

COMMON COUNCIL PROCEEDINGS
September 6, 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 Szukala and 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 Mleczo, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Lieutenant McAfee.

Councilman-at-large Dolce advised he received a note from Councilwoman Floramo's physician and excused her from tonight's meeting. Councilman-at-large also excused Development Director Kory Ahlstrom from tonight's meeting.

Certification of August 16, 2011 and September 1, 2011 meetings were read by City Clerk Mleczo.

RESOLVED: That the reading of the minutes of Tuesday, August 16, 2011 and Special Meeting of Thursday, September 1, 2011 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Pasierb, 66 N. Jerboa Street, Dunkirk, New York stated he attended a common council meeting several months ago and spoke in regard to extending a second Privilege of the Floor at the end of the council's meetings. Mr. Pasierb advised this would give taxpayers the opportunity to express their opinions and to comment on any council members comments after the initial Privilege of the Floor is granted.

Councilman-at-large Dolce asked City Attorney Cerrie to look into the City Charter regarding this issue.

City Attorney Cerrie advised he addressed this issue during a prior meeting and stated "it is up to the council if they want to amend the agenda for the council meetings."

Councilman-at-large Dolce advised council members that we should discuss this issue.

Sam Mancuso, 36 N. Beaver Street, Dunkirk, New York advised council members he had taken it upon himself to circulate a petition regarding the seawall along Lakefront Boulevard and read the following "we, the undersigned, are in favor of the reconstruction of the seawall along Lakefront Boulevard. We feel that the taxpayers of the City would save money in the future by rebuilding the wall now. Everyone knows that the wall has to be repaired. With the mandated water and sewer construction Lakefront Boulevard would be torn up. Interest rates are low now

and construction costs would be more expensive in the future. Now is the time to fix the wall.” Mr. Mancuso noted that Councilman-at-large Dolce was the lone member to vote no on this project and asked Councilman-at-large Dolce what his thoughts were regarding the seawall project.

Councilman-at-large Dolce replied he agrees the project needs to be completed, but was not ready to spend the time and money without exploring the alternatives.

Mr. Mancuso replied “which are.”

Councilman-at-large Dolce responded “lower costs, possible lower costs.”

Mr. Mancuso asked Councilman-at-large Dolce “where does this project stand now.”

Councilman-at-large Dolce stated “as of right now, nowhere.”

Mr. Mancuso stated “we have over 200 signatures that are saying that it should be done now. As long as the Lakefront Boulevard is going to be torn up, it should be fixed. It’s a no brainer, common sense prevails.” Mr. Mancuso gave the petition to City Clerk Mleczo to make copies for the council members.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey thanked CSX and Norfolk & Southern Railroad for doing such a great job in repairing the tracks on Route 60, Lincoln Avenue and King Street. Mayor Frey advised CSX and Norfolk & Southern Railroad will also repair the tracks on Route 5 near the NRG Plant.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Prior Notice from Judith Leva informing of a dangerous tree on Marauder Drive at the rear of the property located at 704 Roosevelt Avenue.

Councilman Michalski motioned to accept this notice and referred this to the Department of Public Works. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised he discussed with Councilman-at-large Dolce and Development Director Kory Ahlstrom about the possibility of setting up a meeting with Burke Brother’s representatives prior to the next common council meeting. Councilman Michalski stated it was time to sit down with the developers, as he and other council members have many questions. Councilman Michalski advised residents there will be a public meeting and the date and time will be announced in the newspaper.

Councilman Muldowney advised meeting with the Burke Brother’s was a great idea.

Councilman Muldowney thanked the Lighthouse and the Cultures for doing such a great job at the Lighthouse Festival last week.

Councilman Muldowney spoke in regard to the grand opening of the new football field at the High School last Saturday evening and advised 5 former football players were honored that evening including former professional football player Dave Graf. Councilman Muldowney stated "it was a big night for the city and the school district; it was a great night."

Councilman Muldowney asked Department of Public Works Director Gugino if his crew was in the First Ward this week working on brush pickup; will his crew would be in the Second Ward next week and asked if his crew only pickup's on Monday's and Tuesday's of the week.

Department of Public Works Director Gugino stated his crew is spending 1 – 1 ½ fewer days per week picking up brush because residents are using the brush drop off at the City Barns on a daily basis. DPW Director Gugino further stated his crew is basically picking up brush only on Monday's and Tuesday's.

Councilman Muldowney asked DPW Director Gugino about the Recycling Program.

DPW Director Gugino replied he has seen the numbers increase slightly every week and stated "I just ran the numbers today from last week; last week we did 7.85 tons, when we started back in January we were at 3.7 tons, so were incrementally getting more and more every week but you got to remember that's just what we pickup at the curb." DPW Gugino continued "the volumes at the street department center are also going up as well and they dwarf the curbside numbers, so cumulatively it's really becoming more and more of a success."

Councilman Muldowney asked DPW Director Gugino about recyclables that are being placed in the regular trash.

DPW Director Gugino advised as of right now his guys are picking it up and it is going in the trash. DPW Director Gugino continued "I've got some thoughts, there's other ways to handle it, but at this point whatever shows up the day of garbage that wasn't in the recyclables we have chosen to continue picking it up as regular trash, only so we don't have a major trash-litter-garbage situation."

Councilwoman Szukala advised the next Public Safety meeting will be held on Monday, September 26th at 2:00 PM in the Conference Room.

Councilwoman Szukala advised residents she was working with Development Director Ahlstrom to get a flyer (bilingual) sent home with school children about the city's recycling program and the flyers will be sent home next week or the following week.

Councilwoman Szukala asked with City Attorney Carrie when we can expect the other contracts to be negotiated.

City Attorney Carrie replied we have two in the process of being negotiated; we have a series of meeting setup with Union #912 and the Police Union and are meeting with them this Thursday. City Attorney Carrie advised, despite phone calls, Union #2693 representatives have not responded back.

City Attorney Carrie advised there will be a meeting prior to Thursday's meeting with the Unions, regarding the new insurance program for city employees. City Attorney Carrie further advised city employees would receive the same exact coverage but would cross over their coverage into a different group and stated this would result in a significant savings for the City.

Councilwoman Szukala asked City Attorney Cerrie when we could expect the changes or revisions to the City Charter and Codes.

City Attorney Cerrie advised his secretary was working on this and he would get back to her.

Councilman-at-large Dolce advised the next Finance Committee Meeting will be held on Monday, September 12th at 5:00 PM and stated the main focus of this meeting will be to discuss the audit.

Councilman-at-large Dolce advised another recycling plan option would be to have recyclables picked up on resident's regular trash day; this would eliminate one day of pickups.

Mayor Frey advised residents this Sunday marks the 10th anniversary of 9/11; there will be a memorial service in front of City Hall at 10:00 AM by our fire department and encouraged residents to attend and participate. Mayor Frey stated "just remember, when everyone was running out, they were running in."

PRE-FILED RESOLUTIONS:

RESOLUTION #52-2011
September 6, 2011

By: COUNCILWOMAN SZUKALA:

**AUTHORIZING MAYOR TO SIGN AGREEMENT
BETWEEN THE UNIFIED COURT SYSTEM AND THE CITY OF DUNKIRK
FOR COURT CLEANING AND MINOR REPAIRS
(CONTRACT #300226)
(APRIL 1, 2011 TO MARCH 31, 2012)**

WHEREAS, the State of New York Unified Court System reimburses the City for expenses associated with the maintenance and operation of the court facilities which includes, but is not limited to, cleaning, building and grounds maintenance and capital improvements requested by the Court, through a maintenance agreement, and

WHEREAS, the State 2011 - 2012 fiscal year (April 1, 2011 – March 31, 2012) reimbursement amount under the operations and maintenance agreement budget is estimated to be \$27,086, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute a contract renewal for maintenance and operations of City court facilities for State fiscal year 2011 – 2012 with an estimated reimbursement in the amount of \$27,086, which said funds to be allocated to revenue account #001-0001-3330 - Court Operations & Maintenance, for reimbursement of funds expended with respect to this agreement.

Carried, all voting aye.

RESOLUTION #53-2011
September 6, 2011

BY: ENTIRE COUNCIL

**AUTHORIZING THE EXECUTION OF THE
STIPULATION OF DISCONTINUANCE
BETWEEN VERIZON NEW YORK, INC. AND THE CITY OF DUNKIRK**

WHEREAS, Verizon New York, Inc. and the City of Dunkirk have entered into an agreement whereby Verizon's assessment rate has been agreed upon for the years 2010, 2011 and 2012; and

WHEREAS, the Dunkirk Common Council approved said agreement with Resolution #97-2010; and

WHEREAS, Verizon filed a Notice of Petition on or about July 1, 2011, challenging their assessment within the City of Dunkirk despite said agreement; and

WHEREAS, Verizon cannot lawfully file said Notice of Petition with an agreement in place; and

WHEREAS, Verizon's attorneys have executed a Stipulation discontinuing action with regards to the 2011 Notice of Petition; now, therefore, be it

RESOLVED, that the Common Council does hereby accept said Stipulation discontinuing action with regards to said 2011 Notice of Petition challenging their assessed rate within the City of Dunkirk; and, be it finally

RESOLVED, that City Attorney Cerrie and/or the Mayor are hereby authorized and directed to execute any and all documents related to the Stipulation discontinuing action with Verizon New York, Inc.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Muldowney.

Carried, all voting aye.

Adjourned at 6:15 PM

Tom Mleczo, City Clerk
