

AGENDA - COMMON COUNCIL MEETING – November 15, 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. Prior Notice from Ronald Rzepkowski for a dead/dying tree in front of the vacant lot located between 326 and 332 Lord Street.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 93. Resolution introducing Local Law #2-2016 amending Chapter 31, Article III, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled "Rate Structure."
9. Pre-filed Resolutions:
 95. Resolution authorizing Local Cable Program Director Agreement (Gabriel Taylor).
 96. Resolution authorizing Shared Services Agreement Extension (Police Services – Town of Dunkirk).
 97. Resolution Adopting 2017 Fiscal Year Budget.
 98. Resolution authorizing Boardwalk Lease Agreement (Blind Tiger Inc.).
 99. Resolution authorizing Boardwalk Lease Agreement (Wendy Rodriguez d/b/a Water's Edge Gifts).
 100. Resolution authorizing immediate purchase of bar screen for Wastewater Treatment Plant.
 101. Resolution ratifying Agreement between the City of Dunkirk and the American Federation of State, County and Municipal Employees AFL-CIO Local 912 for January 1, 2012 – December 31, 2020.
10. New Business:
11. Adjournment.

Lillian R. Divine
City Clerk

CITY OF DUNKIRK
DUNKIRK, N.Y.
2016 OCT 14 PM 12:02

Ronald Rzepkowski
326 Lord Street
Dunkirk NY 14048
October 14, 2016

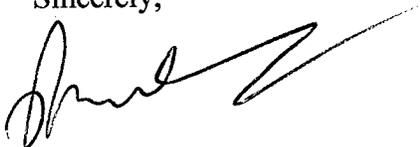
Robert Bankoski
Public Works Director
Department of Public Works
Second Floor, City Hall
342 Central Ave.
Dunkirk, NY 14048

Dear Robert Bankoski:

I would like to bring an issue to your attention for resolution. On the road verge in front of my property there is a dying tree that poses a hazard to my neighbor's home, the electrical utilities, as well as anyone that happens to be in the immediate area when it inevitably falls.

The dead/dying tree is in front of the vacant lot I own located between 326 and 332 Lord Street between the sidewalk and Lord Street clearly outside of my property boundary and inside of the right of way making your department responsible for its removal. Attached are pictures of the tree to help in identification by the department of public works personnel when they come to take it down as well as show why it poses a hazard. I am certain that you will want to resolve this issue before winter weather makes the removal more difficult or causes unnecessary damage when the tree falls.

Sincerely,



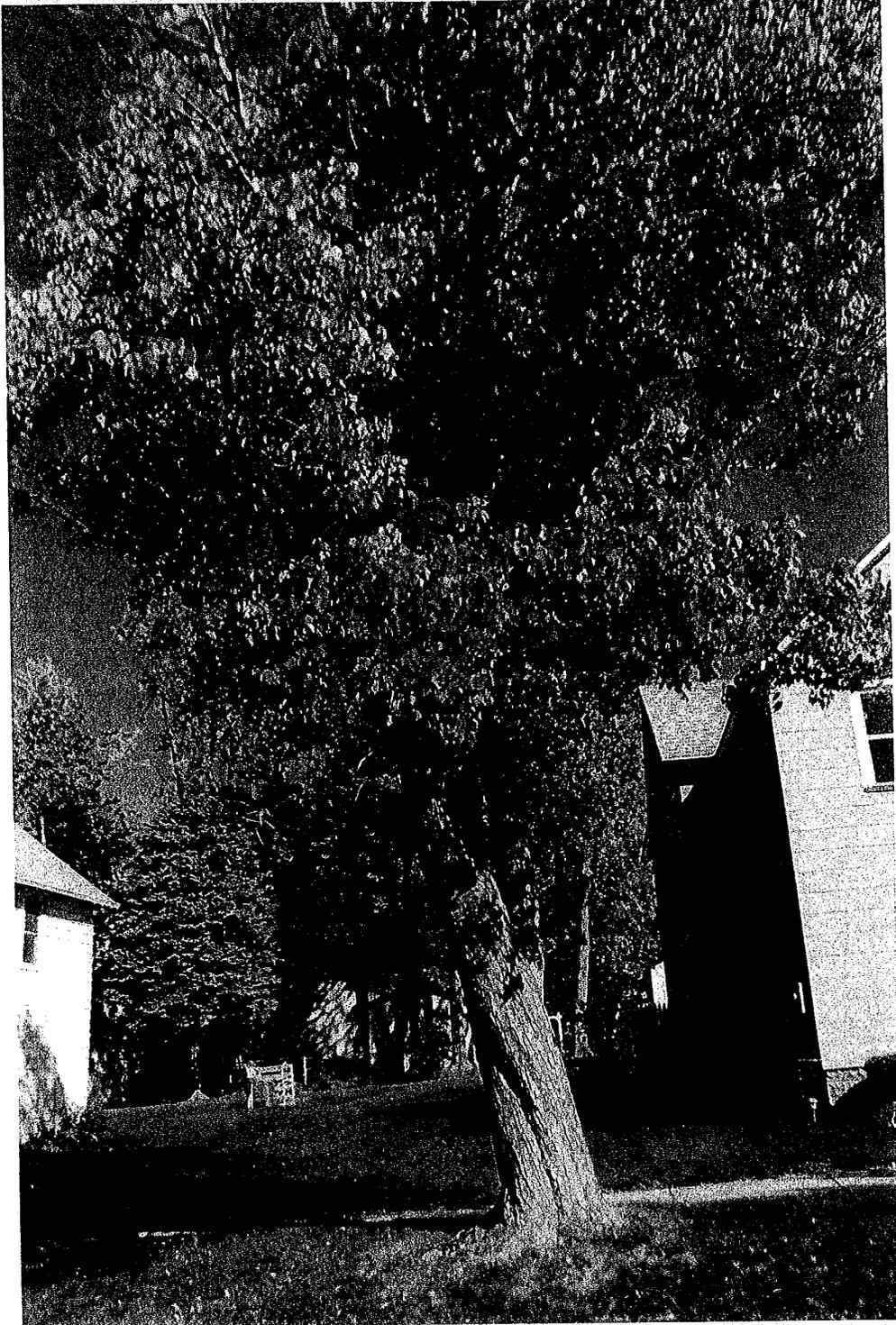
Ronald Rzepkowski

RECEIVED
DATE 10-14-16
City of Dunkirk
D.P.W.

RECEIVED
DATE _____
City of Dunkirk
D.P.W.

Robert Bankoski
October 14, 2016
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The location of the tree with 326 Lord street on the left and 332 Lord street on the right.



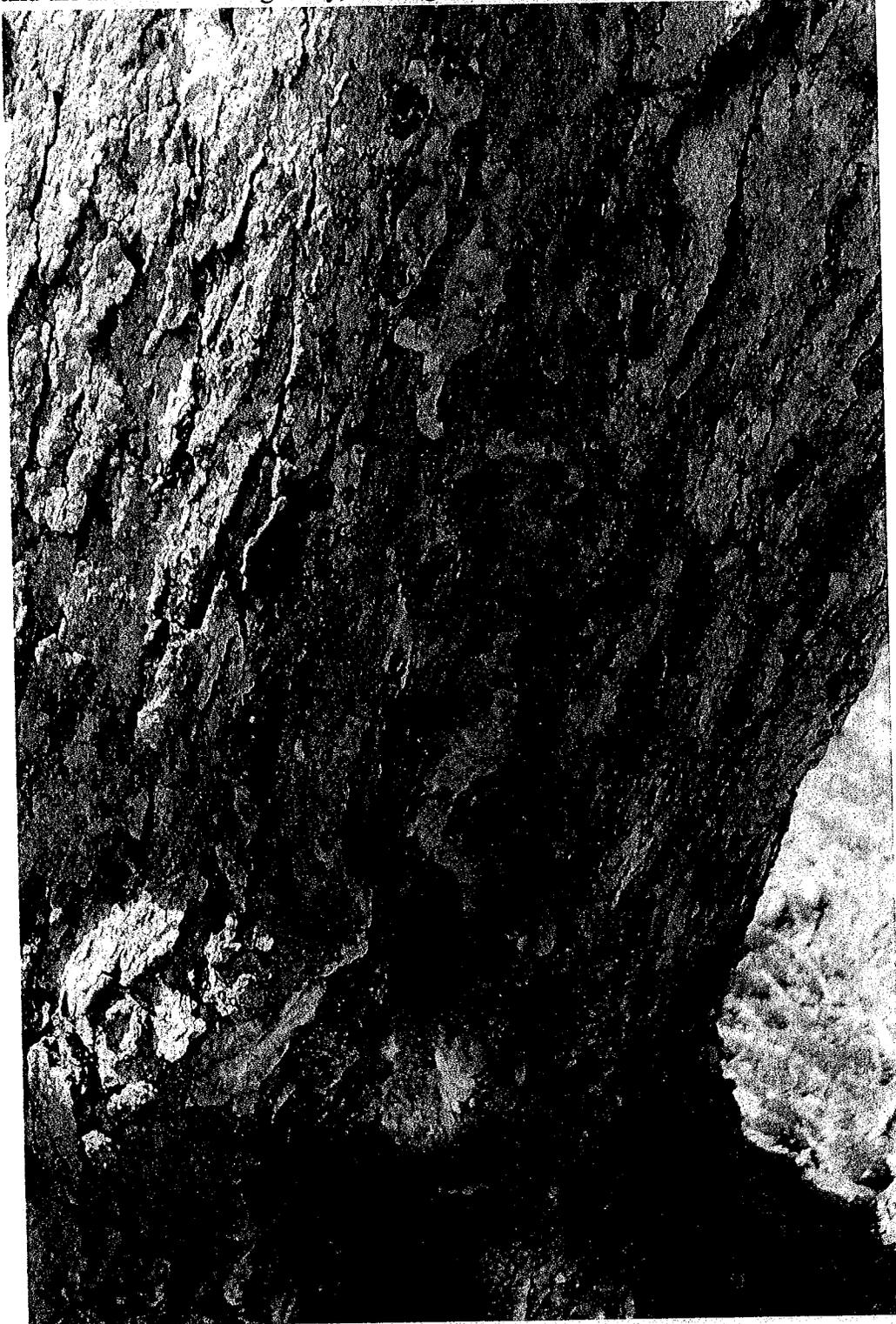
This photo shows a classic sign that a tree is dead or dying, growth of another species of plant in the crotch.



This photo shows one of the several gaping holes in the tree demonstrating that it is undoubtedly rotten in the center.



One side of the tree is covered in some type of fungus, again another sign that the tree is dying and the interior is rotting away, making it a hazard as it will eventually fall.

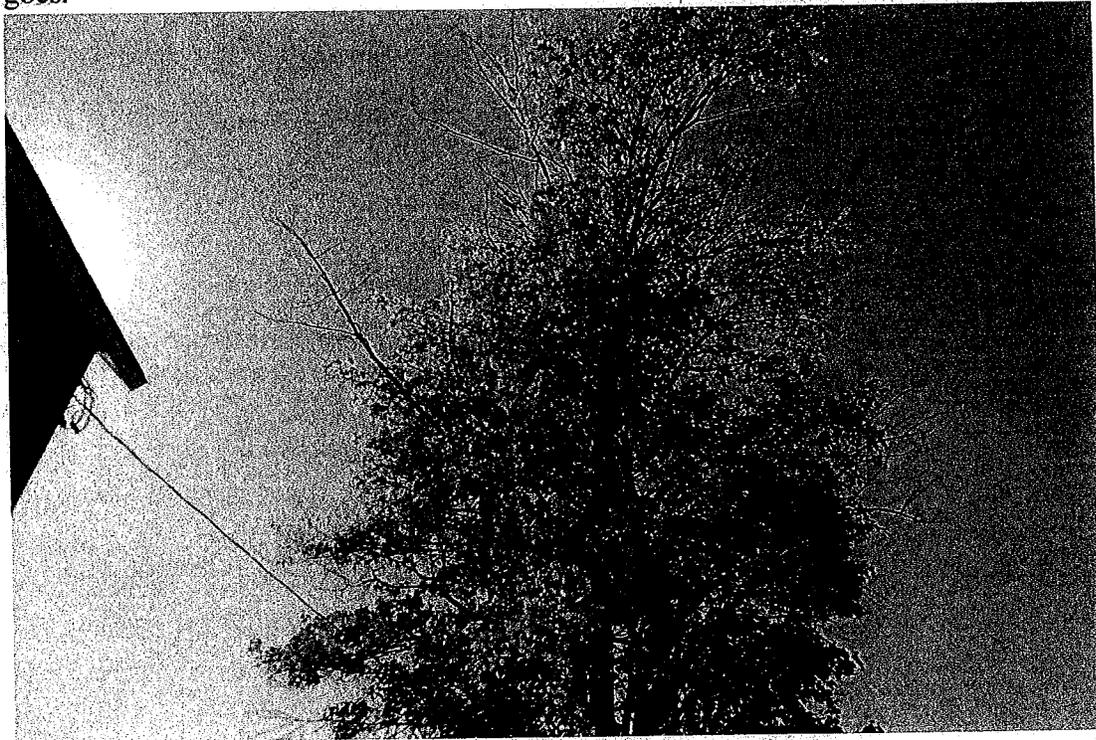


This picture shows another void into the interior of the tree as well as where the dead bark is pulling away from the rotting center.



Robert Bankoski
October 14, 2016
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This picture shows the predominance of dead and dying limbs and how close they are to my neighbor's home. Any major part of the tree falling will at the best rip down the power lines that go through the top of the tree; at the worst it take down a major portion of his house when it goes.



RESOLUTION # 93-2016
NOVEMBER 1, 2016

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #2-2016
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO AMEND THE DUNKIRK CITY CODE, CHAPTER 31, ARTICLE III,
SECTION 31-19 ENTITLED "RATE STRUCTURE"**

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 Dunkirk City Code Chapter 31, Article III, Section 31-19 "Rate Structure", to amend the Quarterly and Monthly Water Rates, in order to generate additional required income necessary to retire the capital debt incurred as a result of the construction and improvements necessitated by compliance with certain regulatory agency mandates arising out of a Consent Order (October 2009) between the City of Dunkirk and the Chautauqua County Department of Health.

Section 2 Amendment of City Code.

Dunkirk City Code Chapter 31, Article III, Section 31-19 is hereby amended as follows:

ARTICLE III

Water Rate Schedule
[Adopted 6-18-1992 as L.L. #6-1992]

§ 31-19. Rate structure. [Amended 10-27-1993 as L.L. #11 (Intro No.15) 1993; Amended 6-6-1995 as L.L. #16-1995; Amended 10-28-1996 as L.L. #17 (Intro No. 17) 1996; Amended 12-3-2002 as L.L. #4-2002; Amended 12-12-2006 as L.L. #12-2006; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009; Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended 11-17-2015 as L.L. #3 (Intro No. 3) 2015; Amended _____ as L.L. #2 (Intro No.) 2016]

The following constitutes the rate structure for water services provided by the City of Dunkirk.

DELETE

EFFECTIVE JANUARY 1, 2016

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2016: [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$1,800.00	\$3,150.00
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FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2016): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$20.00	\$35.00
Next 5,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
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ADD

EFFECTIVE JANUARY 1, 2017

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2017): **[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended _____ as L.L. #3 (Intro No. 1) 2015]**

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 4.33 per 1,000 gal.	\$ 7.58 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.96 per 1,000 gal.	\$ 5.18 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.54 per 1,000 gal.	\$ 2.70 per 1,000 gal.

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**MAXIMUM METER CHARGE
PER CUSTOMER**

\$1,800.00	\$3,150.00
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6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

**MAXIMUM METER CHARGE
PER CUSTOMER**

\$ 600.00

\$1,050.00

Section 3 Effective Date.

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

11/2/16: Councilwoman Szukala made a motion to Table Local Law #2/Resolution #93-16 for a Public Hearing to be held on Tuesday, November 15th at 5:20 PM. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

RESOLUTION #95-2016
NOVEMBER 15, 2016

BY: THE ENTIRE COUNCIL

AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT
(Gabriel Taylor)

WHEREAS, it would be in the best interests of the City to maintain the local access programming opportunities on the City's local cable access channel; and

WHEREAS, Gabriel Taylor has agreed to provide the primary production oversight and operational management for the City's local access channel; and

WHEREAS, it would be in the best interest of the City to contract for such program director services; and

WHEREAS, there is a need on occasion for the on-site production of access programming; and

WHEREAS, Gabriel Taylor is ready, willing and able to provide such services to and on behalf of the City, in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Gabriel Taylor to provide primary production oversight and operational management for the City's local access channel for the period November 1, 2016 through October 31, 2017, at the cost not to exceed Four Hundred Twenty-Five Dollars and Zero Cents (\$425.00) per month, *pro rata*, for any access channel-related services; and, be it further

RESOLVED, that the Mayor is directed and authorized to engage such individuals as may be trained and qualified, to provide on-site production of access programming at the cost of Twenty Dollars and Zero Cents (\$20.00) per event, on an as-needed basis; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

RESOLUTION #96-2016
NOVEMBER 15, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING SHARED SERVICES AGREEMENT EXTENSION
(POLICE SERVICES – TOWN OF DUNKIRK)**

WHEREAS, the City of Dunkirk (City), by Resolution No. 101-2014 (December 16, 2014), and the Town of Dunkirk (Town), entered into a shared services agreement for certain police services, which was extended through December 31, 2016; and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement for calendar year 2017; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Town of Dunkirk, for police services, from January 1, 2017 through December 31, 2017, at a cost of One Thousand Seven Hundred Fifty Dollars and Zero Cents (\$1,750.00) per month for January, 2017 through December, 2017, with the City providing not less than twelve (12) hours per week of patrol in the Town.

RESOLUTION #97-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

ADOPTION OF FY 2017 BUDGET

WHEREAS, Mayor Rosas submitted the proposed FY 2017 Budget to the Common Council on October 14, 2016, and was received and filed at the October 18, 2016 Common Council meeting; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2017 Budget and desires to make amendments to such Budget as herein below detailed; now therefore, be it

RESOLVED, that Mayor Rosas's proposed FY 2017 Budget, be amended as follows:

GENERAL FUND

Appropriations

001-1900-1990	Contingencies Allowance	\$ 13,800
001-5010-1001	Overtime-Streets Administration	\$ (2,000)
001-5110-1001	Overtime-Maintenance of Streets	\$ 2,000
001-5110-4052	Repair to Improved Streets	\$ 500
001-5110-4056	Infrastructure Repairs	\$ (500)
001-7450-4036	Historical Society Contracted Services	\$ 2,500

GENERAL FUND

Revenues

001-0001-2300	Transportation Fuel- School	\$ 23,500
001-0001-2389	Transportation Fuel- Housing Authority	\$ 2,800
001-0001-2410-4111	Rental of Real Property-Marina et al	\$ (10,000)
001-0001-2770-7701	Unclassified Revenue-Miscellaneous	\$ (13,000)
001-0001-2770-7702	Reimbursement-NYS Retirement-Library	\$ 13,000

and it is further

RESOLVED, that Mayor Rosas's proposed FY 2017 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2017 Budget.

Totals by Fund:

	<u>Revenues</u>	<u>Expenditures</u>
General	\$ 14,562,641	\$ 14,562,641
Water	\$ 3,634,506	\$ 3,634,506
Waste Water Treatment	\$ 3,720,804	\$ 3,720,804

RESOLUTION # 98-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(BLIND TIGER, INC.)**

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") located at 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **BLIND TIGER, INC.**, to lease a portion of the Boardwalk for retail sales of domestic, craft and imported beers and beer-related novelty items, gourmet sauces, condiments and snacks to the general public; now, therefore, be it

RESOLVED, that Mayor, Wilfred Rosas, is hereby authorized to execute a lease agreement with **BLIND TIGER, INC.**, P.O. Box 907, Dunkirk, New York 14048, for rental of **12 Central Avenue**, Dunkirk, New York 14048, for a two (2) year period (May 1, 2016 through April 30, 2018) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00) for the first year and Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the second year.

RESOLUTION #99-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(Wendy Rodriguez d/b/a Water's Edge Gifts)**

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") located at 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **Wendy Rodriguez d/b/a Water's Edge Gifts**, to lease a portion of the Boardwalk for retail sales of locally-made products (soups, sauces, hand-crafted jewelry, candles, soaps, etc.), and art pieces (paintings, wood pieces), and Life Is Good products to the general public; now, therefore, be it

RESOLVED, that Mayor, Wilfred Rosas, is hereby authorized to execute a lease agreement with **Wendy Rodriguez d/b/a Water's Edge Gifts**, 10177 Patterson Lane Fredonia, New York 14063, for rental of 14 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (May 1, 2016 through April 30, 2018) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00) for the first year and Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the second year.

RESOLUTION #100-2016
NOVEMBER 15, 2016

BY: COUNCILMAN WILLIAMS

**AUTHORIZING IMMEDIATE PURCHASE OF BAR SCREEN FOR WASTEWATER
TREATMENT PLANT**

WHEREAS, it was identified that the bar screen at the wastewater treatment plant has partially failed with a large hole in the screen and is no longer functioning as intended; and

WHEREAS, the potential exists for complete failure of the screen, causing rags, screenings and other debris to enter into the plant and cause significant damage to downstream treatment processes; and

WHEREAS, the City's contracted engineers, Wendel, have submitted a memorandum to the City in which they give the opinion that the failing bar screen constitutes a danger to the health, safety and property of City residents; and

WHEREAS, the bar screen failure constitutes a public emergency as that term is defined by GML §103-4 requiring immediate action that could not await competitive bidding procedures; now, therefore, be it

RESOLVED, that the Director of Public Works is hereby authorized to replace the bar screen on an emergency basis pursuant to General Municipal Law §103-4.

RESOLUTION # 101-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

**RATIFICATION OF AGREEMENT BETWEEN THE
CITY OF DUNKIRK AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
AFL-CIO LOCAL 912 FOR
JANUARY 1, 2012 TO DECEMBER 31, 2020**

WHEREAS, the City of Dunkirk and the American Federation of State, County and Municipal Employees AFL-CIO Local 912 ("AFSCME Local 912") have been involved in labor negotiations to reach an agreement on a new Collective Bargaining Agreement to replace the previous Collective Bargaining Agreement between the parties which expired on December 31, 2011; and

WHEREAS, after negotiations, the City and AFSCME Local 912 have signed a Memorandum of Agreement regarding said proposed contract; and

WHEREAS, the Civil Service Law requires that this Common Council review and vote upon the issue of ratification of the proposed Collective Bargaining Agreement, now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said Collective Bargaining Agreement and directs the Mayor to execute said agreement between AFSCME Local 912, on behalf of the City of Dunkirk for the years 2012 through 2020.