

COMMON COUNCIL PROCEEDINGS
May 17, 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, Councilwoman Floramo, Szukala, and Councilman-at-large Dolce.

Also present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Clerk, Board of Assessors Mleczo, Director of Development Ahlstrom, Personnel Administrator Heyden, and Police Chief Ortolano.

Councilman-at-large Dolce advised that Fiscal Affairs Officer Curtin, Building Inspector Zurawski and Fire Chief Ahlstrom were excused from tonight's meeting.

Certification of May 3, 2011 meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Tuesday, May 3, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Helen Britt, Pangolin Street resident stated that she was still opposed to the Pangolin Street development, asking what was being done about Battery Point north of Otter Street (22 acres), between Ocelot & Serval a former tennis court, across from Tim Horton's, and between Route 5 and Second on Main Street. She stated these areas would all be good development for the city, and there are many others.

Dick Mirth, 119 E. Green Street, Dunkirk, NY spoke on behalf of himself and his wife in regard to his thoughts on development in Dunkirk and Pangolin Street as follows:

"Upscale housing is the only development option that will contribute to a positive future for Dunkirk. It offers several attractions:

1. It will provide an increase in the tax base.
2. Upscale housing will be occupied by people with substantial incomes and money to be spent in the community.
3. Nice housing increases the value of adjacent property.
4. Selling city land for upscale housing eliminates city maintenance costs

plus returning the land to the tax rolls.

5. Building new housing can provide jobs for local craftsmen and businesses.
6. New upscale housing produces an aura of prosperity and suggests a bright future.

My wife and I have rebuilt four homes in the local area, two just down the street from Pangolin Park. While we think the concept is a good idea, the present request for proposal looks like another election year project; similar to the Boardwalk, Memorial Park and the loft apartments, and designed so politicians collect some votes. It also gives the developer a chance to make a basket of money. The city has overpaid for all of the previous election year projects. Election year projects always seem to be in a hurry to get started so the credits can roll before the election.

Reality is, the First Ward from Lake Shore Drive north to the lake is mostly small lots with small homes. Poorly maintained rentals are beginning to dominate some blocks. The city does not have a plan to improve the situation. The Council has not acted on rental permits and inspections that are needed to control at least safety and sanitation. What is needed is a clear vision for the area and a time line to accomplish the goals. There does not even appear to be a line of reasoning as to why Pangolin Park was selected for development when there are at least eleven other sites along the lake that could be first. Ultimately, most of the sites must be developed for Dunkirk to have much of a future, but where to start, what is next, and what is the overall plan? Is it to get reelected?

It cannot happen before the election, but we should step back to square one, hold some good discussions involving all of the sites, listen to comments, develop a strategy and a plan of action, and then move forward."

Mr. Mirth then stated that it's a big disappointment that after ten years of work in projects there still is no plan . . . a plan to evaluate projects like the one proposed for Pangolin Park.

Jim Pasierb, 66 N. Jerboa Street, Dunkirk, NY spoke in opposition to proposition #18-2011 in regard to the Pangolin/Jerboa green space as follows:

1. The Mayor, Mr. Ahlstrom and the Common Council were all in agreement. . ."let's see what's out there" regarding developing the space.

We have seen what is out there. "Burke" is above and beyond the RFP and Owl Homes has not fully completed the RFP. So, therefore, rescind #18-2011

2. The deadline dates of April 1st for RFP's and April 15th for their consideration, and May 1st for choosing are past due.

We were told by Mr. Michalski, Mr. Ahlstrom and Mr. Muldowney that it is only fair to see what Burke and Owl can do to meet qualifications, to give them more time.

We say, it is only fair to the residents of Dunkirk to rescind #18-2011.

3. The Dunkirk CAC agreed and the petitions signed by 231 residents in a two-week time period, and an overwhelming number of comments in response to Observer articles say:

"Rescind #18-2011".

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey advised that as of May 27th, Sean Raynor will be the new Sr. Operator at the Wastewater Treatment Plant due to the retirement of Paul Heyden on May 26th. He advised that he made this appointment as Sean passed the test, and we cannot operate without a 4A license required by NYS.

Mayor Frey advised of a letter received today with a check for \$500.00, reading the following in its entirety:

"Dear Mayor Frey and Dunkirk Common Council:

As a Chautauqua County Legislator for the Village of Fredonia, it is with great pleasure that I enclose a check for \$500.00 as the Village's contribution to the City of Dunkirk annual 4th of July Fireworks display. This donation is part of a campaign promise I made to donate my legislative salary back to various community causes and organizations.

My family and I greatly enjoy the Dunkirk July 4th festivities every year. My wife having grown up in Dunkirk's First Ward fondly recalls walking from her house to the lakefront to view the display. It is a wonderful tradition that lives in the memories of thousands and thousands of area residents, as well as out of town visitors. Our family has friends from the state of Virginia that travel to our area every year just to share the July 4th holiday with us. Watching the fireworks in Dunkirk is an important part of that celebration. I commend Mayor Frey and the Common Council for all they have done to revitalize Dunkirk's waterfront for all to enjoy. It has become a focal point for summer recreation in Northern Chautauqua County.

I can understand that these are difficult fiscal times for local government. I, myself, have been forced to vote against funding for some wonderful projects that have come before the County Legislature. During difficult times, government leaders are forced to make tough decisions about funding anything other than

essential government services. It is during times like these that we need to depend on community minded individuals and businesses to make contributions toward the

"extras". With this donation, I challenge my fellow residents to step up to the plate and contribute to the causes and events that are important or special to them.

Please accept my wishes for a successful July 4th celebration and summer season on the Dunkirk Harborfront.

Very truly yours,
John P. Gullo II
Chautauqua Cnty. Legislator
District 25

Mayor Frey thanked Legislator Gullo, stating this was a great step forward for us.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Councilman-at-large Dolce advised that the first two petitions were pulled at the workshop due to lack of pertinent information. (Dabric Christian Youth Center & the Washington Park Action Restoration Committee). He also advised that these would be presented at the meeting in June.

Petition from Loretta Slaton Torain on behalf of Juneteenth on June 11th & 12th, 2011 at the Chautauqua County Fairgrounds requesting assistance from the Police & Fire Departments, and monetary donation from the City.

Councilwoman Floramo moved that permission be granted, referred this to the Public Works, Police & Fire Departments, and to allocate \$200.00 as in the past. Seconded by Councilman Muldowney.

Carried, all voting aye.

Petition from Lisa Leavitt on behalf of Harvest Chapel Church requesting to use Washington Park on July 22nd & 29th, 2011 from 5:00 to 8:30, permission to bring in grills, coolers and use of electric power for their popcorn & snow cone machines, and loudspeaker permit for their annual Community Block Party & Carnival.

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

Carried, all voting aye.

Loudspeaker application from James Oddo for a band & speakers at Lakeshore Grillworks on June 15th from 5:00 to 8:00 PM for a car cruise.

Councilman Michalski moved that permission be granted & referred this to the PBA. Seconded by Councilwoman Floramo.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski thanked Mr. Mirth for his comments, and requested a copy of his read statement. He also addressed Mr. Ahlstrom as to where we stood with this right now.

Director of Development Ahlstrom stated that we are now at the point where a group meeting is needed to get together and decide on a course of action. He advised that proposals were received and closed, and from here the next step is to take action on a proposal.

Mayor Frey advised that he spoke with Mrs. Langendorfer a couple of times, and a meeting will be held with the residents in June. He stated that too many people were tied up in May, and this way everyone can get together on Saturday morning on Pangolin Street.

Councilwoman Floramo questioned when a public hearing would be held.

Councilman Michalski advised that Council is not moving on that until they meet with the residents.

Councilman Muldowney stated that he appreciated Mr. Mirth's comments, but that he takes a different look at the projects mentioned as positives. He stated that we should be proud that we are moving on with other developments, as the Loft Building had nothing done to it in forty-five years. He also stated that every year people look forward to the Boardwalk and festivities on the Pier, and he was very proud of these projects and doesn't see them as "election year projects". He advised that it's actually three to four years before a project actually happens, it's not an "election year project" but actually a "win-win" for the City of Dunkirk and hopefully northern Chautauqua County.

Councilman Muldowney also thanked County Legislator Gullo for his donation, advised that we are now a destination on Thursday nights thanks to Kory and his crew, that checks were also received for this, and he looked at this as a positive thing.

Councilman Muldowney stated that this was City Clerk Bill Tuggle's last meeting, and his family was here for support as they have been through all the city festivities and Music on the Pier. He thanked the Mayor for hiring him, as we

needed someone not only running the office, but to have a voice in the Community. He informed that Bill was involved with the Rotary, Chamber of Commerce and Senior Sweep, always getting the job done. Councilman Muldowney advised that Bill was here for seven years, did a great job for the city, and looked forward to working with him in the future.

Councilwoman Floramo thanked Kim Robbins and the City Attorney for completing the local law and will be setting up a meeting date. She also thanked the ACO for the report on Cedar Beach.

Councilwoman Floramo further spoke relative to Mr. Mirth's comments, thanking him for believing in creating jobs and upscale homes. She advised of the homes on

north Central Avenue, and agreed as to why we were picking on this particular place (Pangolin Street) when other spots were available for single homes.

Councilwoman Floramo also addressed the City Attorney relative to two policies she requested. City Attorney Cerrie advised her that these were on the list to be done. (Whistleblower & Ethics).

Councilwoman Floramo thanked City Clerk Tuggle, stated that he was always kind and understanding with the public, and that she will miss him.

Councilwoman Szukala thanked Legislator Gullo for his donation for the fireworks display, and advised of the Public Safety Meeting on May 23rd at 9:15 in the Conference Room.

Councilwoman Szukala recognized and thanked Bill Tuggle for his time with the City, wished him well, and would see him at the city festivities. She also requested his assistance with the Sr. Sweep.

Councilwoman Szukala also addressed the City Attorney in regard to negotiations with two city unions. City Attorney Cerrie advised that the city met with the firemen last week, another meeting is set for the first week in June, and we were waiting to hear from the other local union, as the last meeting was cancelled due to the negotiator being ill.

Councilman-at-large Dolce advised that there will be a meeting on May 21st at 9:00 AM to discuss recycling, the Finance Committee Meeting on Monday, May 23rd at 5:00 PM, and that Council will be on the radio on Tuesday, May 24th at 9:00 AM.

Councilman-at-large Dolce also thanked Bill Tuggle for his many years of service and his help running the meetings.

Public Works Director Gugino thanked Bill Tuggle on behalf of himself and his staff, stating that he's done a great job, and wished him the best.

Police Chief Ortolano stated that it was a pleasure working with Bill, that he enjoyed their daily work between the offices, and thanked him for working with the parking tickets.

Mayor Frey advised that Bill came in seven years ago, that he brought stature to the job, and thanked him for all he's done.

PRE-FILED RESOLUTIONS:

RESOLUTION #30-2011
MAY 17, 2011

BY COUNCILMAN MULDOWNEY:

AUTHORIZING BUDGET LINE MODIFICATION

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
001-3410-4036	Contracted Svcs	\$1,500.00	

Carried, all voting aye.

RESOLUTION #31-2011
MAY 17, 2011

BY COUNCILWOMAN SZUKALA:

**AUTHORIZATION OF MAYOR'S SIGNATURE FOR
 BYRNE JUSTICE ASSISTANCE GRANT EQUIPMENT AWARD APPLICATION
 GMS PROJECT ID #BJ11-1162-E00
 DCJS #BJ10632455**

WHEREAS, the purpose of the 2010/11 Byrne JAG Grant Equipment Award is being made available to enhance officer safety by providing

communities with funding to support a local law enforcement agency's efforts to effectively and efficiently reduce the incidence of crime and violence in their locality; and

WHEREAS, if the Byrne Grant is awarded, the City of Dunkirk will receive \$24,869 for the purchase of a marked police patrol vehicle; and

WHEREAS, the Mayor's signature is required to complete the application which is due on June 1st; now, therefore, be it

RESOLVED, the Common Council hereby authorizes the Mayor's signature on the 2010/11 Byrne Justice Assistance Grant Equipment Award application; and, be it further

RESOLVED, the Mayor is hereby authorized and directed to sign all necessary documents for the implementation of these Grant Funds.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #32-2011
NEW BUSINESS
MAY 17, 2011

BY ENTIRE COUNCIL:

**AUTHORIZING THE TRANSFER
OF TAX FORECLOSED PROPERTY AT 502 DEER STREET**

WHEREAS, the Chautauqua County Legislature approved the transfer of 502 Deer Street, Dunkirk, New York to the City of Dunkirk, to promote the rehabilitation of this vacant and abandoned City property; and

WHEREAS, a rehabilitation project was begun on this property by Core Area Preservation Company and halted prior to completion, due to unforeseen circumstances of said company; and

WHEREAS, Chautauqua Opportunities, Inc., has secured funding to complete this project, and return this home to a productive taxable status; now, therefore, be it

RESOLVED, that the Mayor is authorized to execute any and all documents necessary to facilitate the transfer of 502 Deer Street to Chautauqua Opportunities, Inc.

Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:28 PM

William D. Tuggle, City Clerk
