

AGENDA - COMMON COUNCIL MEETING – September 20, 2016 - 5:30 P.M.
REGULAR MEETING

1. Call to order, Roll Call and Pledge of Allegiance to the flag.
2. Certification of prior meetings. Resolution dispensing with reading of minutes.
3. Reading of Privilege of the Floor Regulations.
4. Privilege of the Floor:
5. Communications from the Mayor including disapproval messages.
6. Communications from the public and petitions:
 1. Notice of Claim from Mary Jo Pleszewski for alleged damages at 112 S. Serval Street on August 5th due to broken water line.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 75. Resolution accepting Interior Coating Bid for Benton Water Tank of City's Water Treatment and Supply System – Phase 3 – under 2009 Consent Order.
9. Pre-filed Resolutions:
 81. Resolution establishing Halloween Trick-or-Treat hours.
 82. Bond Resolution, Dated September 20, 2016, Of The Common Council Of The City Of Dunkirk, Chautauqua County, New York (The "City"), Authorizing A Water System Capital Improvements Project (Phase III), at an estimated maximum cost of \$9,000,000, and authorizing the Issuance Of Serial Bonds In an Aggregate Principal Amount not to exceed \$9,000,000 of The City, Pursuant to The Local Finance Law to finance said purpose, said amount to be offset by any Federal, State, County And/Or Local Funds received, and delegating the Power To Issue Bond Anticipation Notes in anticipation of the sale of such Bonds to the City Treasurer.
 83. Resolution consenting to Appointment of City Attorney.
 84. Resolution consenting to appointment of Director of Public Works.
 85. Resolution authorizing Crosswalk at Fieldbrook Farms.
 86. Resolution authorizing Renewal Agreement with State of New York Unified Court System (City Court Cleaning and Minor Repairs – Contract No. C300342) (April 1, 2016 to March 31, 2017).
10. New Business:
11. Adjournment.

Lillian R. Divine
City Clerk

Notice of Claim
City of Dunkirk, N.Y.

PLEASE TAKE NOTICE, that the undersigned, pursuant to the applicable NY State statutes, hereby makes claim against the CITY OF DUNKIRK, NEW YORK for injuries and/or damages sustained by me as hereinbelow detailed:

Claimant Name: Mary Jo Pleszewski
Claimant Address: 112 South Serval St
Dunkirk, NY 14048
Claimant Telephone Number: (716) 366-5813

This claim is for (injuries/damages alleged): replace broken water line
2411.74 Plus Dirt + grass Seed + Person To Fix it
300.00
2711.74

This claim is alleged to have arisen on the 6 day of August, 2016 at approximately 10:00 a.m./p.m. on that date at 112 S. Serval St.

The injuries and/or damages sustained by the Claimant arose in the following manner:
Had To Replace water Meter it was not working as far as I
was concerned the man should of called someone before replac
it and not doing so the water was broken and had to have it
Replaced
line

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: 2411,74 Copy of Bill Attached

City

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

2016 SEP - 6 AM 7:58

WHEREFORE, the undersigned respectfully requests that the within claim be allowed and paid to me.

Respectfully yours,

Mary Jo Pleszewski 8/24/16
Claimant (date)

State of New York)
County of Chautauqua) ss.:

Mary Jo Pleszewski, being duly sworn, deposes and say that he/she is the claimant herein; that he/she has read the foregoing claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and, as to those matters, he/she believes it to be true.

Sworn to before me this
24 day of August, 2016.

Judith Szukala
Notary

JUDITH SZUKALA 4633062
Notary Public, State of New York
Qualified in Chautauqua Co.
My Commission Expires June 30, 2018

GUGINO PLUMBING & HEATING, INC.

160 CUSHING STREET
FREDONIA, NY 14063

Invoice

Date	Invoice #
8/12/2016	13778

Bill To MARY PLESZEWSKI 112 S. SERVAL ST DUNKIRK NY 14048	JOB SITE MARY POSZEWSKI 112 S. SERVAL ST DUNKIRK, NY 14048
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PAID
08/18/2016

P.O. No.	Terms	Due Date
		8/12/2016

Item	Description	Qty	U/M	Rate	Serviced	Amount
MISC	- INSTALL NEW WATER SERVICE FROM THE MAIN TO THE HOUSE					
	- DUG UP EXISTING WATER LINE, INSTALLED NEW LINE TO CURB TESTED OK					
	HYDRO CEMENT	1		20.00		20.00T
				7.75		7.75T
JOHNNIBOL...	WB59450 X-LONG JOHNNI BOLT KIT	21		3.62254		76.07T
GALPIPE34	3/4" GALV PIPE PER FT	1		6.01		6.01T
COPFA34	3/4" COPPER FEMALE ADAPT	1		395.00		395.00T
MISC		1		38.00		38.00T
MISC		2		4.50		4.50T
MISC		3		26.50		26.50T
MISC		5		400.00		400.00T
EXCAVATOR	EXCAVATOR USE	1		85.00	8/11/2016	680.00
RLMPS	TECH RLM PLUMBING SERVICE LABOR	8		85.00	8/11/2016	680.00
BCDPS	TECHNICIAN BCD PLUMBING SERVICE LABOR PER HOUR	8				
	Sales Tax			8.00%		2,333.83 77.91
Total						\$2,411.74

Phone #	Fax #	E-mail	Web Site
716-679-0080	716-679-0090	CGUGINO@GUGINOPH.COM	WWW.GUGINOPH.COM

RESOLUTION # 75 -2016
AUGUST 16, 2016

BY COUNCILMAN WILLIAMS AND COUNCILWOMAN SZUKALA:

**ACCEPTING INTERIOR COATING BID FOR BENTON WATER TANK OF CITY'S
WATER TREATMENT AND SUPPLY SYSTEM – Phase 3 – under 2009 Consent Order**

WHEREAS, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies related to the City's water treatment plant and water distribution system, and the Phase 3 items of the Consent Order are now ready to address according to the schedule dictated by CCDOH; and

WHEREAS, by notification letter of December 17, 2015, the City of Dunkirk's application for Phase 3 funding was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (EFC) in the amount of \$2 million of grant funds and \$7 million in low-interest loan funds for this Phase 3 reconstruction of and construction of improvements to the City's water system pursuant to such Consent Order; and

WHEREAS, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to be \$3 million; and

WHEREAS, the 2016 Phase 3 projects are listed as several items in the EFC grant application, and the Benton tank system improvement completion (Fourth Ward tank and pumps) is a priority on this list; and

WHEREAS, the Mayor was authorized and directed by Council Resolution 34-2016 to execute an agreement of services, on behalf of the City of Dunkirk, with HILL ENGINEERING OF NEW YORK, P.C., 8 Gibson Street, North East, PA, for water treatment facility Phase 3 work in regard to the 2009 Consent Order and such contract is so executed; and:

WHEREAS, said Council Resolution 34-2016, dated March 15 2016, further authorized and directed "that the EFC funds, and EFC fund administration requirements, for Phase 3 be set up by Fiscal Affairs as an income and expense City Fund, and that Phase 3 engineering services be paid from the engineering expense line of said City Fund for Phase 3"; and

WHEREAS, the DPW Committee was informed that the initial 2016 work is to be limited to the required interior re-coating of the Benton Tank because it is the primary active water service supply and fire protection for the Fourth and First Wards and for present and future industries to be served by the North County Water District easterly of the City of Dunkirk, and that following legal notice, sealed bids for this work were received and opened on August 5; and

WHEREAS, three bids were received – in the amounts of \$688,000, \$676,000, and \$384,479 – and that the low bid of \$384,479 by Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, has been deemed responsible by DPW Director Gregory Bennice and by Consulting Engineer August Maas, who both recommend quickly accepting this bid so the work can be done during Summer and Fall weather to not delay the City water system being fully ready to supply the North County Water District, and said contract acceptance being subject to the contractor meeting all requirements of the EFC funding process; now therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute a

contract for the interior re-coating of the City's Benton Water Tank at the low bid amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, but subject to the contractor first supplying all necessary approvals from EFC to meet the EFC funding requirements for this work.

8/16/16: Councilman Gonzalez made a motion to Table Resolution #75-16 until the Bonding Resolution is situated. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

9/6/16: No action taken.

RESOLUTION #81-2016
September 20, 2016

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Monday, October 31, 2016, shall be from 4:00 P.M. to 8:00 P.M.

RESOLUTION #82-2016
September 20, 2016

BY: ENTIRE COUNCIL

A BOND RESOLUTION, DATED SEPTEMBER 20, 2016, OF THE COMMON COUNCIL OF THE CITY OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE III) PURSUANT TO A CHAUTAUQUA COUNTY DEPARTMENT OF HEALTH CONSENT ORDER, AT AN ESTIMATED MAXIMUM COST OF \$9,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.

WHEREAS, the Common Council of the City of Dunkirk, County of Chautauqua, New York (the "City") desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the City Water System; and

WHEREAS, it is the City's expectation that such project is the final phase of improvements required under a Chautauqua County Department of Health Consent Order for the City's water system; and

WHEREAS, the City desires to authorize the issuance of obligations to finance such project; and

WHEREAS, the City intends to construct such project by working with the New York State Environmental Facilities Corporation;

NOW, THEREFORE, BE IT

RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a water system capital improvements project pursuant to a Chautauqua County Department of Health Consent Order, generally consisting of various upgrades to the water treatment plant including, but not limited to, the construction of a new high lift pump station and new clear well, installation of a new storage tank, high lift pumps and associated piping, installation of a SCADA system, new flocculation system, new mixing system and piping work, installation of fencing and gates, interior painting of the Benton Street water tank,

installation of a standby generator and electrical system upgrades and the replacement of various equipment, and all preliminary work and necessary equipment, materials and site work, as well as other such improvements as more fully identified in a preliminary engineering report prepared by Hill Engineering of New York, P.C. (the "Engineer") and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$9,000,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of the purpose by the issuance of serial bonds in an aggregate amount not to exceed \$9,000,000 of said City, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such purpose is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same will become due and payable.

SECTION 3. It is hereby determined that the purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the

Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds.) This resolution shall constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. To the extent applicable, the City Treasurer is hereby authorized to execute and deliver in the name and on behalf of the City a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the City Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The City Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 16. This Resolution is effective immediately.

RESOLUTION #83-2016
September 20, 2016

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF CITY ATTORNEY

WHEREAS, Section 2-6.01 of the City Code provides that the City Attorney shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-6.01 of the City Code, Mayor Wilfred Rosas has appointed Sean Connolly, P.O. Box 607, Fredonia, New York, to the position of Part-Time City Attorney for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

RESOLVED, that Sean Connolly, be confirmed as Part-Time City Attorney for the City of Dunkirk, effective September 21, 2016, at Forty-Five Thousand and Zero Cents (\$45,000.00) per annum, with no benefits.

RESOLUTION #84-2016
September 20, 2016

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF DIRECTOR OF PUBLIC WORKS

WHEREAS, Section 2-10.02 of the City Code provides that the Director of Public Works shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-10.02 of the City Code, Mayor Wilfred Rosas has appointed Robert Bankoski, of 407 Lake Shore Drive East, Dunkirk, New York, to the position of Director of Public Works for the City of Dunkirk, subject to the consent of the Common Council: now, therefore, be it

RESOLVED, that Robert Bankoski, be confirmed as Director of Public Works for the City of Dunkirk, effective September 21, 2016, at Thirty Thousand Dollars and Zero Cents (\$30,000) *per annum*, with no benefits.

RESOLUTION #85-2016
September 20, 2016

BY: Councilman Gonzalez

**AUTHORIZATION OF CROSSWALK
AT FIELDBROOK FARMS**

WHEREAS the City of Dunkirk, through the direction and leadership of Mayor Wilfred Rosas, fully supports City industries, including the expanding workforce of Fieldbrook Foods, and

WHEREAS the City of Dunkirk DPW is reconstructing sidewalks to facilitate the Fieldbrook Foods' worker safe pedestrian-traffic crossing of Main Street from the Fieldbrook parking lot on Main Street, and

WHEREAS the crosswalk will be marked for clarity and safety according to specifications of the New York State Department of Transportation manual, now therefore,

BE IT RESOLVED, that the new crosswalk will be constructed by Dunkirk DPW in accordance with said specifications and also constructed to any additional recommendations by the Dunkirk Police Department to help enforce the proper use of the new safety crosswalk.

RESOLUTION #86-2016
SEPTEMBER 20, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING RENEWAL AGREEMENT WITH
STATE OF NEW YORK UNIFIED COURT SYSTEM
(CITY COURT CLEANING and MINOR REPAIRS – CONTRACT NO. C300342)
(APRIL 1, 2016 TO MARCH 31, 2017)**

WHEREAS, the City's five-year contract with the New York State Unified Court System reimburses the City for cleaning and minor repairs for space utilized for City Court; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2016, and terminates on March 31, 2017, and during which reimbursement has been allocated to not exceed Forty Three Thousand, Four Hundred and Seventy Dollars and No Cents (\$43,470); now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2016 to March 31, 2017) for which reimbursement shall be in an amount not to exceed Forty Three Thousand, Four Hundred and Seventy Dollars and No Cents (\$43,470) to compensate the City for cleaning and minor repairs for space utilized by City Court.