is being prepared to be painted. He stated that the exterior part of the tank will be worked on this year only.

Mayor Frey thanked the Public Works and the Parks Department in regards to the Memorial Day parade yesterday. He mentioned how beautiful Memorial Park, Point Gratiot, and the whole city looked. He further stated that a lot of people put a lot of time and effort, and that he could not thank them enough.

Mayor Frey stated that on Friday (June 4<sup>th</sup>) at 10:00 AM there will be another update on the Masonic Temple Building in regards to the fire, and the demolition. He hopes that there will be a contractor (who has the bid for the demo) at the meeting who will be able to give a time table, and answer any issues and concerns that the City has in regards to the demolition process.

Mayor Frey informed the public of a young gentleman with ties to the community. His parents Margaret (Beiger) and Tom Damon, his grandparents are Norm & Mary Ann Beiger, and his grandmother was the late Elsie Damon, who was a crossing guard for the City of Dunkirk. He advised that the name of the band was Thomas Winn & the Believers, from Orlando, Florida. Mayor Frey further stated that the Hard Rock Café has sponsored a contest, out of 26 cities which includes 150 bands this band is one of the 10 finalists; if they get enough votes they can be the band that goes to London, England this summer. Mayor Frey advised residents that they have until June 16<sup>th</sup> to cast their votes at [www.hardrockcafe.com](http://www.hardrockcafe.com), and encouraged the public to cast their vote.

Communication from the Mayor appointing himself to the Board of Directors of the Dunkirk Industrial Development Agency.

Councilman Muldowney moved that this be approved. Seconded by Councilwoman Floramo.

Vote on Communication:

Ayes: Councilman Muldowney, Councilwoman Floramo, Councilwoman Szukala, Councilman-at-large Dolce.

Abstain: Councilman Michalski. Carried (4-0).

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Arlette Rivera requesting permission to have a bounce house for her son's birthday party on June 12<sup>th</sup> at the Koch's Pavilion from 3:00 PM to 6:00 PM.

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

Carried, all voting aye.

Petition from Catherine Skrok to use the Cliffstar Skate Park on August 7<sup>th</sup> from Noon to 10:00 PM for their annual Skatefest.

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

Carried, all voting aye.

Loudspeaker applications from:

Catherine Skrok on behalf of Cattoos for 8-9 live bands playing for 15-20 minutes each at the Cliffstar Skate Park on August 7<sup>th</sup> from Noon to 10:00 PM for a fundraiser/scholarship fund event.

Councilman Muldowney moved to table this petition for further discussion.

Carried, all voting aye. Tabled.

Councilman-at-large Dolce proceeded to explain that the Council established a new policy on amplified music, that this individual falls within that organization, and that they will be allotted a four hour time. It is up to her to decide what four hour block she would like to fit her bands in. This is why the petition is being tabled. Once she decides, the Council will proceed from there.

The Clarion Hotel for live bands on the Dockside Café from June 1<sup>st</sup> thru October 2<sup>nd</sup> from 8:30 PM – 12:30 AM.

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

Carried, all voting aye.

James Oddo on behalf of Lakeshore Grillworks for amplifiers and speakers on June 27<sup>th</sup> from 5:00 PM to 8:00 PM, July 11<sup>th</sup> from 4:00 PM to 7:00 PM, and August 13<sup>th</sup> from 5:00 PM to 8:00 PM.

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

Carried, all voting aye.

Jehovah Nissi Church for 2 speakers, 1 guitar, 1 amplifier and 1 bass, in Washington Park on June 5<sup>th</sup>, and July 7<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, and 17<sup>th</sup> from 12:00 PM to 3:00 PM.

Councilwoman Floramo moved that permission be granted for June 5<sup>th</sup>. However, due to complaints from residents in the Washington Park area in regards to too much preaching, and

loud music, they must reapply for the remaining dates. City Clerk Tuggle will send a letter notifying the church of the changes.

Councilman-at-large Dolce also stated that City Clerk Tuggle's letter will state that the Council will not approve 3 consecutive days.

Seconded by Councilman Michalski.

Carried, all voting aye.

Cassandra Mazurek requesting a live band at Promenschenkle Stadium on July 11<sup>th</sup> from 6:00 PM to 9:00 PM.

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

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski advised that before the workshop this evening, there was a Public Works Committee meeting. Tony Gugino was in attendance, and updated the committee on positive things going on in that department. Mr. Gugino advised of the hot patch, and the reprocessing screening of top soil from leafs and grass that has been collected in the city over the years. Councilman Michalski also advised residents of the Parks Department more flexible scheduling. The Public Works Department is down 8-9 people, (seasonal hiring's) from last year. The department is trying to do more with less, saving time and money. Councilman Michalski thanked Mr. Gugino for his efforts.

Councilman Muldowney advised residents that he will miss the next council meeting. Chautauqua County Visitors Bureau has an annual dinner, and that he is on the Board.

Councilman Muldowney also stated that Senior Sweep will be Thursday June 24<sup>th</sup> from 8:00 AM to 12:00 PM. Even though he initially started this program, Mr. Tuggle does the real work, as he organized groups, and organizations for this event. He further stated that the Mayor, superintendent, and council members normally attend this event. He asked residents that if they have ideas or areas that need to be worked on, bring it to Mr. Tuggle's attention. Councilman Muldowney reminded everyone that this is the ninth year of this event and that we are the only ones in Chautauqua County who have an a event like this, and that we should be proud of our kids and the City's effort in putting this together.

Councilwoman Floramo thanks the Department of Public Works in regards to the potholes on Columbus Street between 5<sup>th</sup> and 6<sup>th</sup> Streets.

Councilwoman Floramo advised that the City continues to have a littering problem. She stated that the DPW Committee should look at the City code in regards to littering that was added in 1993. Councilwoman Floramo stated that the wording of that code is part of the problem, and that it should be looked at the next DPW meeting.

Councilwoman Floramo asked City Attorney Cerrie if a Personnel Meeting had been chosen.

City Attorney Cerrie replied that a date had not been selected, but expects a date to be selected after today's meeting.

Councilwoman Floramo advised residents that this Thursday, June 3<sup>rd</sup> Congressman Brian Higgins and Charles Buki have a Healthy Neighborhood Conference that will be held at SUNY Fredonia in the Williams Center from 8:30 to 1:00 PM. The cost for this event is \$15.00, which includes a lunch, and encouraged residents to attend.

Councilwoman Floramo stated that when she took office, she had Fourth Ward residents approach her to have the water tank repainted, but she stated that she did not get any support until the Department of Environmental Health stepped in. Councilwoman Floramo further stated that she was happy to see it done.

Mayor Frey replied that it was a lousy job that was done years ago, and that the individuals should not have been paid for that work. He further stated that the bill was paid under protest at the time, and that the only part of the tower that was worked on was the dome. Mayor Frey stated that this time the job is being done correctly, and professionally.

Councilwoman Szukala advised that the Council had met a while back in regards to the City's 5 year plan for the auditors, but was wondering how do we move forward. Does the Council have to come up with a resolution, or is this handled by the Treasurer, and Fiscal Affairs Departments? She stated that having a 5 year plan will help come budget time, and that this can be a time consuming project.

City Treasurer Mark Woods replied that the easiest way to proceed would be for the Council, and the Mayor to come up with a consensus, and that it would just be additional time on the auditing firm to develop a plan. He further stated that it is a simple process if you decide you want to proceed.

Councilman Michalski stated that we want the auditors to speak to the Finance Committee to hear what they have to say. Councilman Michalski also stated that 80-85% of the City's budget is spent on payroll, benefits, and pension; do we want to spend \$4000.00 to have them tell us how to budget for 15-20% of the City's budget? He further stated that the Council must decide first if they want to proceed with this study, and that he is not receptive to having and paying someone to tell the council how to manage 15-20% of the budget.

Councilman-at-Dolce stated that it was discussed at the last Finance Committee Meeting that the Council wants to make sure that this is exactly what we are looking for, because he does not want this to become another plan that just sits on the shelf. Councilman-at-large Dolce further stated that he liked Mr. Woods suggestion.

Councilwoman Szukala thanks Jody Briggs and Angela Figueroa from the Boys and Girls Club, along with the children from the Torch Club for their participation in the 3 Community Planting Projects. She also thanked the Mayor, Kory Ahlstrom, Terri Goss, Tom Rozumalski, and the Parks Department. Councilwoman Szukala also thanked Lake Shore Bank and Community Bank for their donations. She further stated that it was nice to see residents stopping by and asking the children what they were doing, where they were from, and telling the kids that they were doing a good job. The 3 projects the kids worked on are located at the Corner of Doughty Street and Route 60, Tenney Street and Roberts Road, and Central Avenue on the corner of Millard Fillmore.

Councilman-at-large Dolce complimented everyone on the parade, especially with the new route this year. He further stated that events like these involve extra costs, and that these costs add up during the course of the year. He further stated that the Council and the Administration will be looking into how the City can recoup costs associated with future events. Councilman-at-large Dolce stated that the City is not looking to make a profit of any events, but would like to cover costs associated with these events.

Councilman-at-large Dolce advised that the Council will proceed with the summer meetings. He further advised the Council to choose where they want to hold their meeting, that the meetings will be outdoors, and in their respective wards. The Workshops will begin at 5:30 PM, and that the Council meetings will begin at 6:00 PM.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #40-2010**

**June 1, 2010**

**BY: ENTIRE COUNCIL**

**AUTHORIZING PURCHASE OF A ONE-TON DUMP TRUCK  
FOR USE IN THE WATER MAINTENANCE DIVISION**

**WHEREAS**, the Water Maintenance Division is in need of a dump truck for division use; now, therefore, be it

**RESOLVED**, upon recommendation of Director of Public Works Gugino, the Public Works Department is hereby authorized to purchase a new one-ton dump truck utilizing NYSOGS State Contact pricing at a cost of \$25,754.71, and that the Mayor is hereby authorized to enter into a 3-year term lease-purchase agreement with First Niagara Leasing with monthly payments of \$763.26; and, be it further

**RESOLVED**, that funds for this purchase be allocated from CDBG fund lines for the years 2010, 2011, 2012 and 2013.

Councilman-at-large Dolce explained that this resolution was explained to the Council during the Department of Public Works meeting prior to the workshop.

Carried, all voting aye.

**RESOLUTION #41-2010**  
**June 1, 2010**

**BY: ENTIRE COUNCIL**

**AUTHORIZING REAL ESTATE LEASE AGREEMENT WITH PALMER-BRYANT  
REALTY FOR SUITE 330-340 IN THE STEARNS BUILDING,  
LOCATED AT 338 CENTRAL AVENUE**

**WHEREAS**, the City of Dunkirk desires to enter into a real estate lease agreement with Palmer-Bryant Realty for Suite 330-340 in the Stearns Building, 338 Central Avenue; and

**WHEREAS**, the term of this lease agreement is for five (5) years commencing on August 1<sup>st</sup>, 2010; and

**WHEREAS**, the agreed upon monthly lease payments are as follows:

Months 1 – 24	\$900.00 per month
Months 25 – 36	\$918.00 per month
Months 37 – 48	\$936.36 per month
Months 48 – 60	\$955.09 per month

and

**WHEREAS**, these premises will be used for office and television studio purposes only; now, therefore, be it

**RESOLVED**, the Mayor is hereby authorized and directed to execute a lease agreement with Palmer-Bryant Realty, 332 Central Avenue, Dunkirk, NY 14048.

Mayor Frey asked Christa Haynes if she had anything to add, stating that you're the one that looked at it, and I thought that it was pretty suitable for you, and I think you had more space available to you this time than last time. That's what I relayed to the Council earlier, and I hope that I didn't misquote you.

Carried, all voting aye.

**RESOLUTION #42-2010**  
**June 1, 2010**

**BY: Councilman Michalski, Councilwoman Floramo, Councilwoman Szukala**

**AUTHORIZING AGREEMENT  
FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, the City of Dunkirk requires the services of an Animal Control Officer on a part-time basis, and

**WHEREAS**, Steven A. Purol, is ready, willing and able to provide such services to the City of Dunkirk on a contract basis, and will provide such services in a good and workmanlike manner, and

**WHEREAS**, this agreement will commence on July 1, 2010 and terminate on June 30, 2011, now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute an agreement, on behalf of the City, with Steven A. Purol, 17 University Park, Fredonia, for various animal control services and parking enforcement, at a cost of \$2,000.00 (Two Thousand Dollars) per month, and, be it further

**RESOLVED**, that this agreement will commence on July 1, 2010 and terminate on June 30, 2011; and, be it finally

**RESOLVED**, that payment for these services is to be made out of Account #001-3510-4036 Control of Animals – Contracted Services.

Councilman Muldowney stated that there must have been some miscommunication, that he has never supported this resolution. He further stated that the Council has spent a lot of time on this issue, to their credit, but he will not support this resolution because he feels that the current employee has done a good job for the City. He further stated that any request he ever had to the ACO was answered, that he had his heart in the right place, and that he did a good job. Councilman Muldowney further stated that he see's nothing wrong with who the Council will now hire, he has been noted for voting against people in the past, but working well with them in the future. As a result, he will not be voting in the positive this evening.

Councilman-at-large Dolce complimented the Council stating that everyone played a role in this lengthy process. He further stated that Council hasn't been in charge with hiring anyone to his recollection; that the Council worked through the process and was glad to see it come to a completion this evening.

Ayes; Councilman Michalski, Councilwoman Floramo, Councilwoman Szukala, Councilman-at-large Dolce.

No: Councilman Muldowney

Carried, 4-1.

**ADJOURNMENT:**

Councilwoman Floramo moved to adjourn. Seconded by Councilman Muldowney.



Carried, all voting aye.

**Adjourned at 7:39 PM**

**William Tuggle – City Clerk**

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