

**PUBLIC HEARING
March 15, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 5:50 PM.

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 Mleczek, Fire Chief Ahlstrom and Police Chief Ortolano.

Notice of Public Hearing was read by City Clerk Tuggle.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #17-2011 as follows:

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

No one spoke.

Public Hearing adjourned at 6:52 PM

William Tuggle, City Clerk

**COMMON COUNCIL PROCEEDINGS
March 15, 2011**

The meeting was called to order at 6:00 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 Mleczek, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of March 1, 2011 meeting was read by City Clerk Tuggle.

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

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

Carried, all voting aye.

PUBLIC COMMENTS:

Helen Britt, 51 N. Pangolin Street, Dunkirk, NY spoke on behalf of herself & the residents of Pangolin, Jerboa, and Pine Streets in regard to Resolution #18-2011

directing preparation of a request for proposals for residential development options for the former Pangolin Street field.

Councilman-at-large Dolce advised that Director of Development Ahlstrom was not here, and she could contact his office with any of her questions.

Rev. Rodney Houck, 146 Central Avenue, Fredonia, NY advised that he and his wife were representing the Dunkirk/Fredonia Center for Peace and Justice, and his wife Joan would be reading a statement relative to a letter he had previously given to the Mayor and Council.

Joan Houck thanked the Mayor and Council for letting them speak relative to the Peace Pole, but the introduction of this in the Dunkirk area has been anything but peaceful. She advised that in 2010 the Dunkirk/Fredonia Center for Peace & Justice contacted local officials and the Mayor offering to donate this to the City suggesting this be placed in Memorial Park. Once placed there, a swirl of controversy followed with statements made suggesting that the problem was not the peace pole or the message offered, but the organization that offered it to the City. Mrs. Houck advised that in response to this, the Center for Peace & Justice issued a press release advising that its membership consisted of clergy, educators, social and health care workers, veterans, environmentalists and concerned citizens who were committed to solving conflict through peaceful resolution. She advised that Paul Christopher wrote of his negative experiences with peace groups when he returned from Viet Nam. Mrs. Houck stated this was an unpopular war which prompted disturbing statements and actions by many, including "peace groups". She went on to say that the Center for Peace and Justice feels it's time to move on; the past cannot be changed, but the future can be influenced and attempts made to solve conflicts through peaceful means. She stated that the Peace Pole, with its message of hope is a tribute to the Veterans who fought and died, that peace might prevail and that future wars be averted. Mrs. Houck stated that they are asking the Mayor and Council to place the pole in the locations that were suggested in the letter sent by the group. She stated that a placement that would enable people to see the Peace Pole, and to reflect on its message of hope.

Councilman-at-large Dolce stated that Council and the Mayor had a chance to look at the letter, and they could look at the three locations. He also stated that it would be checked by the City Attorney to see if it had to be by resolution or a verbal

Councilman-at-large Dolce advised that Director of Development Ahlstrom was not here, and she could contact his office with any of her questions.

Dru Pasierb, 66 N. Jerboa Street, Dunkirk, NY remarked in regard to resolution #18-2011, stating that no one will believe how short her comments will be, but not then, now or ever would she agree.

Ronald Krystofiak, 46 N. Jerboa Street, Dunkirk also spoke in regard to resolution #18-2011, stating

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey congratulated Councilwoman Szukala's son Josh for winning the "slush rush" in Mayville last week.

Mayor Frey also spoke relative to the King Neptune Statue, stating that his daughter came home from a school meeting, and that the new expansion of the high school pool and gymnasium would be a perfect spot. This was also explained by Carol Ahlstrom and confirmed by Gary Cerne. Mayor Frey advised that he then called Diane Andrasik, President of the Historical Society who was out of town, but then put this proposal to Roy Davis who will be looking into this, and this will be again in the works.

Mayor Frey spoke relative to the pothole situation in the city, stating that it's been a tough winter, we have a snow watch crew on the night shift, but as long as we have weather like this, we can get out and cold patch even though it's a temporary solution to the problem, but this is being addressed along with the plow damages to follow.

Mayor Frey congratulated Steve Keefe on his election victory for Fredonia as the new Mayor and was looking forward to working together with him. He also thanked Mike Sullivan for all he has done for the community. Mayor Frey then requested an update on the ambulance service from the Fire Chief.

Fire Chief Ahlstrom explained the three step process for the ambulance service from the status so we can bill, then obtain a third party billing company, and getting all approvals for medicare and medicaid. He advised that in working with the law firm we were through the first step, and we do not have to file for a not-for-profit on our own, as through the NYS Comptroller's Office we meet the legal requirements where we can bill for service. He stated that one of the stipulation was that our fee schedule shows that we never make a profit on this, and this was very easy to meet by paying our personnel for this. He further stated that we are on the second step, our Attorney has been in contact with the firm hired to start drawing up the Request for Proposals in order to do third-party billing. He advised that there is a lot of interest without anything out there yet, as he receives solicitation from different companies on a regular basis, and we should have a good number applying back, and the competition should help with the price. He explained that we need to have a third-party biller in order to apply for a medicaid/medicare number as part of this process, as they will be doing the billing. He informed that hopefully in the next 30-45 days we can get through the RFP process, and get proposals back for doing the billing, Council will then have the say as far as the chosen company once the proposals are looked at for advantages and disadvantages, and then the City has sixty to ninety days after the city picks a biller to get approval from medicaid/medicare. He then advised that we are possibly looking at July or August 1st, and hopefully everything completed by September 1st. Fire Chief Ahlstrom then informed that up to March 2nd, we were billed \$2,005 by the law firm (PW&W), we still have \$2,095 left over the \$5,000 allocated, we have time before we would have to put more into this, but we will be way under the \$25,000 provided by the resolution.

Mayor Frey commented on the recent earthquake and tsunami in Japan stating that we should be proud to be Americans, and we were the first ones there. He stated that we are the greatest giving people in the world, and we should be proud to be Americans, now and anytime.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from MAD DADS requesting to use Washington Park on April 22, 2011 from 4:30 to 6:00 PM for its first Easter Egg Hunt. (Raindate April 23rd).

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

Carried, all voting aye.

Notices of Claim from:

Luis Perez for a damaged fence post allegedly due to being hit by a city sidewalk plow.

Carol Kozlowski for damages to her right front bumper allegedly due to hitting a cement parking barrier at the Senior Center.

Robert Kolodziej for two broken mailboxes & supports allegedly due to being hit by a city snowplow.

David Liberati for damages to his vehicle's right front fender allegedly caused by a city plow.

Councilman Muldowney moved to refer the four claims to the City Attorney. Seconded by Councilman Michalski.

Carried, all voting aye.

Loudspeaker application from the Northern Chautauqua Conservation Club for live bands until 1:00 AM from May through October 1st, 2011.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski thanked the First Ward residents for coming out and speaking, advised that he received phone calls on this resolution regarding the purpose of the property, as it was thought that it was only for recreational purposes, but found out otherwise. Councilman Michalski wanted to reassure that all that's happened was the authorization for the Development Department to advertise for interest only. He stated that no one has give authorization to "put shovels" in the ground at this point, this will come before the Council, if acted on it would go before the Mayor, and the Department of Development has no authority to enter into a contract for transfer of land. He requested to be contacted at 951-0015 or e-mailed via the city's website, and that he did want to hear from them, as they did have a number of good concerns.

Councilman Michalski also advised that the Council received information from Jim Payne (owner of the Kettle & Keg) requesting for the City to continue with garbage collection at that location. He advised that Mr. Payne did have a private contractor picking up his trash, but after improving his sidewalks & driveway over this past summer, was told by

the contractor that his vehicles used for the dumpsters would break up his sidewalk & driveway. He advised that according to the City Code regarding the removal of commercial waste that "unless otherwise provided by the Common Council , persons generating commercial waste shall be responsible for contracting with a private collector for removal of commercial waste, solid waste and recyclables". (S.66-10 of the City Code). Therefore, at this point he felt it would be opened up to the Council and any Department Heads for input, and stated that the main issue was that it would set a precedence for other commercial properties in the city, and questioned if this service was provided to anyone else right now.

Public Works Director Gugino advised that he operates by the language of the Charter.

Councilman Michalski advised that this was provided for him at one time, he was in violation as far as weight, but right now he has a dumpster/trailer to pull out at the side of the road and take to the landfill, and he was looking for the city to pick up his trash.

Councilwoman Floramo stated that this should go before the Public Works Committee first, and Councilman-at-large Dolce stated that this was Council's discretion, that it was done in the past, Mr. Payne included the bill in the packet (from the Regent) showing a commercial charge, and Committee would be the best way to go for in-depth discussion. He further advised that these meetings are open to the public for their input as well.

Councilwoman Floramo stated that she did read Mr. Payne's report, but did not realize how in-depth it was until explained to her.

Councilman Michalski advised that this would go before the Public Works Committee for a decision and answer for Mr. Payne.

Councilman Muldowney also thanked the First Ward residents for coming out and speaking, appreciated their input, advised that this was open for discussion, and the reason for proposals was to see if there was any interest. He therefore stated that if there was no interest, there would be no reason for discussion afterwards. He advised that this fell into our Housing Study from 2005, and again into legislation in 2007 encouraging new construction in Dunkirk. He again stated that this was open for discussion and if there was no interest there would be no reason to discuss anything further. Councilman Muldowney stated that it was mentioned at the last meeting that this was discussed twenty years ago before he was on board, and was put on the back burner or perhaps there was no interest at that time. He stated that there will be plenty of input from the public on this, and encouraged people to tell the Council what they think.

Councilwoman Floramo stated that in 1950 when the neighbors tried to purchase this land they were told it was for recreational purposes only. She advised that this was researched, foreclosed in 1944, the city owns it, and there is no stipulation saying that the City can do whatever they want with it.

Councilwoman Floramo addressed the Public Works Director relative to the sink holes at Memorial Park which run five to ten feet west, and twenty feet east of the Yacht Club.

Public Works Director Gugino stated this was recurrent, as they repair them every couple of years, and the problem is with the seawall itself eroding at the base. He also advised that this was an on-going maintenance item and he would check into it.

Councilwoman Floramo spoke in regard to the Neighborhood Watch Programs, stating that last Fall she had her wheel barrow stolen, last week her barn was broken into. She requested for neighbors to watch out for each other especially if they're awake during the night and early morning hours.

Councilwoman Floramo also addressed curbside brush pick-up, asked for Council's help on this, and advised of two letters she received where one individual was charge \$100 and the other \$200. She advised that she talked to the Mayor and she explained it to the parties, but the tenants did this and the landlord was not told about the fine before they received it. She stated this was a lot of money to go on their taxes and if it would be better to put out a few branches at a time rather than a big pile.

Mayor Frey advised that she addressed this with him last week, both residences are on Roberts Road, the one party had the option to haul it himself, and the city had three dump trucks plus a loader and had also been there one week prior. Mayor Frey did not feel the city charged them an exhorbitant fee, and either one had the option of hauling their own brush by taking it to the City barns for free.

Councilwoman Floramo also addressed the City Attorney relative to the Local Law pertaining to tenants.

City Attorney Cerrie advised that the computers were down for the past two weeks, and his Secretary was off for a month. He stated that revisions were requested at the last meeting with Council, and was hoping to start with this on Friday.

Councilwoman Floramo stated that this was needed to set up a Personnel Meeting, and if he would give her a call as soon as possible.

Councilwoman Szukala advised that the next Public Safety Meeting would be March 21st at 9:15 AM in the Conference Room to discuss some of the information given by the Fire Chief.

Councilwoman Szukala also advised that she has received phone calls from residents in regard to parking tickets. She advised that the City is still under the same alternate/overnight parking restrictions until the first Sunday in April, and reminded everyone to still move their cars.

Councilman-at-large Dolce reminded that the changeover was at 5:00 PM and welcomed Legislator Duff to the meeting.

Councilman-at-large Dolce advised that he would be representing the Mayor on March 23rd for the "Mayors March for Wheels", anyone wishing to donate can call or e-mail him, and he would be more than happy to pick it up. He stated that it was a wonderful cause and he was honored to represent the Mayor for this.

Councilman-at-large Dolce advised that he read an article in the newspaper regarding the Millenium Parkway and that our County Executive Greg Edwards asked

about Council's feelings relative to this. He stated that he mentioned being behind him with this, but Councilman-at-large Dolce did not recall any meeting with him. He stated that if there were to be any talks in the future he would like more details, and would like to know what he has in mind with this project.

Councilman-at-large Dolce also spoke relative to the comments made regarding brush pick-up, and stated that he could speak to one of the gentlemen on Roberts Road, as he thought the procedure would have first been a phone call if put out late. He also stated that he was trying to beautify the property and was not aware that we were no longer accepting separate phone calls to pick up that brush. He therefore stated that the "key" to this was to get the word out of the time specified for pick up. He further stated that he had a plan a couple of years ago which was vetoed, but may try a different version of this with the Streets, Parks and Administration for this season.

UNFINISHED BUSINESS:

RESOLUTION #17-2011
MARCH 1, 2011

BY COUNCILMAN MULDOWNEY:

**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 Floramo motioned to remove this resolution from the table for vote. Seconded by Councilman Michalski.

Carried, all voting aye.

Vote on resolution: Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #20-2011
MARCH 15, 2011

BY ENTIRE COUNCIL:

INTRO NO. 5 TO LOCAL LAW #5-2011
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO AMEND ARTICLE XIII ENTITLED
“DEPARTMENT OF ASSESSMENT” OF THE DUNKIRK CITY CHARTER
AND TO AMEND
CHAPTER 2 ENTITLED “ADMINISTRATION OF GOVERNMENT”,
ARTICLE XIII ENTITLED “DEPARTMENT OF ASSESSMENT”
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 Article XIII entitled “Department of Assessment” of the Dunkirk City Charter, and to amend Chapter 2 entitled “Administration of Government”, Article XIII entitled “Department of Assessment” of the Dunkirk City Code, to abolish the two (2) appointed assessors of the Department of Assessors.

Section 2 **Amendment of City Charter.**

Article XIII Department of Assessment, Section 13.00 Department of Assessment of the Dunkirk City Code is hereby amended as follows:

DELETE

§ 13.00. **Department of Assessment.**

The Department of Assessment shall consist of **three (3) assessors** elected at large commencing with the general election in the year **1977** and every two (2) years thereafter. **One (1) of the three (3) assessors shall be designated and elected as the Clerk of the Department of Assessors.**

§ 13.01. Clerk of the Department.

The **Clerk** shall devote full time to the duties of the office and shall hold no other elective office. The **Clerk** shall have custody of and responsibility for preparing and maintaining all files, reports, maps, assessment books and other records and papers of the Department. Subject to the Civil Service Law, Rules and Regulations, the **Clerk** shall appoint all officers and employees of the Department to fill such positions within the Department as authorized by the Common Council; the **Clerk** may also suspend and remove all employees subject to the Civil Service Law, Rules and Regulations.

AMEND

§ 13.00. Department of Assessment.

The Department of Assessment shall consist of **one (1) assessor** elected at large commencing with the general election in the year **2011** and every two (2) years thereafter.

§ 13.01. Assessor.

The **Assessor** shall devote full time to the duties of the office and shall hold no other elective office. The **Assessor** shall have custody of and responsibility for preparing and maintaining all files, reports, maps, assessment books and other records and papers of the Department. Subject to the Civil Service Law, Rules and Regulations, the **Assessor** shall appoint all officers and employees of the Department to fill such positions within the Department as authorized by the Common Council; the **Assessor** may also suspend and remove all employees subject to the Civil Service Law, Rules and Regulations.

Section 3 Amendment of City Code.

Chapter 2 Administration of Government, Article XIII Department of Assessment, Section 2-13.01 Departmental organization, Section 2-13.02 Qualifications, Section 2-13.03 Clerk of Department, and Section 2-13.04(F) Powers and duties of Department are hereby amended as follows:

DELETE

§ 2-13.01. Departmental organization.

The Assessment Department as established by the City Charter shall consist of **two (2) elected Assessors and an elected Clerk of the Board of Assessors.** The Department shall be responsible to apply state and local laws to the evaluation of property for tax purposes.

§ 2-13.02. Qualifications.

The elected Assessors **and Clerk** shall be required to meet the minimum qualification standards established for such offices by the State Board of Equalization and Assessment and the Real Property Tax Law.

§ 2-13.03. Clerk of Department.

The **Clerk** shall devote full time to the duties of the office and shall hold no other elective office. The **Clerk** shall:

- A. Have custody of and responsibility for preparing and maintaining all files, reports, maps, assessment books and other records and papers of the Department.
- B. Subject to the Civil Service Law, Rules and Regulations, appoint all officers and employees of the Department to fill such positions within the Department as authorized by the Common Council and may also suspend and remove all employees, subject to the Civil Service Law, Rules and Regulations.
- C. On or before February 1 of each year, make an annual written report for the immediately preceding calendar year, covering generally the work of the Department of Assessment, with copies of such report being filed with the Common Council and Mayor.
- D. File with the Mayor, Common Council and Fiscal Affairs Officer a report covering maintenance of an inventory of all equipment in said Department, including the year, the make, the model, the purchase price, the division to which it is assigned and the estimated replacement date.

§ 2-13.04. Powers and duties of Department. [Amended 3-4-1993 as L.L. #1-1993]

The powers and duties of the Department shall be as follows:

- A. The assessment of all real property within the City for taxation as provided in the Real Property Tax Law.
- B. The preparation, revision and filing of an annual assessment roll using, pursuant to Local Law No. 1, 1993, May 1 of each year as the taxable status date in the City. [Amended 3-4-1993 as L.L. #1-1993] [Editor's Note: See Ch. 68, Taxation, Art. I, Taxable Status Date for Real Property.]
- C. Assistance to the Board of Review in revising and correcting the assessment roll.
- D. Assistance to the City Treasurer in preparation of the annual tax levy.
- E. The preparation of special assessments for public improvements.

- F. The recordation of all conveyances of real property within the City, except mortgages, in books specially prepared therefor, showing the names of the grantors and grantees, the consideration expressed therein, a careful description of the premises conveyed and such other information as deemed relevant by the Clerk of the Board.
- G. Attendance at Common Council meetings.
- H. The performance of such other similar and related duties as may be assigned by the Mayor.
- I. The maintenance of such maps of the City showing in detail the location, size, boundary and ownership of each and every lot or parcel of land within the City.

AMEND

§ 2-13.01. Departmental organization.

The Assessment Department as established by the City Charter shall consist of **one (1)** elected **Assessor**. The Department shall be responsible to apply state and local laws to the evaluation of property for tax purposes.

§ 2-13.02. Qualifications.

The elected **Assessor** shall be required to meet the minimum qualification standards established for such offices by the State Board of Equalization and Assessment and the Real Property Tax Law.

§ 2-13.03. Assessor.

The **Assessor** shall devote full time to the duties of the office and shall hold no other elective office. The **Assessor** shall:

- A. Have custody of and responsibility for preparing and maintaining all files, reports, maps, assessment books and other records and papers of the Department.
- B. Subject to the Civil Service Law, Rules and Regulations, appoint all officers and employees of the Department to fill such positions within the Department as authorized by the Common Council and may also suspend and remove all employees, subject to the Civil Service Law, Rules and Regulations.
- C. On or before February 1 of each year, make an annual written report for the immediately preceding calendar year, covering generally the work of the Department of Assessment, with copies of such report being filed with the Common Council and Mayor.

- D. File with the Mayor, Common Council and Fiscal Affairs Officer a report covering maintenance of an inventory of all equipment in said Department, including the year, the make, the model, the purchase price, the division to which it is assigned and the estimated replacement date.

§ 2-13.04. Powers and duties of Department. [Amended 3-4-1993 as L.L. #1-1993]

The powers and duties of the Department shall be as follows:

- A. The assessment of all real property within the City for taxation as provided in the Real Property Tax Law.
- B. The preparation, revision and filing of an annual assessment roll using, pursuant to Local Law No. 1, 1993, May 1 of each year as the taxable status date in the City. [Amended 3-4-1993 as L.L. #1-1993] [Editor's Note: See Ch. 68, Taxation, Art. I, Taxable Status Date for Real Property.]
- C. Assistance to the Board of Review in revising and correcting the assessment roll.
- D. Assistance to the City Treasurer in preparation of the annual tax levy.
- E. The preparation of special assessments for public improvements.
- F. The recordation of all conveyances of real property within the City, except mortgages, in books specially prepared therefor, showing the names of the grantors and grantees, the consideration expressed therein, a careful description of the premises conveyed and such other information as deemed relevant by the Clerk of the Board.
- G. Attendance at Common Council meetings.
- H. The performance of such other similar and related duties as may be assigned by the Mayor.
- I. The maintenance of such maps of the City showing in detail the location, size, boundary and ownership of each and every lot or parcel of land within the City.

Section 3 Effective Date.

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

Councilman Michalski moved to table Local Law #5-2011 with a Public Hearing to be held on April 5th at 5:50 PM.

Carried, all voting aye. Tabled.

RESOLUTION #21-2011
MARCH 15, 2011

BY ENTIRE COUNCIL:

**AUTHORIZING \$500 QUARTERLY STIPEND FOR
THE ANIMAL CONTROL OFFICER**

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

WHEREAS, Steven A. Purol is currently the Animal Control Officer, and is willing and able to provide such services to the City of Dunkirk on a contract basis for the Fiscal Year of 2011, and has and will provide such services in a workmanlike manner; and

WHEREAS, the previous Resolution #42-2010 stated that he would be paid Two Thousand Dollars (\$2,000) per month; and

WHEREAS, the current amount does not include other expenditures; and

WHEREAS, due to the added expenditures that are paid out of pocket by the ACO, a Five Hundred Dollar (\$500.00) quarterly stipend will be paid to the ACO beginning April 1, 2011 and ending June 30, 2011; and

WHEREAS, it has been determined in order to continue with the Animal Control Officer, this quarterly stipend is necessary; now, therefore, be it

RESOLVED, that the Animal Control Officer be issued Five Hundred Dollars (\$500.00) per quarter, beginning April 1, 2011 and ending June 30, 2011.

Mayor Frey advised that it was recommended for this to be allocated from contracted services and reimbursed from the Town of Dunkirk as per the shared agreement. He further stated that this was not coming out of the General Fund, but reimbursement from the Town.

Councilman Michalski stated that Steve (ACO) was doing an outstanding job for the city. He informed that from November 2009 to February 2010, 928 tickets were issued, and from November 2010 to February 2011, 1,902 tickets were issued, stating that this was a 100% increase, and thanked him for his work.

Councilman-at-large Dolce advised that the intent is to give him some relief with the rising fuel costs.

Vote on resolution: Carried, all voting aye.

RESOLUTION #22-2011
MARCH 15, 2011

By Entire Council:

**AUTHORIZING TO RAISE FEES FOR THE
DUNKIRK HARBOR BOAT LAUNCH**

WHEREAS, the Dunkirk Area Harbor launch fees for residents and nonresidents and season passes is established by the Common Council, based on recommendations by the Harbor Commission, and

WHEREAS, it is the intent of the Common Council to raise fees for the Boat Launch and fish cleaning station, and

WHEREAS, these fees have not been increased since December, 2005; and

WHEREAS, the Greater Dunkirk Area Harbor Commission is suggesting that the current boat launch fees and fish cleaning fees be changed as follows:

	<u>CURRENT FEE</u>	<u>NEW FEE</u>
Daily launch (resident)	\$ 5.00	\$ 7.00
Daily launch (non-resident)	\$ 5.00	\$ 7.00
Seasonal pass (resident)	\$30.00	\$40.00
Seasonal pass (non-resident)	\$50.00	\$60.00

More than one vessel - \$10.00 per additional vessel

Fish cleaning \$4.00 0 – 5 fish
\$.50 for each additional fish

now, therefore, be it

RESOLVED, that the Common Council elects to raise the boat launch fees and authorizes the Mayor to sign and execute any and all agreements.

Councilwoman Floramo stated that Mr. Zurawski (Harbor Commission) stated that a process needed to be followed by the Council to hold a Public Hearing on this, as there is a change in fees. She also questioned if Harbor Master Heenan contacted the Mayor regarding the seasonal passes. Mayor Frey acknowledged that Mr. Heenan did contact him.

Building/Zoning Officer Zurawski stated that he did not have the Code Book before him at that time, and said they may have to have a public hearing.

City Attorney Carrie advised that if the Council wanted, they could hold a hearing for the public, but it was not necessary.

Mayor Frey stated that we were trying to get more self-sustaining down there with the cost of materials, labor, clean-up, and informed that we now have to pay for electricity on the pier, which we did not have to before. He also advised that this was recommended by the Harbor Commission.

Vote on resolution: Carried, all voting aye.

RESOLUTION #23-2011
MARCH 15, 2011

BY ENTIRE COUNCIL:

**AUTHORIZING THE LAND PURCHASE AND SALE AGREEMENT
BETWEEN SPECIAL METALS CORPORATION AND THE CITY OF DUNKIRK**

WHEREAS, the City of Dunkirk is in the process of updating their water system, for the benefit and well being of the citizens of Dunkirk; and

WHEREAS, this process began with the authorization to bond being given by the Common Council, per resolution #70-2009, for the necessary funds to update the water system; and

WHEREAS, the City of Dunkirk has secured funding to complete this project through the aforementioned bonding; and

WHEREAS, it is necessary for the City of Dunkirk to secure lands next to the existing City Water Tower located on Willowbrook Avenue; and

WHEREAS, the City of Dunkirk has contacted Special Metals Corporation who owns land next to the existing City Water Tower, and is willing and able to sell such land with the existing easements with Niagara Mohawk Power Corporation by the Chautauqua County Industrial Development Agency and Special Metals Corporation; and

WHEREAS, the City of Dunkirk will not have to disrupt the Water System, and will be able to construct the new Water Tower next to the existing Water Tower; and

WHEREAS, it has been deemed necessary to replace the existing City Water Tower for Phase I of the Water Project; now, therefore, be it

RESOLVED, that the Mayor is authorized to execute any and all documents necessary to facilitate the transfer of the parcel of land located on Willowbrook Avenue, in the City of Dunkirk, from Special Metals Corporation for the purchase price of Eighteen Thousand Dollars (\$18,000.00).

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #24-2011
NEW BUSINESS
MARCH 15, 2011

BY ENTIRE COUNCIL:

TRANSFER FROM THE BILL CEASE FUND

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

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

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn from the Bill Cease fund, in accordance with the terms of the reserve fund to contribute toward the Dunkirk Marauder Steel Drum Band program; and, be it finally

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

<u>ACCOUNT NO.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-7140-4167	Marauder Steel Band	\$ 500.00	
001-0001-5031	Interfund Transfer	500.00	
070-0070-2403	Reserve/Youth Programs	500.00	
070-0070-9901-9000	Transfer To General Fund	500.00	
070-0070-0201-2010	Recreation Cert of Deposit		\$ 500.00
070-0070-9999	Suspense – Recreation	500.00	
070-0070-0200-2000	Cash		500.00
070-0070-9901-9000	Transfer To General Fund	500.00	
001-0001-0200-2016	Cash	500.00	
001-0001-5031	Interfund Transfer		500.00

Carried, all voting aye.

RESOLUTION #25-2011
NEW BUSINESS
MARCH 15, 2011

BY ENTIRE COUNCIL:

TRANSFER FROM THE BILL CEASE FUND

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

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

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn from the Bill Cease fund, in accordance with the terms of the reserve fund to contribute toward the Dunkirk High School Varsity Cheering Squad program; and, be it finally

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

<u>ACCOUNT NO.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-7140-4171	DHS Varsity Cheering Sq	\$ 500.00	
001-0001-5031	Interfund Transfer	500.00	
070-0070-2403	Reserve/Youth Programs	500.00	
070-0070-9901-9000	Transfer To General Fund	500.00	
070-0070-0201-2010	Recreation Cert of Deposit		\$ 500.00
070-0070-9999	Suspense – Recreation	500.00	
070-0070-0200-2000	Cash		500.00
070-0070-9901-9000	Transfer To General Fund	500.00	
001-0001-0200-2016	Cash	500.00	
001-0001-5031	Interfund Transfer		500.00

Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:55 PM

William D. Tuggle, City Clerk
