

COMMON COUNCIL PROCEEDINGS
May 18, 2010

The meeting was called to order at 7:00 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, Fiscal Affairs Officer Curtin, City Treasurer Woods, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of May 4, 2010 Meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of the meeting of May 4, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Edna Sek, Lake Front Blvd., Dunkirk, NY thanked the Mayor and Public Works Director Gugino for the extra brush pick up in April. She also questioned the status of the Animal Control Officer position.

Councilman-at-large Dolce advised that the resolution was not prepared, and that details needed to be worked out for submission at the next Council meeting.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey reminded the public to vote for the School Board election and budget until 9:00 PM tonight, as this was a privilege given to cast your ballot.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Loudspeaker applications from:

The Kosciuszko Club for a live band on July 2nd from 7:00 to 11:00 PM and on July 3rd from 2:00 to 4:00 and 7:00 to 11:00 PM for their annual Street Dance.

Ed Paluch on behalf of the Dunkirk PBA for a live band on June 25th from 6:00 to 10:00 PM at the large pavilion at Point Gratiot.

Raymond Rosas for loudspeakers and a live band at E&R's Latin Flavor at 45 Lake Shore Drive East on July 4th from 5:00 to 10:45 PM.

Councilwoman Floramo moved that permission be granted and referred the above three loudspeaker permits to the Public Works & Police Departments.

Seconded by Councilman Muldowney.

Carried, all voting aye.

Angel Velez & Pastor Joel Soto for microphones, amplifier, speakers, guitar, drums & timbales on June 18th, 19th, 27th, July 2nd, 3rd, 4th, 16th, 17th, 25th, August 13th, 14th, 15th, 29th, and September 10th, 11th, 19th, & 26th for preaching and outreach to the community.

Councilman-at-large Dolce advised that this was pulled from the meeting due to the request for numerous dates and no specific time of hours given. He also informed that the public and the Board had many concerns from the public associated with this group, and this was removed for consideration.

Loudspeaker application from Margaret Waite for a small PA system for speakers, music, games and skits for their family/community outreach picnic on September 5th from 11:00 AM to 3:00 PM at the large pavilion at Point Gratiot.

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

Carried, all voting aye.

Petition from Arturo Negrete requesting to have water and sewer services connected to his property at 73 Greco Lane.

Councilman Michalski moved to refer this to the Public Works/Engineering Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Walgreens requesting to have the Dunkirk Police escort their motorcycle and hot rod cruise on Saturday, August 14th between 11:00 AM and noon, and for their return into town at approximately 4:00 PM for the National Multiple Sclerosis Society and blood drive for Brooks Hospital.

Police Chief Ortolano advised that he did meet with them and the Mayor, that this was a great event, and all the blood donated will benefit Brooks Hospital. He further stated that he had no issues with their plan, and they also went over the route.

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

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski had nothing to report at this time.

Councilman Muldowney advised of a letter he received from residents on West Beach Road regarding a loudspeaker permit issued for the Firemen's Grounds. He advised that there

was no opposition at the time it was approved, but he spoke to the Police Chief and if there is any loud music they can contact the Police Department.

Councilman Muldowney also advised that Congressman Higgins was in town yesterday, and this was big news for the Incubator. He advised that the building is filling up with nice one and two small businesses, there is a lot of activity there, and thanked the Congressman for his support.

Councilwoman Floramo thanked everyone that worked on Lord & Nevins Streets, spoke relative to repeated problems on Nevins with tickets for the same thing, and questioned if there was an increase in the violation for these tickets.

Building Inspector Zurawski advised that this normally is up to the Judge for repeated offenses in not maintaining their property.

Councilwoman Floramo also advised that the next Personnel Meeting would be on May 20th at 5:00 PM, and for any landlord to please call her with ideas, as they are trying to be fair, but inspections have to start.

Councilwoman Szukala thanked Public Works Director Gugino for fixing troubled spots in the Fourth Ward railroad area. She also advised of receiving phone calls about complaints of the train whistles and thanked the Police Chief for his quick response. Councilwoman Szukala further stated that paperwork is in order, and Dave Manzella will call and remind them that this is a "Quiet Zone". She also stated that this may be due to a new conductor, but if there are any further problems to give her a call.

Public Works Director Gugino thanked CSX for coming twice to address cold patch issues on Route 5 by NRG. He advised that they along with the cooperation of our Police & Streets Departments did a great job, they were a big help, and he wanted to make sure and thank them.

Councilman-at-large Dolce stated that the Finance Committee Meeting would be held on May 26th at 5:00 PM, and the Council would be meeting shortly to discuss if they would be holding the Council Meetings outside in July and August.

PRE-FILED RESOLUTIONS:

RESOLUTION #37-2010
May 18, 2010

BY ENTIRE COUNCIL:

**AUTHORIZING THE ACCEPTANCE AND TRANSFER
OF PROPERTY LOCATED AT 102 MAIN STREET BEQUEATHED TO THE CITY IN
THE ESTATE OF FRANK HOWARD**

WHEREAS, Frank Howard owned property located at 102 Main Street in the City of Dunkirk; and

WHEREAS, Frank Howard died on January 28, 2009; and

WHEREAS, Frank Howard, in his Last Will and Testament, gives, devises and bequeaths the property located at 102 Main Street, to the City of Dunkirk; and

WHEREAS, Frank Howard specified in his Will that the property being given to the City of Dunkirk is to be used as the site of a war veteran's memorial statue to be dedicated in the names of "Robert Howard, Sr., William Howard and Molly Gruber"; now, therefore, be it

RESOLVED, that the City of Dunkirk accept Frank Howard's bequeath of 102 Main Street; and, be it further

RESOLVED, that a war veteran's memorial statue be dedicated per Frank Howard's last wishes; and, be it finally

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents in the transferring of the Estate of Frank Howard property located at 102 Main Street to the City of Dunkirk.

Carried, all voting aye.

RESOLUTION #38-2010
May 18, 2010

BY COUNCILMAN MULDOWNEY:

**AUTHORIZING AWARD OF THE 2010 HOT-IN-PLACE
PAVEMENT RECYCLING CONTRACT**

WHEREAS, sealed bids for the *2010 HOT-IN-PLACE PAVEMENT RECYCLING CONTRACT* were received and opened in the City Clerk's office at 10:00 AM on Tuesday, May 11, 2010, with one (1) bid being received, now, therefore, be it

RESOLVED, upon the review and recommendation of Director of Public Works Gugino, that the low bid of Highway Rehab Corporation, 2258 Route 22, Brewster, New York 10509, be accepted in the unit cost amount of \$3.38 per square yard, for an estimated total cost of \$169,000, and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute a contract on behalf of the City of Dunkirk with Highway Rehab Corporation, for the above described services in accordance with the contract documents, and, be it further

RESOLVED, that the funding shall be allocated from the CHIP's Account #001-5110-4055, and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Carried, all voting aye.

RESOLUTION #39-2010
May 18, 2010

BY ENTIRE COUNCIL:

**AUTHORIZING THE MAYOR TO EXECUTE A CORRECTED DEED FOR
THE DEED DATED FEBRUARY 18, 1947, FROM THE CITY OF DUNKIRK TO
GUY AND ADELAIDE CLARK FOR THE PREMISES AT
118 EAST GREEN STREET, DUNKIRK**

WHEREAS, Samuel L. Drayo, Jr., attorney for Roger G. Clark, Paula Clark and Adelaide Clark, has requested a corrective deed for the deed dated February 18, 1947, from the City of Dunkirk to Guy and Adelaide Clark, recorded in the Chautauqua County Clerk's Office in Liber 771 at Page 34, and

WHEREAS, said Clark deed incorrectly referred to the *westerly* one-half of Lot 54 of the Green Street subdivision, which comprises part of 118 East Green Street, Dunkirk, New York, and said deed should have conveyed the *easterly* one-half of Lot 54, and

WHEREAS, the premises at 118 East Green Street is shown on the Chautauqua County Tax Map of the City of Dunkirk as Section 96.11 Block 1 Lot 17 (formerly SBL Section 62 Block 5 Lots 14 & 15), and

WHEREAS, Mary Ellen (Molly) Ganey, Secretary to the City Assessor, has researched the records of deeds at the City Assessor's Office, and finds that the easterly one-half of Lot 54 is noted in the margin of the copy of the Assessor's Deed, on the deed from Edward G. Twill, City of Dunkirk Receiver of Taxes dated June 26, 1940, and recorded in the Chautauqua County Clerk's Office in Liber 650 of Deeds at Page 583, said premises being formerly in the name of Elizabeth Schubargo, and

WHEREAS, it does appear that the Clark deed should have conveyed the *easterly* one-half of said Lot 54, not the *westerly* one-half of said Lot 54, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a corrective deed, conveying the easterly one-half of said Lot 54 to said Roger Clark, Paula Clark and Adelaide Clark, and to execute any other papers necessary to convey the City's interest in the said easterly one-half of Lot 54 of the Green Street subdivision to the said Clarks.

Carried, all voting aye.

Councilman Muldowney moved to adjourn. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Adjourned at 7:15 PM

William Tuggle, City Clerk
