

COMMON COUNCIL PROCEEDINGS
June 15, 2010

The meeting was called to order at 7:02 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Councilwomen Floramo, Szukala and Councilman-at-large Dolce. Absent: Councilman Muldowney.

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 Mlecsko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-large Dolce advised that Councilman Muldowney was excused from tonight's meeting.

RESOLVED: That the reading of the minutes of Tuesday, June 1, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Greg Sek, 14 Armadillo Street, Dunkirk, NY spoke in regard to "Music on the Pier". He stated that although it was too late this year, the Council should consider moving this event to the park. Mr. Sek stated that the Mayor had spent so much on this to look beautiful, and we should use it. He further felt that someone could drown by the pier as there are no railings, and they should start doing something for the public, and not confine this to the pier.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey advised that he was approached by the Girl Scouts of WNY requesting to use the Little League pavilion on July 7th & 8th from 9:00 to 11:30 AM in order to encourage girls from kindergarten through fourth grade to join the Girl Scouts. He further advised that they only needed the restrooms, and he needed to give approval tomorrow, as flyers had to be sent out before the school year ended.

Mayor Frey also spoke in regard to the article in the newspaper in reference to moving the Skatefest to the fairgrounds. He stated that he did not know all the problems existed as things do change, but informed the public that the policy for loudspeaker permits was drawn up by the Council, not the Mayor, that he would accept any responsibility for himself, but felt it was very unfair for the paper to blame only him. He further advised that the chain link fence originally from Add Lumber was totally taken down as this did not accomplish anything, and now is more accessible there to pick up. Mayor Frey further stated that we (the city) have always stepped forward to provide snow fencing, outhouses, whatever was needed, and felt it was unfair on his behalf to be chastised for something that was not his decision alone, but Council's policy. He further added that he accepted and went along with Council's policy additionally supporting it,

but the city should not be chastised for abiding by policy to make it fair for everyone in the neighborhoods.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Lisa Leavitt on behalf of Harvest Chapel Church requesting to use Washington Park on July 16th (Rain date July 19th) from 6:00 PM to 7:30 PM (with an additional hour on each end for set-up and clean up) for their closing celebration Community Block Party and Carnival. Also requesting the use of electricity for a popcorn and snow cone machine, permission to have pony rides, face painting, carnival games (with prizes), door prize drawings, and to distribute hamburgers, hot dogs, popcorn, and snow cones.

Councilwoman Floramo advised that this group has a large attendance, and it would be nice to have this event in our park.

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

Carried, all voting aye.

Petition from the Kosciuszko Polish Home requesting the services of a uniformed officer on July 2nd & 3rd from 7:00 PM to 12:00 AM for their Annual Street Dance.

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

Carried, all voting aye.

Petition from Michele Heenan, School 7 Building Administrator, requesting that the road between Serval and Warsaw Streets by the Dunkirk Little League field be closed to traffic from 8:00 AM to 2:00 PM on June 18th for their school-wide year end picnic.

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

Carried, all voting aye.

Petition from Sara Marsowicz on behalf of the DHS Class of 1985 Reunion Committee, requesting permission to set up a 20 foot by 30 foot tent alongside the lower pavilion at Point Gratiot, and requesting that 5 additional picnic tables be placed near the lower pavilion on July 10th for their Class Reunion.

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

Carried, all voting aye.

Petition from Jose Rodriguez requesting to use The Stadium and Koch's Fields on July 10th & September 5th for SLOW ONE-PITCH SOFTBALL TOURNAMENTS; also requesting additional trash cans and picnic tables.

Councilman Michalski moved that permission be granted contingent that the proper insurance is received. Councilman Michalski also moved to refer this to the Public Works Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Sixto Rosario on behalf of First Baptist Church requesting to use Washington Park every Thursday beginning July 8th thru August 12th from 5:30 PM to 7:30 PM for their Community Outreach Program called the The Bridge Ministries.

Councilwoman Floramo moved that approval is granted for July 8th & 15th only, and to reapply for permission for any future dates. Councilwoman Floramo also referred this to the PBA and Public Works Department. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Paula Schuk and Allecia Camarata from Silver Creek and Brocton After School Programs requesting to use Wright Park (behind the Beach Hut) on June 19th from Noon to 3:00 PM to hold a youth carnival.

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

Carried, all voting aye.

Loudspeaker application from Dunkirk Lighthouse, Adams Art Gallery, and Dunkirk Historical Society to use loudspeakers, and band equipment at the Dunkirk Lighthouse and Veteran's Park Museum on August 20th from 3:00 PM to 11:00 PM and on August 21st and August 22nd from 12:00 PM to 4:00 PM.

Councilman-at-large Dolce advised that the Lighthouse is a private park and does not fall under policy procedure.

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

Carried, all voting aye.

Loudspeaker application from First Baptist Church requesting to use a PA System, and a band in Washington Park every Thursday beginning July 8th thru August 12th from 5:30 PM to 7:30 PM.

Councilwoman Floramo moved that permission be granted for July 8th & 15th only. Seconded by Councilman Michalski. (Must reapply for future dates after July 15th).

Carried, all voting aye.

Loudspeaker application from Harvest Chapel Church requesting permission to use a amplifier, microphone, speaker, and live band in Washington Park on July 16th (Rain date July 19th) from 4:30 PM to 8:00 PM for their Community Block Party and Carnival.

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

Carried, all voting aye.

Loudspeaker application from the Beach House Grill requesting permission for loudspeakers, and a band on July 4th from 3:00 PM to 9:00 PM.

Councilwoman Floramo moved that permission be granted contingent on four hours of time for the music. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from the Beach House Grill requesting permission for loudspeakers, and a beer tent on July 4th from 3:00 PM to 9:00 PM to celebrate the Fourth of July.

Councilman Michalski moved that permission be granted pending that the proper insurance and alcohol permit are received by the city. Councilman Michalski referred this to the PBA. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Petition from the Lentz family requesting to put a tent near the Koch's Pavilion on July 3, 2010 for their family reunion.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Mayor Frey advised that the Nathan George Memorial Fund will be holding a tournament on August 14th, advising that our City Attorney, Mike Carrie was very instrumental in backing this, and acting on behalf of the Board of Directors they stepped up and donated \$500 for the Babe Ruth Field.

Councilman Michalski advised of an article in the Observer on June 6th regarding the softball tournament at Promenschenkel Stadium written by Gib Snyder, III. Councilman Michalski commended our Parks Department and Tom Rozumalski as this speaks highly of him and his group working down there, thanking them again for their efforts.

Councilman Michalski also advised that the next Council Meeting would be held at the Beach House Grill pending Council approval of the resolution.

Councilman Michalski further informed that we will get back on track as far as trash collection for July, and would be getting more information at the next meeting. He also addressed the Building Inspector and Chief relative to demolition after July 4th.

Building Inspector Zurawski informed that a permit would be issued for 1 Liberty Square on Friday with work to begin on Monday. He stated that they were doing final testing on

asbestos and monitoring this for twenty-four hours. He informed that once 1 Liberty Square is cleared, the next contractor will continue on.

Mayor Frey advised that everyone is on board, and that the fence has to be moved back, but the street will be opened for July 4th.

Councilwoman Floramo advised that the next Personnel Meeting would be at 6:00 PM on June 17th. She requested that any landlord or resident attend with any concerns.

Councilwoman Floramo also questioned if Fairview Avenue would be paved this year. Mayor Frey advised her that this would be resurfaced. She further advised that her Council Meeting in August would be held at Washington Park, informed of a beautiful letter received from the Girl Scouts, and advised of calls received in regard to blocking two mail boxes off on Lark Street.

Mayor Frey advised her that the street has been closed off since the fire in February, but there were two mailboxes behind City Hall.

Councilwoman Floramo also addressed the Police Chief relative to complaints she received about "boom boxes" and loud music while cruising around.

Police Chief Ortolano informed her that a dozen arrests have already been made, and they were still working on this.

Councilwoman Floramo spoke in regard to the school sidewalk, questioning if this was a school grant and if they handled it, as she was told to see the School Superintendent.

Public Works Director Gugino advised her that the city along with the DOT decides which sidewalks would be paved.

Director of Development Ahlstrom also informed that after the application was done and the grant received, the route was dictated. He stated that there was a map for the paving in the grant approval, that this particular grant dates back two years under his predecessors, and this was a four-year old grant. He further advised that we had to use the State formula in order to get funded.

Councilwoman Szukala advised that Council would be on WDOE this Friday at 9:30 AM, and spoke relative to CSX closing Brooks Avenue. She stated that the Council was not interested at this time, and requested that the City Attorney send them a letter on Council's behalf.

Councilman-at-large Dolce advised that the Finance Committee Meeting would be held on June 23rd at 5:00 PM.

Councilman-at-large Dolce also spoke in regard to the increase of loudspeaker applications being received by the Council for approval. He advised that there is a 30-day stipulation prior to the event requested, that Council is receiving more and more of these, and some are at the last minute. He therefore advised the public to submit these applications to the Council as soon as possible, as too much time is being spent on these, especially when they are last minute requests.

PRE-FILED RESOLUTIONS:

RESOLUTION #43-2010
June 15, 2010

BY ENTIRE COUNCIL:

**RESOLUTION CHANGING THE COMMON COUNCIL
MEETING TIMES FOR THE MONTHS OF JULY AND AUGUST**

WHEREAS, the Common Council wishes to change the time of their meetings in July and August, and

WHEREAS, the workshop will begin at 5:30 PM with the meeting starting at 6:00 PM, and

WHEREAS, the August 3rd meeting will be changed to August 2nd due to National Night Out, now, therefore, be it

RESOLVED, that the July 6th, July 20th, August 2nd and August 17th Common Council workshops will begin at 5:30 PM, and the meetings will begin at 6:00 PM, and, be it further

RESOLVED, that the August 3rd meeting be changed to August 2nd due to National Night Out.

Councilman-at-large Dolce advised that two meeting places were established, and the other two would be finalized at a later date. He also advised that a press release would be released with this information.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #44-2010
NEW BUSINESS
June 15, 2010

By Entire Council:

**AUTHORIZING SCHOOL RESOURCE OFFICER AGREEMENT
WITH THE DUNKIRK PUBLIC SCHOOLS**

WHEREAS, the Dunkirk Public School has requested to continue service from the City of Dunkirk for a School Resource Officer; and

WHEREAS, the City of Dunkirk has the ability to provide the service; and

WHEREAS, the Dunkirk Public School is willing and able to pay for said service in its entirety; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a contract on behalf of the City of Dunkirk, with the Dunkirk Public Schools, 620 Marauder Drive, Dunkirk, New York 14048, for the above described services in accordance with the contract document for the period of July 1, 2010 through June 30, 2013; and, be it further

RESOLVED, that reimbursement from the School District shall be credited to the following Account No. 001-0001-2266 Contracted Services – Police Officer.

Councilwoman Floramo advised that she would be voting against this resolution, as she felt the salary was above \$90,000, and the school could have two officers for \$37,000 apiece. She also felt that although this was a grant, this had to stop as this was Federal money, and the government was going broke.

Vote on resolution: Ayes: Councilman Michalski, Councilwoman Szukala and Councilman-at-large Dolce. No: Councilwoman Floramo.

Carried.

Councilman Michalski moved to adjourn. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Adjourned at 7:35 PM

William Tuggle, City Clerk
