

**PUBLIC HEARING
September 7, 2010**

Councilman-at-large Dolce called public hearing to order at 6:54 PM.

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

Also Present: Mayor Frey, City Attorney Carrie, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Clerk, Board of Assessors, Mleczo, Building Inspector Zurawski, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom, and Lieutenant McAfee.

City Clerk Tuggle read Notice of Public Hearing.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on Local Law to amend Section 39-9 of the Dunkirk City Code Entitled: "Hawkers and Peddlers".

COMMENTS:

No one spoke.

Public Hearing closed at 6:55 PM

William D. Tuggle – City Clerk

**COMMON COUNCIL PROCEEDINGS
September 7, 2010**

The meeting was called to order at 7:02 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 Carrie, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Director of Development Ahlstrom, Personnel Administrator Heyden, Fire Chief Ahlstrom and Lieutenant McAfee.

RESOLVED: That the reading of the minutes of Tuesday, August 17, 2010, and Special Meeting of Monday, August 30, 2010 be dispensed with.

Motion by Councilwoman Floramo to accept the minutes as presented. Seconded by Councilman Michalski. Carried, all voting aye.

PUBLIC COMMENTS:

Walter Rutland of 184 E. Second Street, Dunkirk, NY spoke and read the following:

“I’m representing all the poor people, black, white, brown, yellow, whatever color you are in this City. What’s happening to the residents of Dunkirk are deplorable, unacceptable, intolerable and manipulated, and all that is inexcusable. They all have been unjustly thrown to the curb and that’s inexplicable by reason of insanity.

I have sit by the wayside idly for sometime and to my surprise I have seen no avail to the problem of returning all 77 social service workers back to the City of Dunkirk immediately. It is an economic catastrophe when a mother of seven can’t find a baby sitter so she can go all the way to Jamestown for her benefits and with missing the bus back. Then she has to come up with \$15.00 or \$18.00 to catch a coach bus back at night. Because the last Carts bus is at 1:00 in the afternoon.

Until we resolve this problem, then the City can return to business as usual. Dunkirkians pay taxes like anyone else, especially the poor, and when adversity hits that’s when the poor have the right to accept social services in this City. By all means necessary, don’t let a few bad apples spoil it for the majority of the poor.”

He then quoted several famous Americans, such as Roosevelt, John Kennedy, and Martin Luther King, Jr.

Mr. Rutland stated “what I’m looking for, and to the Mayor, he’s my friend, but I hope that you are getting with the best minds in the city because adversity at any time can hit anybody. We need real politicians and two that I admire the most is President Obama, and also President Jimmy Carter. Both of these men have received the Nobel Prize and I can recall to you right now when I met President Jimmy Carter, he was building houses for humanity.” Mr. Rutland further stated that Jimmy Carter spoke to him and told him that he hoped one day he could be a speaker, representing the poor.

Mr. Rutland also advised that an elderly white woman was held up twice in her home, and that an elderly black man was held up on Central Avenue, having \$6000.00 taken out of his pockets.

Mr. Rutland continued “the Police Department are doing a great job, but they can’t do anything when people don’t help them out. We need more Neighborhood Watches in this City. All I’m saying to you is let’s return to business as usual. I rest my case. Thank you.”

James Muscato of 280 Lake Shore Drive West, Dunkirk, NY stated that while touring Point Gratiot he noticed approximately 25-30 trees marked with green markers, and asked if this is something that the public should be made aware of.

Department of Public Works Director Gugino stated this was TVGA’s final mark of the original proposed bike path that needs to be built by the end of the year. DPW Gugino advised that based on drawings he received 1 ½ weeks ago, Dave Manzella, a gentlemen from TVGA, and himself identified from the bike path report route the trees that would have to come down. Mr. Gugino further advised that he immediately notified TVGA, met with them, and informed them that those trees would not be coming down. He further stated that he would remap the route without holding up the construction schedule.

Mr. Gugino advised that Dave Manzella and he spent last Friday realigning the route. The end result was that of the 28 original trees marked only 3-4 trees would have to come down. Two of the trees are dead, and the remaining trees are of inferior quality. Mr. Gugino stated that he was adamant with TVGA that all the trees marked with green markers would not be taken down. He further advised the readjusted route was accepted.

Councilman Muldowney asked Mr. Gugino who accepted the adjusted proposal, because he has been involved with this project for the past 5 years, and that this was the first that he has heard of this. Councilman Muldowney further stated that this project was held up due to State funding problems, and that he would like to see the accepted proposed path.

Mr. Gugino replied that the adjusted proposal was accepted by Russ Stoll of TVGA. There was a lot of confusion, and that this project goes back 5 years. Mr. Gugino stated that this project laid in the abyss for 2 years; he became involved with the project during the last 8-9 months because Lynn Lefebvre from New York State Parks and Grants was worried, reached out to the City and wanted to save this project. He further stated that if it had not been resolved we would have lost the project at the end of the year.

County Legislator Robert Duff of 2024 Laona Road, Sheridan, NY addressed the Council, stating that he was lucky enough to sit in county government, and that Mr. Rutland spoke the truth. He further stated “ we’ve got to have the employees back to work in this city. We get no response from Chautauqua County government at all. Now that may be because people really don’t care about downtrodden people.”

Legislator Duff continued “now we’ve got to come together, we as a community, and stand up to what I feel is a very, very, very, terrible situation that our county executive and his group of individuals have done to our wonderful City of Dunkirk. Please, we need help.”

Mark Lawrence, 202 Lord Street, Dunkirk, NY thanked the Council and the Mayor for the last meeting. He further stated that the Animal Control Officer is needed because animals were left behind. Mr. Lawrence thanked Building Inspector Zurawski, the Mayor, Councilwoman Szukala; he agreed that a Neighborhood Watch is needed.

Harriet Tower of Dunkirk, NY thanked the City, and the Department of Development for helping with the First Dunkirk Garden Walk. She advised that everyone put in a lot of energy, it came out well. Ms. Skeeter stated that she was happy about the bike trail.

Ms. Tower stated that she was happy the Judge moved quickly on the apartment issue, and that Rose Floramo has been working on Landlord/Tenant issues. Ms. Tower asked if we could continue to count on the Judge to move quickly on these issues. “It’s a terrible thing that’s happening to City properties and its discouraging good landlords from continuing to be good landlords. People are thumbing their noses at the City, stating that there is nothing that we can do, and was happy that something was done.”

Councilwoman Floramo stated the Judge promised to do whatever he can, but he explained how difficult it is to get payment from people because social security and unemployment income could not be garnished. Councilwoman Floramo further stated that they were advised at the Personnel Meeting that landlords will be able to initiate a mediation without payment. Councilwoman Floramo advised that the Judge is letting us use the court for free, so

there is some help for the landlords. Councilwoman Floramo stated that Clarence, NY was able to have laws changed and upheld.

Councilwoman Floramo stated that no one on this Council will ever insult anyone. We are always willing to hear what people have to say, phone calls are always appreciated, and hope that we can keep moving forward.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Frey advised residents that Central Avenue is now open and hopes that the fence will be taken down by the end of the week. He further stated that the back alley will also be opened up to traffic by the end of the week.

Mayor Frey reminded residents that this month will be the last call for brush pickup, and that violators will be ticketed and fined.

Mayor Frey responded to Mr. Muscato's concern in regards to the potential loss of trees at Point Gratiot. He stated that he has been working with Councilman Muldowney on this project over the past 5 years, and that those trees were not going to be taken down. Mayor Frey advised that working with the State has been frustrating at times. Mayor Frey further advised that this began with Maclain Nichols who was the instigator for this, and that we won't let this die.

Mayor Frey advised Mr. Rutland that the City has been working everyday on the County Office situation since the fire occurred on February 24th. Mayor Frey further stated that all of the control is in Mayville, and that there were something's in the area that he could not talk about at this time.

Mayor Frey thanked Harriet "Skeeter" Tower for the job she did on the flower show, and the yard tour.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Councilman-at-large Dolce advised that petition #1 from William and Laura Osinski requesting police assistance for their first annual 5k road race on September 25th to benefit Shriner's Hospital was pulled during the workshop due to concerns from several department heads. There will be one more council meeting to address this petition before the proposed race occurs.

Petition from Vietnam Veterans of America Chapter #459 requesting a proclamation from the City of Dunkirk Common Council declaring Friday, September 17, 2010 National POW/MIA Recognition Day in the City of Dunkirk.

Councilman Michalski motioned to approve this request. Seconded by Councilwoman Floramo.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised residents that the Rising Star Winner for the month of August was David Miller of 16 N. Ocelot Street.

Councilman Michalski further advised residents that there will be a Public Works Committee meeting Thursday, September 16th at 6:00 PM, were they will be finalizing the results of the trash collection inquiry, and that he was looking at the possibility of wind power for the Waste Water Treatment Plant.

Councilman Michalski stated that he is looking at possibly of bringing an outdoor ice rink to the City.

Councilman Muldowney apologized to Public Works Director Gugino, stating this (bike path project) goes back 5-7 years, with at least 3 different pots of money. Councilman Muldowney congratulated Director of Development Kory Ahlstrom for putting this project together. He further stated that this was a thorn in Maclain's side; the problem was we had funding from the New York State Senate, the Pataki bond act, and from Congressman Higgin's office, but that we could never start. Councilman Muldowney advised that this has been a nightmare project for 5 years. There was always safety concerns; everything needed to be mapped out with the TVGA; then right-of-ways were needed from all property owners. Councilman Muldowney further stated that they just had a conference call last week with Senator Young's office in regards to funding for the trees. Councilman Muldowney advised that he would like to be informed when it comes to routes being changed.

Councilman Muldowney credited Harriet "Skeeter for the meeting she held; she put together a nice group, and that she is moving things along. Councilman Muldowney wished her well.

Councilman Muldowney advised residents that a crime meeting was held last week. He further advised that it would be nice to have a crime watch near Brigham Road and Second Street, and in the Fourth Ward. Councilman Muldowney stated that we are willing to help, but we need people like Skeeter Tower to step up.

Councilwoman Floramo asked City Attorney Carrie what is the status of the 2 new policies. She then stated that she would speak to him tomorrow.

City Attorney replied that his Secretary was not in today, and that he was unaware of the policies.

Councilwoman Floramo thanked the residents of Dunkirk for bring these issues to the forefront.

Councilwoman Floramo congratulated Chief Ortolano in regards to 4 issues the Park Committee was pressing. She further stated that by the time the Committee got to the bottom of them, Chief Ortolano had 3 of the issues resolved.

Councilman Floramo reiterated what Councilman Muldowney said; that neighborhood watches work, but it takes the public, and that we need volunteers.

Councilwoman Floramo also advised that she requested four signs for Washington Park. She further stated that Washington Park should be closing at 9:00 PM, and the Police have no

way of enforcing that time without the signs. Councilwoman Floramo suggested that they could use the same size signs that are posted at the beach, and that the signs should be posted on each corner of the park.

Councilwoman Floramo advised residents that a Personnel Meeting will be held Thursday, September 23rd at 6:00 PM.

Councilwoman Floramo also advised that she attended the Office of Social Service meeting, which was very small. She promised that a memo would be sent to the Mayor, and that we would ask for a Resolution supporting this.

Councilwoman Szukala thanked everyone who came out tonight to speak. It is appreciated, whether your concerns are good or bad, it is nice to see people supporting the Council.

Councilwoman Szukala advised that a Public Safety Meeting will be held September 22nd at 9:30 AM in the conference room.

Councilwoman Szukala thanked Tom Rozumalski, Russ Tenamore, and John Bongiovanni for their help today while planted mums at the sign locations as you enter the City.

Councilwoman Szukala stated that she has a CD from Casella explaining the Zero Sort Recycling Program that will begin October 4th. Councilwoman Szukala further stated that she will give the CD to Public Access and ask them if they could run it several times so residents get a better understanding of this recycling program.

Councilman-at-large Dolce advised residents that the Finance Committee Meeting will be held on Monday, September 13th at 5:00 PM. He further advised that time will be devoted to City Clerk Tuggle to explain changes in dog licenses. New York State is revamping, or putting more of a burden on individual municipalities to collect on these licenses. Councilman-at-large Dolce also stated that the vehicle inventory list prepared by Department of Public Works Director Gugino and Fiscal Affairs Officer Curtin will be discussed.

Councilman-at-large Dolce stated there were 2 cat trappings in the month of August, and although he did not have the exact figure, Councilman at large Dolce assured that due to the large bills in front of him, many cats were trapped in August.

Councilman-at-large Dolce advised Councilman Michalski, that he would speak with him because he had some information regarding the ice rink and the ice rink was a great idea.

Director of Development Ahlstrom reminded residents that Thursday, September 9th will be the last Music on the Pier beginning at 6:30 PM. He further stated that there will be a firework show beginning at 8:45 PM.

Councilman-at-large Dolce advised that tomorrow is Councilwoman Floramo's 39th birthday.

Councilwoman Floramo replied that she is 38 years old, but that she is dyslexic.

UNFINISHED BUSINESS:

Resolution #54-2010 introducing Local Law #1-2010 amending section 39-9 of the Dunkirk City Code entitled "Hawkers and Peddlers."

Councilman Muldowney motioned to remove this Local Law.

Carried, all voting aye.

Vote on Resolution: Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #59-2010

September 7, 2010

By: Councilwoman Szukala

**AUTHORIZING WATER SERVICE APPLICATION FOR PROPERTY AT
10555 WILBUR ROAD, TOWN OF DUNKIRK**

WHEREAS, Dr. G. Jay Bishop has requested authorization to tap the Town of Dunkirk waterline at his property situate at 10555 Wilbur Road; and

WHEREAS, the Department of Public Works and the Town of Dunkirk Town Board have no objections to the tap request, now, therefore, be it hereby

RESOLVED, that this Council, upon recommendation of Director of Public Works Gugino and in accordance with the current City/Town water agreement, approves the water service tap request of Dr. G. Jay Bishop, to tap the waterline in Wilbur Road to service his proposed structure at 10555 Wilbur Road, and that a commercial tap fee of \$250 will be paid to the City in addition to any other City installation costs or other costs related to the aforesaid City/Town Agreement.

Carried, all voting aye.

RESOLUTION #60-2010

September 7, 2010

By Councilwoman Szukala:

**AUTHORIZING MAYOR TO EXECUTE AGREEMENT AMENDMENT WITH
CHAUTAUQUA COUNTY FOR SNOW REMOVAL AND ICE CONTROL
FOR THE 2010/2011 SEASON TO 2014/2015 SEASON**

WHEREAS, the City is seasonally reimbursed by Chautauqua County for snow removal and ice control on County routes within the City, and

WHEREAS, the current agreement for said services expired with the 2009/2010 season and the County has since requested an extension and payment amendment to the original agreement; now, therefore, be it hereby

RESOLVED, upon the recommendation of Director of Public Works Gugino, that the Mayor be, and hereby is, authorized and directed to execute an agreement amendment per County Executive Gregory Edwards letter dated August 16, 2010, on behalf of the City of Dunkirk, with Chautauqua County, for provision of the above-described services according to the terms of County Agreement #05-25-33H\DUNKIRK05.17, including addenda, for snow seasons through April 30, 2015 at the following annual reimbursements:

2010/2011 Season	\$24,646
2011/2012 Season	\$25,878
2012/2013 Season	\$27,172
2013/2014 Season	\$28,530
2014/2015 Season	\$29,957

Carried, all voting aye.

RESOLUTION #61-2010
September 7, 2010

BY: COUNCILMAN MULDOWNEY

**AUTHORIZING BUDGET LINE MODIFICATION
FOR FIRE DEPARTMENT**

WHEREAS, some expenses have exceeded the contracted services of Fire Department vehicles, as well as some appropriates have surpluses for FY 2010; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:

GENERAL FUND

ACCOUNT NO.

DEPT.

INCREASE

DECREA

001-3410-4020	Uniform Allowance	\$5,000.00
001-3410-4023	Repair & Main Veh	\$5,000.00

Fire Chief Ahlstrom advised that after the changes from the uniform allowance side, there will be enough money in that line to get through to the end of the year. However, there is less than \$200.00 in the Repair & Main Veh line, that is not enough to get through the end of the year. The changes are well within the budget.

Councilwoman Floramo stated that she did question this today, and that she was told exactly what the Chief had just said.

Carried, all voting aye.

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.

Councilman Michalski motioned to table for purposes of a public hearing on September 21st at 6:50 PM.

Councilman at large Dolce advised that Resolution #63 is being pulled tonight due to various concerns from Council. He further stated that information will be passed on prior to the next meeting.

NEW BUSINESS:

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Muldowney.

Carried, all voting aye

Adjourned at 7:37 PM

William D. Tuggle, City Clerk
