

**PUBLIC HEARING
March 1, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 6:20 PM

Present: Councilmen Muldowney, Michalski, 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, Building/Zoning Officer Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom, and Police Chief Ortolano.

Notice of Public Hearing was ready by City Clerk Tuggle.

Public Hearing was held for the purpose of giving interested persons and opportunity to comment on Local Law to Amend Chapter 31 "Fees", Article I "Recreation Services Fee Schedule" Section 31-2 Entitled: "Fee Schedule" "Rental Pavilions at Point Gratiot" of the Dunkirk City Code.

PUBLIC COMMENTS:

No one spoke.

Public Hearing adjourned at 6:21 PM

William D. Tuggle, City Clerk

**COMMON COUNCIL PROCEEDINGS
March 1, 2011**

The meeting was called to order at 6:21 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, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of February 15, 2011 meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, February 15, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey congratulated Jerome Moss and the Dunkirk High School basketball team on their successful season as the team went 19-1.

Mayor Frey advised that his office has been receiving calls about gas company related work being done in the city, and advised residents they should be persistent in dealing with the gas company about follow-up repairs. Mayor Frey further advised residents to continue to call his office with their complaints and concerns.

Mayor Frey advised he received sales tax revenue figures for the fourth quarter and stated we ended the year with an \$87,000 surplus.

Mayor Frey complimented and thanked Animal Control Officer Steve Purol for doing an outstanding job, and advised he has generated a tremendous amount of income for the city.

Communication from Mayor Frey appointing John Kuzdale, Esq., of 68 N. Jerboa Street, Dunkirk, New York as Acting City Court Judge effective March 5, 2011.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from the Dunkirk City School District requesting a uniformed police officer on Tuesday, May 17, 2011 from Noon to 3:00 PM at School Seven for their Annual School Budget Vote and Election of Board Members.

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

Carried, all voting aye.

Petition from Chautauqua Opportunities, Inc. requesting permission to hold a community volunteer clean up day on April 16, 2011 from 9:00 AM to 3:00 PM.

Councilwoman Floramo thanked COI and the Washington Park Committee for offering this clean up and advised that they will be concentrating in her ward.

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

Carried, all voting aye.

Loudspeaker application from the Dunkirk Historic Lighthouse and Veterans Park Museum requesting permission to have bands and to use loudspeakers on July 8th, 9th and 10th from 1:00 PM to 11:00 PM for their three day music festival.

Councilman Muldowney moved that permission be granted contingent on a 4 hour time period for the music. Councilman Muldowney further advised the Dunkirk Lighthouse Committee must notify the City Clerk's Office of the 4 hour time period per day that they have chosen. Seconded by Councilwoman Floramo.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski had nothing to report at this time.

Councilman Muldowney had nothing to report at this time.

Councilwoman Floramo had nothing to report at this time but stated that we must get together for a personnel meeting.

Councilwoman Szukala welcomed Janice Dekoff, the new library director, and invited city residents to stop by the library to meet her. Councilwoman Szukala further advised residents if they had any suggestions regarding the library let it be known so they could be presented to the Library Board of Directors.

Councilwoman Szukala advised residents that she has spoken with Chief Ortolano regarding graffiti in the city. Councilwoman Szukala asked Chief Ortolano if he had an opportunity to speak to the officers and have there been any arrests.

Chief Ortolano advised he has spoken with the afternoon and night shift supervisors, they have a few leads, they are working on it, and stated "we caught a couple of them last year, and we'll try and do the same again this year."

Councilman-at-large Dolce advised that the Council will be on WDOE on Friday, March 11th at 9:00 AM.

Councilman-at-large Dolce advised the next Finance Committee meeting will be held Monday, March 14th at 5:00 PM.

Councilman-at-large Dolce announced the results from the Trap, Neuter, and Return Program for 2010. Councilman-at-large Dolce advised 36 cats were tested and given rabies vaccinations by the Humane Society; 16 being spayed, 12 neutered, 8 euthanized. Councilman-at-large Dolce thanked Shannon from the Humane Society, and Animal Control Officer Steve Purol for their work.

UNFINISHED BUSINESS:

RESOLUTION #15-2011
FEBRUARY 15, 2011

By: COUNCILWOMAN SZUKALA

INTRO NO. 4 TO LOCAL LAW #4-2011
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO AMEND CHAPTER 31 "FEES",
ARTICLE I "RECREATION SERVICES FEE SCHEDULE"
SECTION 31-2 ENTITLED "FEE SCHEDULE"
"RENTAL OF PAVILIONS AT POINT GRATIOT"
OF THE DUNKIRK CITY CODE**

BE IT ENACTED by the City Council of the City of Dunkirk, New York as follows:

Section 1 Intent.

It is the intent of this Local Law to amend Chapter 31, Article I, Section 31-2 "Fee Schedule" – "Rental of Pavilions at Point Gratiot" to increase the present fee schedules for recreation services rendered by and use of recreation facilities owned by the City of Dunkirk.

Section 2 Amendment of City Code.

Chapter 31, Article I of the Dunkirk City Code is hereby amended as follows:

§ 31-2. Fee schedule.

Rental of Pavilions at Point Gratiot

Large Pavilion

DELETE

Section A (capacity 60)		
City Residents	\$	10.00
Non-Dunkirk City Residents		\$ 20.00
Section B (capacity 96)		
City Residents	\$	20.00
Non-Dunkirk City Residents		\$ 40.00
Section C (capacity 60)		
City Residents	\$	10.00
Non-Dunkirk City Residents		\$ 20.00
Entire Pavilion (capacity 216)		
City Residents	\$	40.00
Non-Dunkirk City Residents		\$ 80.00
Lower Pavilion		
(Capacity 96)		
City Residents	\$	25.00
Non-Dunkirk City Residents		\$ 50.00
Koch's Pavilion		
(Capacity 96)		
City Residents	\$	25.00
Non-Dunkirk City Residents		\$ 50.00

NOTE: **There will be no fee charged to groups of handicapped individuals or to groups of Senior Citizens who reserve the pavilions.**

AMEND

Rental of Pavilions at Point Gratiot**ADD**

Effective April 4, 2011, the following fees are hereby established:

AMEND**Large Pavilion**

Entire Pavilion (capacity 216)

City Residents \$ 75.00

Non-Dunkirk City Residents \$ 150.00

Lower Pavilion

Entire Pavilion (Capacity 96)

City Residents \$ 50.00

Non-Dunkirk City Residents \$ 100.00

Koch's Pavilion

Entire Pavilion (Capacity 96)

City Residents \$ 50.00

Non-Dunkirk City Residents \$ 100.00

Section 3 Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Muldowney motioned to remove this Local Law from the table. Seconded by Councilwoman Szukala.

Carried, all voting aye. Removed.

Vote on Resolution:

Carried, all voting aye.

PRE-FILED RESOLUTIONS:**RESOLUTION #16-2011**

MARCH 1, 2011

BY COUNCILWOMAN FLORAMO:

AUTHORIZING CONTRACT FOR JULY 4TH FIREWORKS DISPLAY

WHEREAS, the City has solicited proposals for the annual July 4th fireworks display with two (2) proposals being received and reviewed, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with Zambelli Fireworks Internationale, P.O. Box 1463, New Castle, PA 16103, in the amount of \$30,000 for the July 4, 2011 (rain date July 5, 2011) fireworks display in accordance with proposals as opened on February 9, 2011, and, be it finally

RESOLVED, that funds for this display will be available through City Budget Account #001-7550-4036, Fireworks.

Councilwoman Szukala advised residents the city is paying \$13,000 for the firework display, not \$30,000 that is listed in this Resolution. Councilwoman Szukala further advised \$13,000 will come from the City’s General Fund, with the remaining balance coming from donations from local businesses, and clubs secured for by the Mayor.

Councilwoman Floramo advised the figure was the same from figure from the prior year but stated she had thought they had lowered the figure from the prior year.

Mayor Frey advised the figure was lowered from \$15,000 to \$13,000, and they still had \$7,000 in that fund from last year. Mayor Frey advised there is currently \$20,000 in that fund, and an additional \$10,000 needs to be raised.

Carried, all voting aye.

RESOLUTION #17-2011
MARCH 1, 2011

BY: COUNCILMAN MULDOWNNEY

RESOLUTION AUTHORIZING MAYOR TO CONVEY A WATER EASEMENT FOR MARINA DOCKS LOCATED OFF MEMORIAL PARK

WHEREAS, the City of Dunkirk has focused targeted investments in the waterfront area in an effort to attract additional private investment in Dunkirk, and

WHEREAS, through the efforts of the City of Dunkirk and the Dunkirk Local Development Company, a private developer, Mr. Jeffery Gambino, has entered into a real estate contract to purchase 24 Lake Shore Drive West, Dunkirk, NY 14048, commonly known as the former Stefan’s Marina, and renovate both the building and the docks, and

WHEREAS, in order to complete this transaction Mr. Gambino must receive an easement from the City of Dunkirk to utilize the docks that are located directly north of Memorial Park, and

WHEREAS, the parties involved in this real estate transaction have agreed that the purchase of the property shall close on or before May 1, 2011, and if such closing does not occur by this date, that this resolution shall be null and void, and

WHEREAS, the City of Dunkirk has interest in acquiring a 15 foot easement along the north side of 24 Lake Shore Drive West, Dunkirk, NY 14048, in order to connect the City's Waterfront Recreational Trail , and

WHEREAS, Mr. Gambino has agreed to provide the City of Dunkirk with such an easement in order to promote further waterfront development, now, therefore be it

RESOLVED, that the City of Dunkirk Common Council directs the City Attorney to prepare the necessary paperwork to convey an easement to Mr. Jeffery Gambino, upon the closing of the real property purchase of 24 Lake Shore Drive West, Dunkirk, NY 14048, in exchange for a valid executed easement from Mr. Gambino, covering an area not less than 15 feet wide, measured inward from the waters edge, and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents created or required to complete this process.

Councilwoman Szukala motioned to table this Resolution with a Public Hearing to be held on March 15th at 5:50 PM.

Carried, all voting aye. Tabled.

RESOLUTION #18-2011
MARCH 1, 2011

BY: COUNCILMAN MICHALSKI

**RESOLUTION DIRECTING THE PREPARATION OF A REQUEST FOR
PROPOSALS
FOR RESIDENTIAL DEVELOPMENT OPTIONS
FOR THE FORMER PANGOLIN ST. FIELD**

WHEREAS, the City of Dunkirk has focused targeted investments in the waterfront area in an effort to attract additional private investment in Dunkirk, and

WHEREAS, the City of Dunkirk is the lawful owner of the land commonly known as the Pangolin St. Field properties, also known as tax parcels 79.07-1-5, and 79.08-1-21 (the "Land"); and

WHEREAS, the City of Dunkirk would like to promote and facilitate the development of this land in order to increase the stock of suitable living residential properties and increase the City Tax Base, now, therefore be it

RESOLVED, that the City of Dunkirk Common Council directs the Director of Development to prepare the necessary paperwork to release a Request for Proposals from private developers, for evaluation by the Council or it assigns, and release such request, and, be it further

RESOLVED, that the Common Council directs the Development Director to research and report back as to the most efficient process to facilitate this development.

Councilman-at-large Dolce advised that he will be voting no on this Resolution for the following reasons: "First, I feel we have a high vacancy rate in the city, therefore, I'd rather see our effort focused on restoring neighborhoods that are already in need of attention. It will be a better use of our time and energy." Councilman-at-large Dolce cited a 2005 housing study stating "there's a lot of comments that pointed to this being not such a good idea. The one that stood out to me was this street is not technically on the waterfront, but near the waterfront. I know that's splitting hairs, but the price that they mentioned in the report is lower than what we're looking to get for these homes. I just don't feel it's a feasible project at this time."

Councilwoman Floramo advised that for the same reasons expressed by Councilman-at-large Dolce, she will also be voting no on this Resolution.

Councilman Muldowney advised he will be voting yes on this Resolution; this was discussed approximately 20 years ago during Greg Krauza's administration. Councilman Muldowney advised the city paid for a housing study in 2005 to see if there was a market out there for new housing stock in the City of Dunkirk and stated that although this report has aged "the report did specifically put a market between \$80,000-\$120,000 for snowbirds, or people looking to downsize who would like to be in a lake view setting." Councilman Muldowney advised "this is just a proposal to see if we could get prospective developers to look at this." and advised in 2007 the city copied the City of Jamestown regarding new assessments for new construction homes; this was done to encourage new construction in the city for primary residents, not rentals. Councilman Muldowney

advised that residents would be assessed 50% the first year on their home, with a 5% increase per year for the next 10 years.

Councilwoman Szukala read from the Resolution “we are promoting and facilitating the development of the land in order to increase the stock of suitable living residential properties and increase the city tax base, and stated “this is a concern for many people, as it should be, so I think for us to try every avenue we can to increase our tax base to share in the burden of the taxes for the city is a good thing.”

Councilwoman Szukala wanted to clarify any misconceptions regarding this Resolution and advised this is not low-income housing as these houses would be priced between \$80,000-\$120,000 and stated this is worth exploring.

Councilwoman Floramo advised that this was discussed in Executive Session a few weeks ago, and stated “I think this is something the city should have heard about but it makes me feel like we are afraid were going to get flack about is so we don’t do it until the last day.” Councilwoman Floramo further stated “it’s a 2005 study; it’s now 2011, and I feel we have these houses to offer maybe we should be offering them locally just to our contractors, they grew Dunkirk to where it is now.” Councilwoman Floramo advised real estate should be discussed in Executive Session only if there is a bid, sale, or purchase.

Director of Development Kory Ahlstrom advised this Resolution acknowledges the preparation of an RFP to see if there is any interest from developers and there is no obligation to accept any submitted proposals. Development Director Ahlstrom further advised in the event there was any interest, there would be more discussion surrounding this project.

Development Director Ahlstrom addressed Councilwoman Floramo’s comment in regard to local builders and advised there is nothing that would exclude a local contactor from participating.

Development Director Ahlstrom advised this is not intended to be subsidized housing, it is intended to be full market rate housing, and it is not the city’s intention to provide any city subsidy. The city is looking for projects that will stand on their own.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Councilwoman Szukala.

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

Carried, (3-2).

RESOLUTION #19-2011
MARCH 1, 2011

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING AGREEMENT WITH TVGA CONSULTANTS
FOR WORK ASSOCIATED WITH THE
BICYCLE PATH AND PEDESTRIAN TRAIL PROJECT, PHASE II**

WHEREAS, the City currently has an agreement with TVGA Consultants dated March 15, 2004, for work associated with the development and design of various bikeway/pedestrian paths along the lakefront; and

WHEREAS, the City has requested that TVGA provide consultant services associated with the Dunkirk Bicycle Path and Pedestrian Trail Project, and Phase II, now, therefore, be it

RESOLVED, that this Common Council hereby authorizes the Mayor to execute an agreement with TVGA Consultants, 620 Main Street, Buffalo, NY 14202-1906, for services as outlined under Task Order #5 in the amount of \$38,800, not including expenses estimated at \$1,000 for the Dunkirk Bicycle Path and Pedestrian Trail Project, Phase II, and, be it finally

RESOLVED, the funding for these services be paid utilizing Federal, State and local funding as approved under previous Resolution #13-2011, by this Council on February 15, 2011.

Councilman-at-large Dolce made an inquiry regarding this Resolution being addressed at the last council meeting.

Development Director Ahlstrom replied this was discussed during Council's last meeting and this is a continuation of a prior agreement with TVGA. Development Director Ahlstrom advised there was \$40,000 allocated for engineering and this is executing that contract that was part of that grant to spend the \$40,000.

Carried, all voting aye.

NEW BUSINESS:

Fire Chief Ahlstrom advised there have been three house fires the last month in the City of Dunkirk, all of them from causes that were preventable; one from careless cooking, while the other two were from careless smoking, with the last fire resulting in the loss of a life.

Fire Chief Ahlstrom thanked Gib Snyder and the OBSERVER for making it an issue in their articles about how these fires are preventable, and advised residents that careless smoking is the number one cause in preventable deaths in fires in the United States. Fire Chief Ahlstrom continued, this is 100% human error, completely preventable and advised residents "do not light

that last cigarette as you are getting into bed, go outside if possible, do not smoke in your homes, if you are make sure you take the correct precautions.”

Fire Chief Ahlstrom advised they would like to publicly recognize and honor Charles Eckert and Angel Clausen from the OBSERVER at the next council meeting. Fire Chief Ahlstrom advised these two gentlemen noticed smoke at 3:00 AM awakened and helped the downstairs occupants at the last house fire.

Councilman-at-large Dolce congratulated Chief Ortolano and his department on their major drug bust last week.

Councilwoman Floramo advised residents to have numbers on their houses; this would help the Fire Department locate the home in the event of an emergency. Councilwoman Floramo further advised that numbers could be purchased at your local store for 39 cents a piece.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo

Carried, all voting aye.

Adjourned at 6:47 PM

William D. Tuggle, City Clerk
