

**PUBLIC HEARING**  
**June 21, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 6:05 PM.

Present: Councilmen Michalski, Muldowney, Councilwoman 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 Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom, and Police Chief Ortolano.

Absent: Building/Zoning Inspector Zurwaski.

Notice of Public Hearing was ready by City Clerk Mleczko.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on Local Law #6-2011 adding Appendix 3 to the Dunkirk City Charter entitled "City of Dunkirk Whistle Blower Policy".

**PUBLIC COMMENTS:**

No one spoke.

**Public Hearing adjourned at 6:06 PM**

**Tom Mleczko, City Clerk**

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**COMMON COUNCIL PROCEEDINGS**  
**June 21, 2011**

The meeting was called to order at 6:06 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 Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Councilman-at-large Dolce excused Building/Zoning Inspector Zurawski from tonight's meeting.

Certification of June 7, 2011 meeting was read by City Clerk Mleczko.

**RESOLVED:** That the reading of the minutes of Tuesday, June 7, 2011 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Rose Conti, 50 Lake Avenue, Brocton, NY, read the following:

“Good Evening, My name is Rose Conti; I am president of CSEA Unit 6300. I am here this evening to speak to you on behalf of my members who live in, work in and contribute to the City of Dunkirk.

It is difficult for me to hear politicians talk about public employees as if they were the reason the state, county and cities are having financial difficulties. Politicians and managers, not employees, set the rules, regulations, and laws. We are left to try finish and find a way to accomplish all their rules and plans with less staff and resources.

This is especially difficult when I see the waste of taxpayer’s dollars and employee’s time since the fire that happened in this city last year.

We all expected there to be some chaos in the beginning, but almost a year and a half later we are still struggling, with no clear plan or direction. Will we rent, will we buy, will we build, or will we cooperate with the city to build? No one has an answer, and until they do, taxpayer’s dollars will continue to be wasted and businesses will continue to suffer.

Staff is spread out all over the area, with only a handful left in downtown Dunkirk. They no longer shop at your stores, eat at your restaurants, or do their banking in Dunkirk. What use to be accomplished during lunchtime with a walk up the street is now done in Jamestown or on Rt. 60 on the way home.

The public we serve will also continue to suffer. There is no longer a convenient way for them to access the services they need. In some departments we are looking at diminishing more services for the North end of the county. Many of the clients that use our services are the working poor and the middle class. They now have to go to one place to see a county nurse, another for mental health services, another for probation, and still another to receive assistance. Many of them try to do this while maintaining a job or caring for their children or their elderly parents. We push them to succeed and then make it more difficult for them to do so.

Time and money are wasted every day with the added expense of employees driving all over the county and hauling equipment, forms, and records with them. They know that all this driving and setting up to see a few people in outlined area is a waste of their time and talent, but they have to do as they are told. They did not ask for the extra time and money it takes to do this. Poor working conditions only add to the wasted time it takes to do a job. How well do you think you could work if for over a year you couldn’t even have a phone at your desk to use; only a cell phone that gets poor or no reception in the office you have been squeezed into to work?

Every day we continue to do the real work to provide the services that are promised, while we are being vilified in the newspapers, in the media and all across the nation in rooms like this, where it is popular to blame the middle class public employees.

We don't get fame or recognition for our hard work. We also don't get the high pay and great retirements that everyone hears about. The Big Lie theory says the bigger the lie, the more often repeated, the more people believe. If the average CSEA member gets \$14,000 a year retirement what public employees are getting the huge retirements the politicians keep talking about?

I stand here this evening to say we are hardworking, middle class Americans. An attack on one is an attack on all. It is time to stop blaming the working class for the problems and start listening to them for real solutions."

Ms. Conti presented packets of information to the Council.

Reva Byczynski, 616 Brigham Road, Dunkirk, NY, read the following:

"My name is Reva Byczynski and I would like to thank everyone for their support of public employees against the NYCOM recommendations.

I am a PROUD CSEA union member. I come from a long line of UNION members.  
My Great Grandfather was a Steelworker at Dunkirk Radiator.  
My Grandfather and Brother were Steelworkers at True Temper.  
My Father was a Graphic Communications Worker at Great Lakes Color Printing.  
My Brother was a Steelworker at Dunkirk Radiator.  
My Daughter is a Steelworker at Remtronics.  
My Daughter and I were formerly Amalgamated Clothing Workers at M. Wile.  
My Sister and I are now CSEA members.

CSEA represents social workers, dietitians, nurses, cleaners, truck and buss drivers, teacher aides, laundry workers, and landfill and sewer district workers. Many jobs that most people would not want to do. We do them because we care about our communities and the public we serve. The media and the Council of Mayors would like you to think that we are all overpaid. Remember that Managers, the Governor, County Executives, and School Superintendents salaries are all averaged into the figures that they give you.

Tonight I would like to speak about the inefficiencies in the service provided by DSS to the community and the impact on the taxpayers of the North County.

It has been just over 1 year since DSS opened its temporary office for emergencies at 314 Central Ave. in Dunkirk with a staff of around 10 workers, depending on the day of the week.

Other county departments are located in several places around the county. Child Protection and Services are in the warehouse district, Adult Protection is in Mayville, Veterans services in the Senior Center, Probation on Courtney Street, Mental Health and Drug and Alcohol at Connections North, the Health Department in a building across from the Fairgrounds, and the Department of Motor Vehicles and Environmental Health at the D&F Plaza. The bulk of the DSS Dunkirk staff is located in the South County Office Building in Jamestown. When the emphasis is on consolidation and efficiency the county is still in a state of flux with no Plan in sight!

The county is paying workers from the South County to travel to Dunkirk, Sheridan, Westfield, and Pine Valley. Has anyone in Dunkirk; councilman, legislator or taxpayer, questioned the cost of travel, comp time, overtime, maintenance, equipment, rentals, and cell phone service that doesn't always work.

As I stated several months ago at the very council meeting, the monetary impact due to the loss of workers in downtown Dunkirk is tremendous. The public and the Council of Mayors are too busy bashing public employees to acknowledge that we are also homeowners and taxpayers in this county. The businesses in Dunkirk are suffering from a loss of revenue as we spend our money in Jamestown at the banks, post office, credit unions, stores, gas stations and restaurants. Gary at P&G hasn't seen me but once since Christmas. While Jamestown is "feasting" on our wages spent, Dunkirk is waiting for the "crumbs" falling off the table. The BIG HOLE in downtown Dunkirk should be a daily reminder of that very thing.

Again we read in the paper that the taxes will rise. We should be looking at the inefficiencies of government decisions and the cost to taxpayers, not berating the workers that go to work every day to serve the public the best way they can given the circumstances handed to them."

James Muscato, 280 Lake Shore Drive West, Dunkirk, NY, spoke in regard to Communication #5 in tonight's agenda submitted by the Dunkirk Citizens' Advisory Committee. Mr. Muscato stated he believes "all the recommendations were drawn up by one person on that committee, who is trying to achieve his own goals." Mr. Muscato advised that although he is not opposed to any Charter changes or Local Law designations, he recommends this communication be received and filed and if the Council and Mayor are serious about addressing these issues perhaps a Charter Reform Commission be established. Mr. Muscato further advised the last Charter Reform Commission in the City occurred in the 1970's and stated "the time is right that a new Charter Commission Reform Committee be set up and address the Charter and the Code."

Harriet "Skeeter" Tower, representing Academy Heights Neighborhood Association advised this group will be meeting Monday, June 27<sup>th</sup>, and spoke in regard to unresolved issues presented to the Council. Ms. Tower advised the Association would like to see a policy related to trash and litter and stated there are many irresponsible citizens who litter, but there is no consequence for their actions. Ms. Tower further advised there are no signs as you enter Dunkirk regarding littering fines and stated "we need to stand up and have a policy, and would like to see something written, some feedback."

Ms. Tower invited council members to attend their meetings, and stated "we haven't seen you; we don't get any response from you."

Ms. Tower advised of derelict housing and drug activity in the City and stated there are four derelict houses on Eagle Street; one house is owned by a city employee and questioned why he isn't held accountable for that property. Ms. Tower continued there are people who have invested heavily into their properties, who now have them for sale and had to lower the price on their properties due to the surrounding property. Ms. Tower further advised they made complaints about these houses and stated "we can come and talk, but why isn't there some response."

Ms. Tower advised of thefts on Swan Street stated her vehicle has been broken into 3 times and stated "what's happening in this city? Why can't we respond?" She further advised of a program called ZOOM which is comprised of a team of paid employees who document houses which need improvements and document why the improvements are not completed. "We haven't gotten any response on why that isn't being implemented, or even thought about or discussed, no press about it; let's be proactive, let's think about the positive way we can do these things."

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

Mayor Frey thanked Ms. Tower for speaking this evening and advised he will meet with them soon.

Mayor Frey thanked the Union Representatives for attending this evening's meeting and advised there is a dividing line in Chautauqua County between the North and South regarding DSS services and stated "this problem is much bigger than is going to be settled in this room or here in City Hall."

Mayor Frey congratulated and thanked the Dunkirk High School baseball and softball teams for their outstanding season.

Mayor Frey advised this Thursday, June 23<sup>rd</sup>, will be the 10<sup>th</sup> year for Senior Sweep and thanked Councilwoman Szukala for coordinating the event this year. Mayor Frey stated "the kids give back to us; they are 25 percent of our population, but 100 percent of our future."

On behalf of himself, and City Administration, Mayor Frey thanked Kory Ahlstrom and his Department for the outstanding job last Thursday, Friday, and Saturday with Music on the Pier, Hose Races, and Wreck & Roll. Mayor Frey further advised there were 10,000-12,000 people in the City on Saturday and reminded residents all these activities are paid for through sponsorship money, not taxpayer dollars.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Dabric Christian Youth Center requesting to use Washington Park and a pavilion at Point Gratiot to host a community even on August 11<sup>th</sup> and August 12<sup>th</sup> from Noon until 3:00 PM.

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

Carried, all voting aye.

Petition from Dom Polski Club requesting that Antelope Street be closed to traffic between East Second Street and Lake Shore Drive East on August 5<sup>th</sup> and August 6<sup>th</sup> from 6:00 PM until 12:00 AM, with the support of the City Parks, Streets, Police and Fire Departments for their "Annual Street Dance".

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

Carried, all voting aye.

Petition from Michelle Heenan, School 7 Principal, requesting Pine Street be closed to traffic between Serval Street and Warsaw Street on Thursday, June 23<sup>rd</sup> from 8:00 AM until Noon for their end of the year picnic.

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

Carried, all voting aye.

Communication from Valerie Pawlak regarding a response from Governor Cuomo regarding hydraulic fracturing and Marcellus Shale in New York State.

City Clerk Mleczko read the following:

Dear Ms. Pawlak:

Thank you for sharing your thoughts and concerns on hydraulic fracturing and the Marcellus Shale.

While I recognize that the existence of natural gas formations in New York State may provide significant benefits to our economy and energy security, I also understand that this process may pose new risks to public health and the environment. I believe we must thoroughly study the potential impacts of high volume hydraulic fracturing, and identify ways to lessen those impacts, before allowing any permits to be issued for this type of natural gas drilling.

For these reasons, I have continued an Executive Order that directs the New York State Department of Environmental Conservation (DEC) to complete its Supplemental Generic Environmental Impact Statement (SGEIS) – a comprehensive review of natural gas drilling’s environmental impact – before considering the issuance of permits for hydraulic fracturing. As part of this process, DEC will issue a second draft of the SGEIS this summer and accept another round of public comments before finalizing the SGEIS.

Thank you again for contacting me and for becoming an integral part of this process.

Sincerely,

Andrew M. Cuomo

Received and filed.

Communication from Dunkirk Citizens’ Advisory Committee regarding recommendations and requests for changes in Local Laws and City Charter.

**DUNKIRK CITIZEN’S ADVISORY COMMITTEE**

June 13, 2011

City of Dunkirk Common Council and Mayor  
c/o Dunkirk City Clerk  
Dunkirk City Hall  
342 Central Avenue  
Dunkirk, NY 14048

Re: Recommendations and requests for Changes in Local Laws and City Charter

Dear Common Council Members and Mayor:

Serving in the capacity of an advisory group to the City of Dunkirk Common Council and Mayor as is the established purpose of the Dunkirk Citizens' Advisory Committee, at the June 8, 2011 meeting, we unanimously approved that several recommended changes to local laws and the City Charter be submitted to the Common Council and Mayor. As such, please find attached those recommendations.

Along with the recommendations, the Dunkirk Citizens' Advisory Committee formally requests:

- 1) That the City Clerk read this letter and each of the submitted recommendations into the record during the next meeting of the City of Dunkirk Common Council meeting on Tuesday, June 21, 2011;
- 2) That the Common Council takes up each of the submitted recommendations individually for consideration and that appropriate discussion and action the Common Council deems appropriate take place for each one during the next 60 days;
- 3) That the Common Council approve those recommendations and any appropriate amendments or modifications (e.g., cap percentages, appropriate legalese) as local laws when it is legally appropriate and there is sufficient consensus to so do; and
- 4) That the Common Council include those recommendations and any appropriate amendments or modifications (e.g., cap percentages, appropriate legalese) that are legally required to be placed before voters as a ballot initiative on the November, 2011 ballot if there is sufficient consensus to so do.

We thank the members of the Dunkirk Common Council and the Mayor for all their efforts on behalf of our city and their consideration of these recommendations and requests. We thank them for this opportunity to advise them in an effort to serve our fellow citizens in the City of Dunkirk.

Best wishes.

Sincerely,

Donna Keith  
Chairman  
Dunkirk Citizens' Advisory Committee

Attachment

#### **DUNKIRK CITIZENS' ADVISORY COMMITTEE**

**Recommendations and Requests for Changes in Local Laws and City Charter**  
as submitted to the City of Dunkirk Common Council and Mayor on June 13, 2011

Below are the Recommendations and Requests for Changes in Local Laws and City Charter as unanimously approved for submission by the Dunkirk Citizens' Advisory Committee at its regularly scheduled meeting on June 8, 2011.

Please review each recommendation on its own. The order and numbering are meant only as a means of identification and do not relate to the perceived preference, priority or urgency.

#### **RECOMMENDATION 1**

##### **Neptune Sculpture Ownership**

Until such time as the Neptune Sculpture (formerly part of a fountain located in Washington Park and now housed in the SUNY Fredonia Natatorium) is returned to a place of public display with the City of Dunkirk and clear title granted to the City of Dunkirk, no further funds nor resources shall be given, granted, lent, reimbursed or otherwise transferred to the Dunkirk Historical Society or any related organization by the City of Dunkirk directly or through any other organization acting as an intermediary to the benefit of the Dunkirk Historical Society. There is no time limit related to this measure.

RECOMMENDATION 2

**Property Tax Cap**

The City of Dunkirk is hereby limited to no more than a 0.5% year over year property tax increase per annum or cumulative 2.0% increase over five years without the approval by the majority of voters at a regularly scheduled General Election on the first Tuesday in November in the year prior to proposed increase effective date. Property tax decreases shall in no way be limited.

RECOMMENDATION 3

**Annual Schedule of Licenses, Fees and Non-Property Taxes with Associated Cap**

The City of Dunkirk is hereby mandated to publish on or before December 15<sup>th</sup> each year a complete schedule of all licenses, fees and non-property tax is limited to no more than a 1.0% year over year increase per annum or cumulative 2.5% increase over five years without the approval by the majority of voters at a regularly scheduled General Election on the first Tuesday in November in the year prior to proposed increase effective date. No new license, fees & non-property tax shall be established or instituted without the approval by the majority of voters at a regularly scheduled General Election on the first Tuesday in November in the year prior to proposed increase effective date. The decrease or elimination of any individual license fees & non-property tax shall in no way be limited.

RECOMMENDATION 4

**Term Limits**

Section 2.01 shall be amended to “The Mayor shall be limited to no more than two (2) consecutive elected terms for the same elected office. Council Members and Assessors shall be limited to no more than five (5) consecutive elected terms for the same elected office. The City Judge shall be limited to no more than two (2) consecutive elected terms for the same elected office.

RECOMMENDATION 5

**Forms of Government**

New Proposed Form #1

The City Council shall be comprised of five (5) members as follows:

One (1) Council Member At-Large – Any candidate for At-Large Council Representative may live in any area of the City and is elected by majority of voters city-wide.



Four (4) Ward-Specific Council Members – Any candidate for Ward-Specific Council Member must live within the Ward for which the candidate seeks to be elected and is elected by majority of voters in the Ward for which the candidate seeks to be elected.

(IF SECELECTED, THIS WILL BECOME EFFECTIVE AND IMPLEMENTED FOR THE VOTES CAST ON NOVEMBER 1, 2011 WITH ONLY WARD SPECIFIC VOTES COUNTED FOR EACH WARD SPECIFIC COUNCIL MEMBER)

#### New Proposed Form #2

The City Council shall be comprised of three (3) members as follows:

One (1) Council Member At-Large – Any candidate for At-Large Council Representative may live in any area of the City and is elected by majority of voters city-wide.

Two (2) Section-Specific Council Members – Candidates must live within Section for which the candidate seeks to be elected and is elected by majority of voters in the Section for which the candidate seeks to be elected. The Eastern Section shall be comprised of the First and Fourth Wards and the Western Section shall be comprised of the Second and Third Wards.

(IF SELECTED, THIS WILL BECOME EFFECTIVE AND IMPLEMENTED FOR THE VOTES CAST ON NOVEMBER 1, 2011 WITH THE INDIVIDUAL RECEIVING WITH THE MOST VOTES IN THE FIRST WARD AND FOURTH WARD BEING ELECTED EASTERN SECTION COUNCIL MEMBER AND THE INDIVIDUAL RECEIVING WITH THE MOST VOTES IN THE SECOND WARD AND THIRD WARD BEING ELECTED WESTERN SECTION COUNCIL MEMBER).

#### Current Form

The City Council shall be comprised of five (5) members as follows:

One (1) Council Member At-Large – Any candidate for At-Large Council Representative may live in any area of the City and is elected by majority of voters city-wide.

Four (4) Ward-Specific Council Members – candidates must live within the Ward for which the candidate seeks to be elected and is elected by majority of voters city-wide.

(IF SELECTED, NO CHANGE WILL TAKE PLACE)

Received and filed.

Loudspeaker application from Antonio Villegas for drums, guitars, microphone, tambourines, amplifiers, maracas, and bongos on June 25<sup>th</sup>, July 2<sup>nd</sup>, August 6<sup>th</sup> from 5:00 PM until 9:00 PM for church services at the pavilion behind Family Dollar.

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

Carried, all voting aye.

Loudspeaker application from Dom Polski Club requesting permission for band equipment and a live band on August 5<sup>th</sup> and August 6<sup>th</sup> from 7:00 PM until 11:00 PM for their “Annual Street Dance”.

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

Carried, all voting aye.

Loudspeaker application from Dunkirk Historical Lighthouse and Veterans Park Museum to use a loudspeaker and sound system on August 26<sup>th</sup> from 5:00 PM until 11:00 PM, August 27<sup>th</sup> from 12:00 PM until 12:00 AM, and August 28<sup>th</sup> from 12:00 PM until 9:00 PM.

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

Carried, all voting aye.

Loudspeaker application from Kingsmen Motorcycle requesting permission for a 4 piece band at 110 E. Fourth Street on June 25<sup>th</sup> from 2:00 PM until 6:00 PM.

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

Carried, all voting aye.

Loudspeaker application from Gloria Ramirez requesting amplified speakers at Point Gratiot Koch's Pavilion on July 2<sup>nd</sup> from 4:00 PM until 8:00 PM for a graduation party.

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

Carried, all voting aye.

Loudspeaker application from Dabric Youth Center requesting to use microphone, amps, drums, speakers, guitars in Washington Park and Point Gratiot large pavilion on August 11<sup>th</sup> and August 12<sup>th</sup> from 12:00 PM until 3:00 PM.

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

Carried, all voting aye.

Petition from The Dunkirk Midget Football League Association requesting permission to use the corners of Fourth Street and Central Avenue, Fifth Street and Central Avenue, and Doughty Street and Route 60 to conduct a "Tag Day" fundraiser on August 20<sup>th</sup> from 8:00 Am until 5:00 PM. Also, requesting permission to hold a Chiavetta's Chicken BBQ at the Point Gratiot Pavilion on September 3<sup>rd</sup> from 12:00 PM until 5:00 PM.

Councilwoman Szukala moved that permission be granted contingent upon the removal of the Route 60 location, advised the group must come in a pay the pavilion rental fee and referred this to the PBA and Department of Public Works. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Petition from Dena Jo Brown requesting permission to use Point Gratiot for approximately an hour on Monday and/or Tuesday beginning July 5<sup>th</sup> thru August 30<sup>th</sup> for a Summer Zumba Fitness Class Session.

Councilman-at-large Dolce advised this was pulled during workshop session. Council requiring more information.

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

Councilman Michalski thanked Kory Ahlstrom, Tim Gornikiewicz, the Festivals Committee for their work this past weekend and stated “Dunkirk was not just a location over this past weekend, it was a destination, we should be very proud of that.” Councilman Michalski also stated “most of what we do up here comes down to facts and figures, ultimately money; I think that over this weekend you can’t put a dollar figure on pride” and reminded residents all activities this past weekend were free. Councilman Michalski acknowledged the City has bigger issues that need to be addressed, as mentioned by Ms. Tower, but stated we can all be proud of what was accomplished this past weekend.

Councilman Muldowney advised Music on the Pier was moved to the pier from Memorial Park several years ago, was amazed at the crowds this weekend, and thanked Kory Ahlstrom, Tim Gornikiewicz, Festivals Committee members, City Departments and all the volunteers who helped this past weekend.

Councilman Muldowney advised Ms. Tower raised good points during privilege of the floor, and he would be glad to come back to their meetings.

Councilman Muldowney recognized the Pangolin Street Group in attendance this evening and advised they have not been forgotten.

Councilwoman Floramo advised she was sorry that Building & Zoning Officer Zurawski was not in attendance this evening because there is property with tall grass on Marsden Street near the railroad tracks that needs tending to.

Councilwoman Floramo inquired with Development Director Ahlstrom if he could obtain specific records for her from Mr. Gornikiewicz.

Councilwoman Floramo advised City Attorney Carrie she placed paperwork in his office last week and was hoping that he could review them.

Councilwoman Floramo asked Councilman Michalski if he could explain the Rising Star Program that is offered in the City.

Councilman Michalski explained the Rising Star Program guidelines, advised applications could be obtained in the City Clerk’s Office or any sponsorship locations, and if anyone had questions they could call him.

Councilwoman Floramo stated that Ms. Tower has been very active in this community, agreed with her in regard to the litter problem in the City, and advised there is a fee for littering in the City Charter. Councilwoman Floramo further advised residents that small neighborhood watch groups work in the City.

Councilwoman Szukala advised she will have answers by closing of tomorrow in regard to the tall grass along the railroad tracks in the Fourth Ward, stated the railroad representative works out of Maryland, and was informed that the railroad is only responsible to cut the grass twice per year. Councilwoman Szukala further advised residents the grass has not been mowed

this year and stated “we will have an answer by tomorrow as how the city is going to proceed, whether were going to continue on the same route that they have been doing or do something different.” Councilwoman Szukala advised residents if they have any questions they can call her Thursday.

Councilwoman Szukala advised residents that she has adopted the two Welcome signs as you enter the city in the Fourth Ward, and was taken aback and upset as a city resident approached her and told her they were not paying city tax dollars for you to make those signs look pretty. Councilwoman Szukala stated “half the flowers that have come to those signs have come from my personal gardens, the water that goes to those signs come from my tap, which I pay for, and I take great pride in those signs that we started last year with the Boys & Girls Clubs.” Councilwoman Szukala further advised she is in City Hall three days a week, addressing the issues and stated “I am not doing that entirely as my whole job, I’m doing that in addition to my job.”

Councilman-at-large Dolce advised that the Council will be on WDOE, Wednesday, June 29<sup>th</sup> at 9:00 AM.

Councilman-at-large Dolce advised he recently attended an Academy Heights meeting; the group gave him some addresses to forward to Building/Zoning Officer Zurawski, and stated “if she has more addresses or wants more information on the current ones I would gladly follow up.”

Councilman-at-large Dolce inquired if the meeting with the Pangolin Street group was still scheduled for this Saturday.

Mayor Frey advised he was under the impression that the meeting was cancelled due to the Dunkirk High School Graduation Ceremony scheduled for Saturday morning.

Councilman-at-large Dolce advised the meeting date with the group is to be determined.

**RESOLUTION #34-2011**  
**JUNE 7, 2011**

**By: ENTIRE COUNCIL**

**INTRO NO. 6 TO LOCAL LAW NO. 6-2011**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW ADDING APPENDIX 3 TO THE**  
**DUNKIRK CITY CHARTER**  
**ENTITLED “CITY OF DUNKIRK WHISTLE BLOWER POLICY”**

**CITY OF DUNKIRK WHISTLE BLOWER POLICY**

1. Every member of the Dunkirk Common Council (the “Council”) and all elected and appointed officials, and employees of the City of Dunkirk (the “City”) thereof, in the performance of their duties, shall conduct themselves with

honesty and integrity, and observe the highest standards of business and personal ethics, as set forth in the Code of Ethics of the City of Dunkirk (the "Code"). (See Chapter 30 of the City Code).

2. Each Council member, elected and appointed official or employee of the City, is responsible to report any violation of the Code (whether suspected or known) to the Councilman-at-Large. Reports of violations will be kept confidential to the extent possible. No individual, regardless of their position with the City, will be subject to any retaliation for making a good faith claim, and any employee who chooses to retaliate against someone who has reported a violation shall be subject to disciplinary action, which may include termination of employment. Regardless, any claim of retaliation will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate offense.

3. The Councilman-at-Large is responsible for immediately forwarding any claim to the City Attorney's office, who shall investigate and handle the claim in a timely manner.

4. This policy shall go into effect July 1, 2011, and will be reviewed annually.

Councilman Muldowney moved to remove this Resolution from the table for vote.

Carried, all voting aye. Removed.

Vote on Resolution: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #36-2011**  
**June 21, 2011**

**BY: ENTIRE COUNCIL**

**AUTHORIZING RENEWAL OF 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, has been the providing the service as Animal Control Officer on a part-time basis, and is ready, willing and able to continue 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**, the Common Council would like to renew the Agreement for Animal Control Services which will commence on July 1, 2011 and terminate on June 30, 2012, 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, 2011 and terminate on June 30, 2012; 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.

City Attorney Carrie advised that the Mayor, Councilwoman Szukala, and Animal Control Officer Steve Purol met with an Agriculture & Markets representative to discuss whether the ACO was considered a city employee. City Attorney Carrie advised upon meeting with the Agriculture & Markets representative and speaking with her supervisor in Albany the State is fine with how the city is handling this issue. City Attorney Carrie thanked Councilwoman Szukala for her help.

Councilman Muldowney advised he was the lone vote against hiring Mr. Purol as Animal Control Officer last year, thanked Mr. Purol for the wonderful job he has done during this past year and stated “I guess I was wrong.”

Animal Control Officer Steve Purol jokingly responded “it has been a fun 3 years, I mean one year.”

Carried, all voting aye.

**RESOLUTION #37-2011**

June 21, 2011

By: ENTIRE COUNCIL

**AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL OF THE SHARED SERVICES AGREEMENT OF THE DOG CONTROL OFFICER BETWEEN THE CITY OF DUNKIRK AND THE TOWN OF DUNKIRK**

**WHEREAS**, the Town of Dunkirk would like to renew their Shared Services Agreement of the Dog Control Officer with the City of Dunkirk; and

**WHEREAS**, the Town of Dunkirk would like an Agreement from July 1, 2011 through December 31, 2011; and

**WHEREAS**, the Town of Dunkirk is willing to continue to pay the City of Dunkirk the fee of Two Thousand Dollars (\$2,000.00) per year, to be paid quarterly, for the service of a Dog Control Officer, and Seventeen Dollars (\$17.00) per day for each dog that is caught in the Town that needs to be housed at the City's Animal Shelter; and

**WHEREAS**, the services of the Dog Control Officer for the Town of Dunkirk would be for emergency backup only; now, therefore be it

**RESOLVED**, that the Mayor is hereby directed and authorized to execute any and all documents to enter into a renewal Agreement with the Town of Dunkirk for a Shared Services Agreement of the Dog Control Officer for the period of July 1, 2011 through December 31, 2011; and, be it finally

**RESOLVED**, that the Town of Dunkirk agrees to pay the City of Dunkirk a fee of Two Thousand Dollars (\$2,000.00) per year, to be paid quarterly, for the service of an emergency backup Dog Control Officer, and 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.

Councilwoman Szukala advised if we were going to continue with the shared service with the Town of Dunkirk she felt it was necessary to meet with them in person to discuss whether it be shared services of the shelter alone, or shared services of the Animal Control Officer and motioned to pull this Resolution.

Councilman-at-large Dolce advised we will continue with the discussion.

Councilwoman Floramo advised she was disappointed council would not be voting on the Resolution and stated "when I left the council meeting the other night it was agreed upon that we would do it." Councilwoman Floramo thanked Animal Control Officer Steve Purol for doing a good job, and stated there are more important things to work on, including the lakefront wall.

Councilman-at-large Dolce advised that after last night's meeting their only concern was to contact the Town of Dunkirk to see if they were willing to pay Mr. Purol

directly. Councilman-at-large Dolce further advised everyone was in agreement with the shelter fee last night and stated "if I knew it was a concern I would have addressed it last night and we could have acted on it tonight." Councilman-at-large Dolce advised he has a concern in regard to the language of this Resolution and stated the language in the Resolution could be changed. Councilman-at-large Dolce advised he will not be supporting pulling this Resolution this evening.

Councilman Muldowney advised he will be supporting pulling this Resolution; it would give the City and Town an opportunity to sit down and talk face to face. Councilman Muldowney further advised he does not have a problem with sharing the shelter with the Town and stated "I don't think by putting it off by two weeks it really hurts us."

Vote on Pulling Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala.

No: Councilwoman Floramo, Councilman-at-large Dolce.

Carried 3-2 Pulled.

Councilman Muldowney advised that a second motion was needed to pull this Resolution.

Councilwoman Szukala motioned to pull this Resolution. Seconded by Councilman Muldowney.

Vote on Pulling Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala.

No: Councilwoman Floramo, Councilman-at-large Dolce.

Carried 3-2 Pulled.

**RESOLUTION #38-2011**  
**JUNE 21, 2011**

**BY: COUNCILMAN MULDOWNEY**

**AUTHORIZING BUDGET LINE MODIFICATION  
FOR FIRE DEPARTMENT**

**WHEREAS**, some expenses have exceeded the contracted services of Fire Department vehicles, as well as some appropriates have surpluses for FY 2011; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:



**GENERAL FUND**

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-3410-4001	Travel & Training		\$1,500.00
001-3410-2000	Equipment		\$2,000.00
001-3410-4020	Uniforms		\$2,000.00
001-3410-4002	Supplies	\$2,000.00	
001-3410-4036	Contracted Svcs	\$3,500.00	

City Clerk Mleczek advised Resolution #38-2011 will now be known as Resolution #37-2011.

Councilman-at-large Dolce advised there is an amendment to this Resolution; vehicles in the second line of this Resolution should be eliminated.

**RESOLUTION #37-2011**  
**JUNE 21, 2011**

**BY: COUNCILMAN MULDOWNEY**

**AUTHORIZING BUDGET LINE MODIFICATION  
FOR FIRE DEPARTMENT**

**WHEREAS**, some expenses have exceeded the contracted services of the Fire Department, as well as some appropriates have surpluses for FY 2011; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:

**GENERAL FUND**

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-3410-4001	Travel & Training		\$1,500.00
001-3410-2000	Equipment		\$2,000.00
001-3410-4020	Uniforms		\$2,000.00
001-3410-4002	Supplies	\$2,000.00	
001-3410-4036	Contracted Svcs	\$3,500.00	

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

**Adjourned at 6:54 PM**

**Tom Mleczo, City Clerk**

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