

COMMON COUNCIL PROCEEDINGS
November 1, 2010

The meeting was called to order at 6:00 PM by Acting Councilman-at-large Muldowney followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Muldowney, Councilwomen Floramo and Szukala.

Absent: 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, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Acting Councilman-at-Large advised that Councilman-at-large Dolce was excused from this meeting.

RESOLVED: That the reading of the minutes of Tuesday, October 19th, 2010 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jon Muntz, Beach Road, Dunkirk, NY appreciated all the good work by the City, and the years of recognition in keeping taxes down, but because they were not raised in past years felt that we are now taxed too high. He advised that he pays \$15,000 in property taxes, and when he retires, he cannot stay in this community, having a good job is irrelevant, and the taxes are out of control. Dr. Muntz stated that we should make this a sanctuary city and would like to see the city reconsider the consolidation of services between Dunkirk, Fredonia and Brocton. He further stated that there is too much redundancy with a waste of his and everyone else's money in this room, and the city cannot look at shortfalls and it has to spend less.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey advised that Councilman-at-large Dolce's son was having surgery, and we will keep them in our prayers.

Mayor Frey also encouraged everyone to get out and vote, and advised that the annual Christmas Lighting would be held on Friday, November 19th between 5:00-5:30 PM.

Mayor Frey additionally spoke on the high school rebuilding program, having to get rid of the old topsoil, and the city taking this at a cost of four to five hundred dollars, saving five to ten thousand for the city down the line. He advised that this was being cultivated and reconditioned and it was the city's intent to work with Mr. Park (Realco) that owns the property on the west end of Lucas Avenue to black top and set a berm in place of the fencing, which will

be nicer for the public with no cost to the city. He stated that we save \$1.00 where we can everyday, and he was proud of this Administration. He also stated that he understood where Mr. Muntz was coming from, but that he along with everyone else is getting the same tax increase; he is no different from anyone else. Mayor Frey stated that this was the second year he proposed a tax increase and wished he didn't have to do this, but the city was also looking down the road to 2012 challenges. He thanked the Department/Division Heads and employees for conserving everyday wherever they can.

Synopsis of Mayor Frey's Proposed Budget for 2011.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Michael Green and the DHS Varsity Softball Team requesting to use the corner of Central Avenue & Fourth Street on Saturday, December 4th from 10:00 AM to noon to solicit for funds for the spring training trip to Myrtle Beach.

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

Carried, all voting aye.

Petition from Harvest Chapel requesting to use Washington Park on Saturday, December 11th from 1:00 to 3:00 PM (setup and clean up another hour at each end), for their "Courtney Street Christmas" celebration.

Loudspeaker application from Harvest Chapel requesting to use microphone/audio equipment for their "Courtney Street Christmas" celebration on December 11th from 1:00 to 3:00 PM

Councilwoman Floramo moved that permission be granted for use of Washington Park along with the loudspeaker permit, and referred this to the Police and Public Works Departments. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that he was terminating his cell phone with the city, as he felt the city was not getting their moneys worth. He advised that he gave his new number (951-0015) to Kory Ahlstrom for the website and he will additionally be putting ads in the Observer at his own expense for the residents.

Councilman Michalski advised that the winter parking rules would be taking effect on Sunday, and the Police Chief will be getting something out shortly.

Councilman Michalski also advised that November is Veterans month, and if you see a former Vet or current serviceman to thank them for their service. He also thanked Mayor Frey for his service as a former Vet and anyone else that served or is presently serving.

Councilwoman Floramo advised that she had a request from a constituent for all of the Dunkirk Library revenue, donations, city amounts, grants and other fees.

Mayor Frey advised that all he can give her is what the city actually funds, and they do all of the other (donations, grants) on their own. Fiscal Affairs Officer Curtin also advised that we provide them with their budget allotment.

City Clerk Tuggle read the following communication from Councilwoman Floramo as follows:

"In response to the report in Sunday's Observer I take full responsibility. It was totally unrelated, not in the park and not a mugging at all and shouldn't have been an issue for that Council Meeting. I have never brought any issue to the public before seeing the Chief about it first, and I hope the Department accepts this public apology. The issue came to me for three weeks and it could have waited one more day to prevent this.

Not only did the Officers on the unrelated case help the man on that night, they went way beyond their duty and for this I am grateful and apologetic.

To quote Herbert Spencer "contempt prior to investigation keeps a man in everlasting ignorance". I don't want to be ignorant so this will never happen again. On all previous visits to the Chief all but two issues were resolved in his office and as a result our district is safer, quieter and cleaner, and for this I am grateful. I also apologize to anyone I had made fearful with this issue, all Council Members and the Mayor.

Councilwoman Third Ward
Rose Floramo"

Councilwoman Floramo stated that this should never happen again.

Mayor Frey and the Police Chief Ortolano thanked her, and the Police Chief stated that he appreciated this, and as always will do anything he can to help her out.

Councilwoman Szukala on behalf of Councilman-at-large Dolce advised that Council would be on the radio on November 11th, and the fraternity from FSUC will be out conducting the dog/cat census. She stated that hopefully we will get what we need, but will make a second attempt to go back.

Police Chief Ortolano requested that they leave a schedule of where they will be at his desk so his department knows the areas they are in if someone calls in.

Councilwoman Szukala also informed that each household will be getting the Zero Sort information schedule explaining what is allowed for recycling, advised that they will have ID badges, and they will also have the Police and Animal Control phone numbers readily available.

Mayor Frey stated that in regard to Zero Sort, plastics were put down as #1 and #2 and should actually be #1 through #7, and we would get this message out again, as this has been a part of the recycling program from day one.

Councilman Muldowney thanked Mr. Muntz for coming, agreed with him and appreciated his comments, but stated that after being on the Council for nine years we have to look outside the box. He advised that we tried to work with the Fredonia Police Department and consolidate shared services, but unfortunately after being out there for two years, it did not go

through. He advised of attendance by the Village Trustees, Common Council, and the two Mayors at that time trying to "look outside the box" to see what could be done.

Councilman Muldowney further advised that he has been on the Council for nine years, and that the city has to come up with a 35% increase for pension costs over what we paid last year.

Fiscal Affairs Officer Curtin advised that \$253,000 would have to be allocated to Fund I, \$30,000 to Fund II, and \$38,000 to Fund III to cover pension costs for 2011.

Councilman Muldowney also advised that those were costs we have no control over, and since his tenure on the Council, this has gone up every year. He stated that this year medical costs were increasing by 5%. Mayor Frey also informed that this was after we bid it down through negotiations, as it came in first at 12-1/2%, and hopefully we can get it down to 3-1/2%.

Councilman Muldowney further informed that in the last two to three years the increase was between fifteen and twenty per-cent, and these were things the city had to face. He also stated that they did not like passing this on to the taxpayers, but sometimes their hands were tied. He further advised that in two years time the increase was a total of 55% for State Retirement alone, realizing \$230,00-\$240,000 more than last year, with the additional medical costs. Councilman Muldowney commended everyone in the room, as it was unbelievable that we did not have a double-digit tax increase almost every other year.

PRE-FILED RESOLUTIONS:

RESOLUTION #76-2010
NOVEMBER 1, 2010

BY ENTIRE COUNCIL:

**RESOLUTION CHANGING THE COMMON COUNCIL
MEETING TIME FOR THE SECOND MEETING IN NOVEMBER, 2010**

WHEREAS, the Common Council wishes to change the time of their second meeting in November, and

WHEREAS, the workshop will begin at 5:30 PM with the meeting starting at 6:00 PM, now, therefore, be it

RESOLVED, that the November 16th Common Council workshop will begin at 5:30 PM, and the meeting will begin at 6:00 PM.

Carried, all voting aye.

RESOLUTION #77-2010
NOVEMBER 1, 2010

BY COUNCILMAN MULDOWNEY:

AUTHORIZING AGREEMENT WITH

MID AMERICAN NATURAL RESOURCES, L.L.C.

WHEREAS, in 2008, the City of Dunkirk entered into an Agreement with Mid American Natural Resources, L.L.C., for natural gas needs; and

WHEREAS, the previous agreement is set to expire as of November 1, 2010; and

WHEREAS, there has been a new proposal from Mid American Natural Resources, L.L.C., for a reduction of our price from \$1.18 for each dekatherm (Dkth) down to \$.986/Dkth; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute all necessary documents with Mid American Natural Resources, L.L.C., 2501 Palermo Drive, Suite A., Erie, PA 16506.

Mayor Frey advised that this has been reduced by twenty cents, and City Attorney Cerrie also advised that gas prices were down and the city was locked into the contract for one year. He further stated that the City has been with Mid American, this is a reduction for 2011, and the city will realize a savings.

Vote on resolution: Carried, all voting aye.

RESOLUTION #78-2010
November 1, 2010

BY COUNCILWOMAN SZUKALA:

INTRODUCTION TO CLOSE AND ABANDON A PORTION OF UNOPENED EAGLE STREET BETWEEN LAKE SHORE DRIVE WEST AND LAKE ERIE

WHEREAS, the City of Dunkirk, in an effort to advance development along the lakefront, desires to close and abandon that portion of unopened Eagle Street north of Lake Shore Drive, now, therefore, be it

RESOLVED, that this Common Council declares its intent to close and abandon that portion of unopened Eagle Street north of Lake Shore Drive West, as shown on the Doughty Map, and being more particularly described as the following:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Dunkirk, County of Chautauqua, and State of New York and beginning at the intersection of the northerly line of Lake Shore Drive West, formerly Front Street, with the easterly line of Eagle Street, thence northerly along said easterly line 210.5 feet, thence westerly and parallel to Lake Shore Drive West 66 feet to the intersection of the westerly line of Eagle Street, thence southerly 210.5 feet along the westerly line of Eagle Street to the said northerly line of Lake Shore Drive West, thence easterly along the northerly line of Lake Shore Drive West 66 feet to the point or place of beginning;

and, be it further

RESOLVED, that a public hearing shall be held in the Council Chambers on the November 16th at 5:50 PM; and, be it further

RESOLVED, that the City Clerk be directed to publish notice of said hearing the required number of times prior to the public hearing date; and, be it finally

RESOLVED, that anyone wishing to submit objections may file them during regular business hours at the Office of the City Clerk on or before scheduled date of the public hearing.

Councilman Muldowney advised that the public hearing would be in two weeks at 5:50 PM.

Vote on resolution: Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

Adjourned at 6:25 PM

William Tuggle, City Clerk
