

**PUBLIC HEARING
November 16, 2010**

Councilman-at-large Dolce called the Public Hearing to order at 5:55 PM.

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/Zoning Officer Zurawski, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Police Chief Ortolano and Fire Chief Ahlstrom.

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 the Common Council's intent to "Close and abandon a portion of unopened Eagle Street between Lake Shore Drive West and Lake Erie".

No one spoke.

Public Hearing adjourned at 5:56 PM

William Tuggle, City Clerk

COMMON COUNCIL PROCEEDINGS

November 16, 2010

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, Fiscal Affairs Officer Curtin, City Treasurer Woods, Building/Zoning Officer Zurawski, Personnel Administrator Heyden, Clerk, Board of Assessors Mleczo, Police Chief Ortolano and Fire Chief Ahlstrom.

Certification of November 1, 2010 meeting was read by City Clerk Tuggle.

RESOLVED: That the reading of the minutes of Monday, November 1, 2010 be dispensed with.

Motion by Councilwoman Floramo 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:

On behalf of the City, Mayor Frey offered condolences to the families of Police Officers Charles Graves and Bob Reardon. He stated that they were good employees with a difficult job and were able to take their retirement and enjoy it.

Mayor Frey advised that the annual "Christmas Tree Lighting" will be taking place this Friday, November 19th between 5:00 and 6:00 PM. He also advised that the tree was donated by Mary Ann Corsoro in memory of her late husband Sam, who was also Carol Oliveira's uncle. He thanked Tom Mleczo for working so diligently by getting lights on the tree, and working in the rain. He also thanked his Secretary Carol for doing the interior decorating, and Carol Ahlstrom and Bill Tuggle for their work with the Christmas festivities. He advised that this work was and is being done on their own time, and commended them for giving back to the community. He further advised that the advertising for the Tree Lighting will be in the newspaper, and also announced on the radio. Mayor Frey also stated that along with the tree lighting there will be gifts and gift certificates for the public.

Councilman-at-large Dolce advised that Director of Development Ahlstrom was excused from tonight's meeting.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from Ernest Torres requesting to purchase 209 Deer Street and 208 Columbus Street from the City of Dunkirk.

Councilman Muldowney moved to refer this request to the City Attorney, Treasurer and Department of Development. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski spoke relative to the "Rising Star Program", stating this was over for the year, and the last award went to Nancy & Ralph Letersky of 27 Genet Street. He thanked the Planning Board and sponsors, and advised that he was approached by additional sponsors for next year. He stated that this program was successful in recognizing residents who take the time and effort to improve their property.

Councilman Michalski also stated that the bike path looks fantastic, and thanked Councilman Muldowney, the Mayor, Kory Ahlstrom and Tony Gugino for their hard work on this.

Councilman Muldowney stated that he recently rode along the bike path, and thanked everyone that took part in this. He advised that Director of Development Kory Ahlstrom put this together with his staff, along with Tony Gugino, Dave Manzella, and also the Mayor who played a big part in saving the trees. He also advised that this has been five to six years in the making, and also thanked Congressman Higgins, Senator Young, and past Governor Pataki who all played a part in this. Councilman Muldowney further stated that Director of Development Ahlstrom had to jump through some hoops to get this done, and urged the public to get out and take a look at this.

Councilwoman Floramo also thanked Councilman Muldowney, the Mayor, and Kory Ahlstrom for their work on the bike path, as she has heard many compliments on this.

Councilwoman Floramo also spoke relative to the Third Ward residents and the problems with them leaving their trash out too early. She reminded them not to leave their trash out before 5:00 PM on Tuesday.

Councilwoman Floramo also spoke in regard to the landlord/tenant issue, advising that the City Attorney would be winding this up and get the packets to the Mayor and Al Zurawski. She further informed that this should be done by December.

Councilwoman Szukala thanked Christa Haynes for her return in working with Access 12, and advised that the next Public Safety Meeting will be on November 29th at 9:15 AM in the Conference Room.

Councilwoman Szukala also advised that the census takers are still going throughout the city, they are about half-way done, and hopefully will be finished by the December 1st deadline. She also thanked everyone for their cooperation.

Councilman-at-large Dolce advised that the budget meetings are still ongoing, with the next meeting this Thursday (November 18th) from 3:30 to 7:30 PM. He also invited the public to attend, as well as any of the Department Heads wishing to discuss their particular budget.

Councilman Dolce further advised that the next radio session for the Council will be on December 16th.

PRE-FILED RESOLUTIONS:

RESOLUTION #79-2010
November 16, 2010

BY COUNCILWOMAN SZUKALA:

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

WHEREAS, the City of Dunkirk Common Council, at their November 1, 2010 regular meeting, introduced their intent to close and abandon that portion of unopened Eagle Street north of Lake Shore Drive West, and

WHEREAS, the Common Council referred this request to various Departments for review, and no objections have been raised; and

WHEREAS, a public hearing was held in the Council Chambers on the 16th day of November, 2010 at 5:50 P.M., in regard to this request, now, therefore, be it

RESOLVED, that this Common Council, upon considering any comments as may have been made at the earlier public hearing, hereby closes and abandons that portion of Eagle Street 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 any property transfers related to this closing and abandoning, take into account any necessary utility easements as may be required by the Department of Public Works or other utility currently utilizing the rights-of-way, and, be it finally

RESOLVED, that the Mayor is hereby authorized to execute any and all documents associated with this closure.

Carried, all voting aye.

RESOLUTION #80-2010
November 16, 2010

BY ENTIRE COUNCIL:

TRANSFERRING FUNDS 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 in accordance with the terms of the reserve fund to contribute toward Camp Gross; 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> |
|--------------------|----------------------------|-----------------|-----------------|
| 001-7140-4163 | Camp Gross Projects | \$ 500.00 | |
| 001-0001-5031 | Interfund Transfer | 500.00 | |
| 070-0070-240 | 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 | |
| 001-0001-503 | Interfund Transfer | | 500.00 |

Carried, all voting aye.

RESOLUTION #81-2010
November 16, 2010

BY ENTIRE COUNCIL:

**REAPPOINTMENT OF COMMISSIONERS OF DEEDS
FOR THE CITY OF DUNKIRK**

RESOLVED that the following be reappointed as Commissioners of Deeds for the City of Dunkirk, New York, beginning January 1, 2011 and expiring December 31, 2012:

| | | |
|-------------------|-----------------------|---------|
| Mark A. Woods | 47 W. Third Street | Dunkirk |
| Patrick Mackowiak | 77 E. Green Street | Dunkirk |
| Robert R. Mazurek | 147 Fizell Avenue | Dunkirk |
| Mark E. Polowy | 58 W. Fourth Street | Dunkirk |
| Christine McGraw | 3754 Wildwood Drive | Dunkirk |
| Leonard Catalano | 731 Washington Avenue | Dunkirk |

Carried, all voting aye.

RESOLUTION #82-2010
November 16, 2010

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING MAYOR TO EXECUTE A LEASE AGREEMENT
FOR AN OFFICE COPIER SHARED BY THE DEPARTMENT OF DEVELOPMENT
AND THE BUILDING/ZONING OFFICE**

WHEREAS, it is possible for the City to enter into a new equipment lease/purchase State bid contract at \$226.00 per month, and

WHEREAS, we currently have a monthly charge of \$252.23 a month for the rental of an office copier shared by the Department of Development and the Building/Zoning office, and

WHEREAS, the new charge shall also produce a cost savings to the City of \$26.23 per month, and.

WHEREAS, under the new contract, the City will be relieved of its current lease obligation with XEROX Corporation, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a lease agreement with XEROX Corporation for an office copier shared by the Department of Development and the Building/Zoning office, which includes maintenance, at a monthly payment of \$226.00, for the next 60 months, and, be it finally

RESOLVED, that funds for this lease be allocated from budget accounts #001-3620-4150-0000 Building/Zoning Office Rent/Lease and #001-8020-4150 Department of Development Rent/Lease.

Carried, all voting aye.

RESOLUTION #83-2010
November 16, 2010

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING THE EXTENSION OF
WENDY SPINUZZA'S CONTRACT FOR SPECIAL PROJECTS SERVICES**

WHEREAS, the City of Dunkirk requires the services of an independent contractor to aid in the enforcement of the Dunkirk Building and Zoning Codes; and

WHEREAS, there is Community Development Block Grant (CDBG) funding available for this additional enforcement within the target area for that program; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to extend Wendy Spinuzza's contract for 2011, so she may continue to serve the City of Dunkirk in this capacity.

Councilwoman Szukala thanked Wendy for all of her work, and for always being very helpful.

Councilman-at-large Dolce stated that the salary was left off of the resolution, but was approximately \$13,000 to \$14,000.

Building/Zoning Officer Zurawski advised that \$15,000 was budgeted plus mileage, this was allocated from CDBG funds, and approved until June 2011 with the second funding to follow. Councilman-at-large Dolce questioned if \$15,000 was for each half of the year and Building/Zoning Officer Zurawski advised that this was correct.

Vote on resolution: Carried, all voting aye.

RESOLUTION #84-2010
November 16, 2010

BY ENTIRE COUNCIL:

INTRO NO. 3 TO LOCAL LAW NO. 3-2010
CITY OF DUNKIRK

A LOCAL LAW TO AMEND CHAPTER 25
OF THE DUNKIRK CITY CODE ENTITLED "DOGS"

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 25 of the Dunkirk City Code entitled Dogs, to allow the City of Dunkirk to better enforce the requirements of the Agriculture and Markets Law of the State of New York, and the Dunkirk City Code governing dogs, including updating licensing fees, dog control provisions, and by clarifying restrictions and penalties for violations.

Section 2 **Amendment of City Code.**

Chapter 25 of the Dunkirk City Code is hereby amended as follows:

Amend

§ 25-6. Penalties for offenses [Amended 7-2-1979; Amended __-__-2010]

Any person violating the provisions of this chapter shall be subject to a fine and/or imprisonment as set forth in § 119 of Article 7 of the New York State Agriculture and Markets Law.

- A. Any person, firm or corporation violating any provision of § 25-2 of this Chapter, shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B. Any person, firm or corporation taking part in or assisting in any violation of § 25-2 of this Chapter, shall also be subject to the penalties herein.
- C. Each day that a violation of this Chapter is committed or is permitted to exist, shall constitute a separate offense.
- D. Penalties shall be as follows:
 - 1. For the first violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be subject to a fine of not less than \$35.00 and not more than \$100.00
 - 2. For a second violation by any person, owner or harborer within a three year period, such owner or harborer shall be subject to a fine of not less than \$60.00 and not more than \$150.00
 - 3. For a third violation by an person, owner or harborer with a three year period, such person, owner or harborer shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period onto exceeding fifteen (15) days.

Any person taking part or assisting in any violation of this article shall also be subject to the penalties herein.

- E. If a dog seized under the provisions of Section 25 is not redeemed within the redemption time periods provided by the New York State Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA. Anyone that picks up an at-large dog in the City of Dunkirk, must notify the Dog Control Officer or the Dunkirk Police Department, and surrender the dog upon request, before removing the dog from the City, subject to fine. There will be a fee of Seventeen Dollars (\$17.00) per day boarding fee, payable by the owner of the seized dog.

ADD

§ 25-10. Licensing of Dogs: [Added as LL #__-2010 on _____]

- A. All dogs in the City of Dunkirk must be licensed with the City Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.

- B. All dog licenses for unspayed or unneutered dogs will be paid for a period of one year and will expire at the end of the month one year from the date of issue. Dog licenses for spayed or neutered dogs may be purchased for a one year, two year or three year period and will expire at the end of the month one year, two years or three years from the date of issuance as the case may be. Dog licenses are not transferrable.
- C. All new dog licenses must be purchased in person at the City Clerk's Office with proof of current rabies shot. All renewal of dog licenses may be purchased by visiting the City Clerk's Office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees for a one year license.
- D. All fees will be used in funding the administration of the Dogs Law of the City of Dunkirk
- E. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this local law.

§ 25-11. Liability of City Officials. [Added as LL #__-2010 on _____]

No officer, agent or employee of the City of Dunkirk shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Dunkirk as the result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings thereon.

§ 25-12. Separability. [Added as LL #__-2010 on _____]

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 **Effective Date.**

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

Councilwoman Szukala moved to table Local Law #3-2010 with a Public Hearing to be held on December 7th, 2010 at 5:50 PM.

Carried, all voting aye. **Tabled.**

Councilman-at-large Dolce advised that the resolution pertaining to Verizon Wireless was pulled at the workshop so the Council can take a look at the lease and present this for the next meeting.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Michalski.

Carried, all voting aye.

Adjourned at 6:15 PM

William Tuggle, City Clerk
