

**PUBLIC HEARING  
September 21, 2010**

Councilman-at-large Dolce called the Public Hearing to order at 6:50 PM.

Present: Councilmen Michalski, Muldowney, Councilwomen Floramo, Szukala and Councilman-at-large Dolce.

Also present: Mayor Frey, Public Works Director Gugino, Fiscal Affairs Officer Curtin, City Treasurer Woods, Building/Zoning Officer Zurawski, Personnel Administrator Heyden, Director of Development Ahlstrom, Clerk, Board of Assessors Mleczo, 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 proposed Local Law 2-2010 amending Appendix 1 Section I (1) of the Dunkirk City Charter entitled: "Rules of Order of the Common Council".

No one spoke.

**Public Hearing adjourned at 6:51 PM**

**William Tuggle, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
September 21, 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, Public Works Director Gugino, Fiscal Affairs Officer Curtin, City Treasurer Woods, Building/Zoning Officer Zurawski, Personnel Administrator Heyden, Director of Development Ahlstrom, Clerk, Board of Assessors Mleczo, Police Chief Ortolano and Fire Chief Ahlstrom.

Councilman-at-large Dolce advised that City Attorney Cerrie was excused from tonight's meeting.

Certification of September 7, 2010 Meeting was read by City Clerk Tuggle.

**RESOLVED:** That the reading of the minutes of Tuesday, September 7, 2010 be dispensed with.

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

Carried, all voting aye.

Councilman-at-large Dolce also recognized Legislator Duff for his attendance tonight as well as meetings in the past.

**PUBLIC COMMENTS:**

Janice Slaton, 161 King Street, Dunkirk, NY questioned the City Administration as to what concrete steps have been taken to return non-emergency Social Services to Dunkirk, as winter is approaching, and we are running out of time. She stated that she spoke with the Mayor and Council, and there appears to be some concern, but the poor people are running out of time with no transportation to Jamestown for basic services. Mrs. Slaton also stated that she did not believe that the power lies only within the County Administration.

Rose Sebouhian, 6 Ventura Circle, Fredonia, NY (formerly 309 Robin Street, Dunkirk, NY) stated that they moved back here from Ohio, and she is a member of the Advocacy Committee of the Women League of Voters in Chautauqua County. She cited some recent statistics from the Observer made by County Social Services Commissioner Steve Wickmark stating a 50% increase in food stamps in the last three years, 35% in the last 1.5 years, and that we are fourth lowest in NYS as far as median income according to the Bureau of Labor Statistics. Mrs. Sebouhian stated that she is speaking in support of getting Social Services back in northern Chautauqua County, requested some advice as how to convince our Legislators for a building in this area, and stated that she is committed to helping on this issue.

Minda Ray Amiran, 12 Lowell Place, Fredonia, NY also spoke in regard to the situation with social services, stating that Dunkirk/Fredonia are as one community, and the people along with the business owners are suffering from this. She spoke on behalf of the owners of P&G, Central Station and Pizza Wings & Things stating that they are distressed with the loss of population in downtown Dunkirk that has followed the move of Social Services to Jamestown. She also informed of the bus schedules from Dunkirk and back from Mayville and Jamestown

Paul Christopher, 276 King Street, Dunkirk, NY spoke in regard to the Peace Pole at the Veterans Memorial, specifically the location, as it was not properly located and unsettling to a lot of our Veterans. He advised that the sponsors of the pole are an anti-war group, and read some of the items from their website, which sounded very political to him, and therefore this did not belong in a Veterans Memorial Park, honoring soldiers who died paying the ultimate price. He advised that he along with other Viet Nam Veterans are not the best of friends with anti-war activists, and never will be. He stated that there is no veteran from that war or era who can walk up to that Memorial, see that pole there, and not suffer from harsh memories of that time. Mr. Christopher stated that it's not too late to move it (away from the Memorial). He stated that if the people who sponsored it are really concerned about soldiers, they're not going to want to leave it there anyway if they know it's upsetting the soldiers. He further stated that it's unsettling, inappropriate, and it's "just a post" which was dug and buried, and can be dug up and moved.

Tom Taylor, 223 Temple Street, Dunkirk, NY appreciated Mr. Christopher's remarks, and that he was following along on how business is done in the City of Dunkirk. He stated that this is a democratic society, but it seems like one person was making the decision, and this should have been democratically done, as we are the ones that employ you.

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Frey had nothing to report at this time.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from William & Laura Osinski on behalf of School #7 requesting police assistance for their first annual 5k road race on September 25th starting at 11:00 AM to benefit Shriner's Hospital.

Councilwoman Floramo moved that permission be granted contingent upon the proper liability insurance submitted to the city.

Police Chief Ortolano explained for the record that he along with Public Works Director Gugino met with Mr. Osinski, who guaranteed enough volunteers so they wouldn't need police assistance and therefore no city manpower issues would be involved. He also stated that their insurance would cover this.

Seconded by Councilwoman Szukala. Carried, all voting aye.

Petition from Loretta Slaton Torain on behalf of Juneteenth requesting a monetary donation for their past celebration in June 2010.

Councilwoman Floramo advised that \$200.00 would be donated as in the past. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Paul P.Lyons, Principal of DHS requesting four police officers for the Homecoming Dance on October 2nd from 7:30 to 11:00 PM.

Councilman Muldowney moved to refer this petition to the PBA. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Claim from Sandy Parnell for damages to her car allegedly due to hitting a pothole while driving on Martin Street.

Councilwoman Szukala moved to refer this claim to the City Attorney. Seconded by Councilwoman Floramo.

Carried, all voting aye.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski stated that there was a recent Public Works Meeting at which time Siemens Energy was discussed to look at the possibility of both solar and wind power at the Wastewater Treatment Plant, and hopefully they will be making a presentation to the committee next month. He also advised that the ice rink at Wright Park was discussed, and they were working with Public Works Director Gugino to get this in place for fall.

Councilman Muldowney thanked the Mayor, Tony Gugino and Kory Ahlstrom for their work with the bike path. He stated that Kory explained how Tony and Dave Manzella saved trees

to get this underway and appreciated their efforts. He stated that Maclain also sent her congratulations, and he also thanked everyone that came out tonight and spoke about their concerns. He stated they all had valid points, and gave his word that he would look at all of them.

Councilwoman Floramo advised of the Personnel meeting Thursday night (September 23rd) at 6:00 PM, and advised that it was important for a landlord to attend and perhaps there could be some hope for them (for a house) without going to court.

Councilwoman Floramo addressed Tom Taylor and Paul Christopher advising that on March 16th she addressed a letter from "Poles for Peace" questioning if this letter was answered. She advised that the Mayor stated there was no problem with this, but we needed a place and date to do it. She further stated that in May, Council was asked what they would like to do, if Memorial Park would be fine, and Council agreed. However, she stated that Council did not consent to that spot, and that she has had many phone calls with the Vets who are upset about this. She stated that she spoke with the Pastor, and that he was very evasive about it, but that he and the Mayor had a conversation on this. Councilwoman Floramo therefore stated that the Council was the legislative body of the city, and they needed to get together and make a decision with the Mayor.

Councilwoman Floramo also spoke in regard to the situation with Social Services, stating that she attended some meetings, and they are a waste of time and money. She advised that Councilman-at-large Dolce attended a meeting and did send a memo to the Mayor on August 18th as follows:

"There has been much discussion as to the return of jobs and services to the former Graf Building after final repairs and inspections are completed. I feel that it is imperative that the city does everything in its power to encourage the County Executive to return those jobs and services to downtown Dunkirk. I plan to draft a letter on behalf of all Council to this effect, and ask for consideration joining us in that letter in holding a meeting with the County Executive and Council for discussion".

She advised of the reply on August 24th from the Mayor, stating that he had several conversations with the County Executive, landowners, and developers, that this was of top priority on his agenda, and will continue working on this most important issue. She further stated that this will move forward as the Council has no choice but to do so.

Councilwoman Floramo also spoke relative to rubbish pick up in her ward, stating that some people are leaving it out again too early, and requested that people put their trash out no earlier than 5:00 PM.

Councilwoman Szukala advised the public that on Friday (September 24th) Hose Co. #4 would be showing the movie Blind Side at 7:30 PM at no charge.

On behalf of Valerie Pawlak, Councilwoman Szukala requested if the receivers could be checked on Lincoln Avenue along Doughty Street for drainage. She advised that the Public Works Director would contact her on this matter.

Councilwoman Szukala also spoke relative to the County situation, stating that she spoke with County Executive Greg Edwards and Senator Young, who assured her that they were working on this. She stated that hopefully a meeting could be set up so all can get their cards on the table. She stated that the Resource Building on Lake Shore Drive could possibly be used as it

would at least bring the jobs back in the city, and the people needing services can get there much easier than going to Jamestown.

Relative to the Peace Pole, Councilwoman Szukala stated that she never thought it would be so controversial, and she could see both sides. She stated that the soldiers there have done their duty and this was a place to remember them, and others never served in a war. She stated that it could be possibly moved to another area in the park, she understood both sides, and perhaps a common ground can be reached on this.

Councilman-at-large Dolce thanked everyone for coming out tonight and speaking on their issues. He also advised that the Council would be on the radio this Friday, informing that any comments can be forwarded by e-mail, as there are no call-ins.

Councilman-at-large Dolce also advised of the City Clerk informing of the dog licensing changes at the Finance Meeting. He stated that these will be brought forth with some education for the new process.

**UNFINISHED BUSINESS:**

**RESOLUTION #62-2010**  
**September 7, 2010**

**BY ENTIRE COUNCIL:**

**INTRO NO. 2 TO LOCAL LAW NO. 2-2010**  
**CITY OF DUNKIRK**

**A LOCAL LAW TO AMEND APPENDIX 1 SECTION I (1)**  
**OF THE DUNKIRK CITY CHARTER**  
**ENTITLED "RULES OF ORDER OF THE COMMON COUNCIL"**

**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 change the time of the workshop and regular meetings of the Common Council.

**Section 2**     **Amendment of City Charter.**

Appendix 1 Section I (1) of the Dunkirk City Charter is hereby amended as follows:

**DELETE**

1.     The regular meetings of the Common Council shall be held the first and third Tuesday of every month at **7:00 P.M.** in the Common Council Chambers in the City Hall, unless changed at a prior meeting. Preview workshops shall be convened at **6:30 P.M.** on the day of each regular meeting.

**AMEND**

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at **6:00** P.M. in the Common Council Chambers in the City Hall, unless changed at a prior meeting. Preview workshops shall be convened at **5:30** P.M. on the day of each regular meeting.

**Section 3**    **Effective Date.**

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

Councilwoman Floramo motioned to remove Local Law #2-2010 from the table for vote. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Vote on Local Law #2-2010: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:****RESOLUTION #63-2010**  
**September 21, 2010**

**By Councilwoman Szukala:**

**AUTHORIZING AWARD FOR VARIOUS ROOF REPAIRS AND  
RENOVATIONS AT THE DUNKIRK WATER FILTRATION FACILITY**

**WHEREAS**, sealed bids for the *WATER TREATMENT PLANT ROOF REPAIRS/RENOVATIONS* project were received and opened in the City Clerk's office at 1:00 PM on Monday, September 13, 2010, with one (1) bid being received, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Hill Engineering, Inc. and Director of Public Works Gugino, that the sole bid of A.W. Farrell & Son, Inc., 3761 East Lake Road, Dunkirk, New York 14048, be accepted at a cost of \$292,931.00, 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 A.W. Farrell & Son, Inc., for the above described services in accordance with the contract documents, and, be it further

**RESOLVED**, that the funding shall be allocated from the Water Treatment Plant Phase I Account #015-8320-5041-8048, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposit upon contract execution and in accordance with the contract documents.

Carried, all voting aye.

**NEW BUSINESS:**

**RESOLUTION #64-2010  
NEW BUSINESS  
September 21, 2010**

**BY COUNCILMAN MICHALSKI AND COUNCILWOMAN FLORAMO:**

**AUTHORIZING THE MAYOR TO EXECUTE A  
SHARED SERVICES AGREEMENT OF THE DOG CONTROL OFFICER  
BETWEEN THE CITY OF DUNKIRK AND THE TOWN OF DUNKIRK**

**WHEREAS**, the Town of Dunkirk would like to enter into a Shared Services Agreement of the Dog Control Officer with the City of Dunkirk; and

**WHEREAS**, the Town of Dunkirk would like an Agreement from January 1, 2011 through June 30, 2011; and

**WHEREAS**, the Town of Dunkirk is willing to pay the City of Dunkirk the fee of Two Thousand Dollars (\$2,000.00) per year, to be paid quarterly, for the service of a Dog Control Officer, and Seventeen Dollars (\$17.00) per day for each dog that is caught in the Town that needs to be housed at the City's Animal Shelter; and

**WHEREAS**, the services of the Dog Control Officer for the Town of Dunkirk would be for emergency backup only; now, therefore be it

**RESOLVED**, that the Mayor is hereby directed and authorized to execute any and all documents to enter into an Agreement with the Town of Dunkirk for a Shared Services Agreement of the Dog Control Officer for the period of January 1, 2011 through June 30, 2011; and, be it finally

**RESOLVED**, that the Town of Dunkirk agrees to pay the City of Dunkirk a fee of Two Thousand Dollars (\$2,000.00) per year, to be paid quarterly, for the service of an emergency backup Dog Control Officer, and Seventeen Dollars (\$17.00) per day for each dog that is caught in the Town of Dunkirk and needs to be housed at the City's Animal Shelter.

Councilman Muldowney stated that this has gone back and forth; he had some reservations, but will go along with it due to being a three month basis. He stated that he had concerns with extending duties, along with himself not approaching this in the summer before budget time. He stated that some changes were made in the contract for strictly a back-up position, but was willing to give it a shot.

Councilwoman Szukala stated that she had several issues with this from the beginning, she was not opposed to shared services, but we hired a new ACO and he has yet to do any issuing of tickets for daily alternate parking, requiring a few hours in the city everyday. She also felt that it was not fair for him to do this extra duty without some additional compensation to him, as he has turned in his time logs and is very busy. She also felt that creating this shared services contract was bad timing, it should have been looked at for pros and cons, and discussed shared

services with the Humane Society. Councilwoman Szukala therefore stated that she would be voting no on this resolution.

Councilman-at-large Dolce stated that he had been working on this since last November, and concerns were recently brought forth in regard to the contract that should have been cleared up, but are now addressed in the resolution and the contract. He advised that the two changes included the emergency backup, and the trial dates; running from January to June. He stated that this will give us three months to see how it works as it is only a six month agreement, and every candidate screened for the ACO position stated they would be willing to answer calls in the Town. Councilman-at-large Dolce further advised that those calls are minimal as there was only one dog complaint last month, and this was good between two municipalities as this is often talked about but never done. He also advised that if this does not work out, both municipalities have a thirty-day out clause.

Vote on resolution: Ayes: Councilmen Michalski, Muldowney, Councilwoman Floramo and Councilman-at-large Dolce. No: Councilwoman Szukala.

Carried. (4-1).

Councilwoman Szukala moved to adjourn. Seconded by Councilwoman Floramo.

Carried, all voting aye.

**Adjourned at 7:37 PM**

**William Tuggle, City Clerk**

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