

AGENDA - COMMON COUNCIL MEETING – December 1, 2015 - 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.
 1. Mayor's Budget Message & Proposed Budget for 2016.
 2. Communication from Mayor appointing and reappointing members to the Dunkirk Local Development Corporation (DLDC), Electrical Board, Greater Dunkirk Area Harbor Commission, Housing Authority, Property Maintenance Board, Youth Board, Zoning Board of Appeals effective December 2, 2015.
6. Communications from the public and petitions:
 1. Prior notice from Mario Falcao advising of a dangerous tree at 436 Dove Street.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 88. Resolution authorizing Mayor to execute Chautauqua County Agreement Amendment (Snow Removal and Ice Control).
9. Pre-filed Resolutions:
 89. Resolution introducing Local Law #4-2015 amending Chapter 31, Article III, Water Rate Schedule Section 31-19(B) of the Dunkirk City Code entitled "North County Water District Rate".
 90. Resolution authorizing Mayor to execute Chautauqua County Agreement Amendment (Snow Removal and Ice Control).
 91. Resolution adopting FY 2016 Budget.
 92. Resolution approving FY 2016 Appropriations.
 93. Resolution authorizing Warrant for FY 2016 Budget.
 94. Resolution authorizing contract modification (Dredging City Boat Launch Recreational Channel).
 95. Resolution consenting to appointment of Director of Department of Planning and Development.

96. Resolution affirming Importance of American Manufacturing.

10. New Business:

11. Adjournment.

Nicole Joiner
City Clerk



CITY OF DUNKIRK
A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

November 25, 2015

2015 NOV 25 AM 10:09
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments, re-appointments effective December 2, 2015.

Expiration Date

DUNKIRK LOCAL DEVELOPMENT CORPORATION (DLDC)

Nathan Dolce	72 N. Ocelot Street	February 21, 2016
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ELECTRICAL BOARD

Brian Seibert	NRG Representative	December 31, 2016
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Michael Przybycien (replaces Frank Przybycien)	127 S. Jerboa Street	December 31, 2016
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Phil Binkowitz (replaces Ed Urbanik)	1007 Central Avenue	December 31, 2017
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Lon Robinson	NY Bd. of Fire Underwriters	December 31, 2017
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GREATER DUNKIRK AREA HARBOR COMMISSION

Eugene Pauszek	66 W. Doughty Street	August 31, 2018
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HOUSING AUTHORITY

Richard Goodman (replaces Dorothy Godina)	6 Newton Street	July 11, 2018
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PROPERTY MAINTENANCE BOARD

Stephen Rees	433 Dove Street	December 12, 2018
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YOUTH BOARD

Denise Zentz (replaces Marty Bamonto)	94 E. Green Street	February 5, 2017
Stephen Helwig (replaces Ryan Corbett)	1039 Central Avenue	February 5, 2017
Scott Herdzik (replaces Nicole Joiner)	313 Nevins Street	February 5, 2018

ZONING BOARD OF APPEALS

Stephen Helwig	1039 Central Avenue	December 9, 2020
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Very truly yours,



ANTHONY J. DOLCE
Mayor

AJD:cao
cc: City Clerk
Personnel
DLDC Board
Housing Authority
Housing, Building & Zoning Office
Harbor Commission
Youth & Recreation Director



CITY OF DUNKIRK

A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

2015 NOV 25 AM 9:06

CITY CLERK'S OFFICE
DUNKIRK, N.Y.

2016 Budget Message

To the Community of Dunkirk:

It is my pleasure to present the 2016 Budget. Every year the challenge of developing a working document or guideline for the year ahead becomes increasingly challenging—balancing equipment and other needs of department heads while holding the line on taxes and rates for our taxpayers and industry is an ever-present difficult task. Revenues either remain stagnant as in Fund 1 or have experienced substantial decreases as in Fund 2 and 3.

What I proudly present before you is the result of much time, effort, and work amongst many department heads and myself. I would especially like to recognize the efforts of Fiscal Affairs Officer Halas and City Treasurer Woods who provided solid guidance and checks and balances to the Budget preparation.

In Fund 1 (General)...

Significant appropriation savings were realized through reductions in our State Retirement contributions and removal of city funds to support the Library.

An increase to our basic day to day operational needs, equipment purchases—most significantly the 3 new International Trucks that will improve our snow plow operations and Worker's compensation offset the above savings.

Yet despite those increases, I am pleased to announce that for the 3rd consecutive year the City of Dunkirk will hold the line on taxes.

Fund 2 (Water)...

Continues to be our albatross. Our new proposed rate structure is included in this presentation. What it means for the average homeowner is an increase of just under \$5/quarter.

For our high end Industrial users this translates to an approximate \$1,300/month or \$15,000/yr increase.

This increase will generate the approximate \$120,000 needed to cover increased debt service related to the 2009 Consent Order.

It is my hope that the North County Water District develops into a resource that will help stabilize rates for in-city rate payers and the region at large.

Fund 3 (Sewer)...

Is our "healthiest" fund in terms of having the most available funds to designate in its contingency account.

Our plant has infrastructure needs that we will look to address in the coming years.

Currently, the city has applied for an EFC grant and we are awaiting results of the selection process. It is our objective that if successful we will be able to address some of the recommendations put forth by the DEC in their most recent review of the plant.

No rate increase is projected in Fund 3.

As always, I would be glad to discuss any aspect of the budget individually, or to your community and/or business organization.

It has been a painstaking pleasure to devise the yearly budget on behalf of the City of Dunkirk.

Sincerely,



Anthony J. (A.J.) Dolce

Mayor

City of Dunkirk

**Copies of the proposed 2016 Mayor's budget are made available in the City Clerk's office or at the Dunkirk Free Library and online at Dunkirktoday.com*

EVANS & EVANS, LLP
LAW OFFICES

SUE MONTGOMERY EVANS

LYDIA V. EVANS

ALEXANDRIA B. MOSS

MAIN OFFICE
131 TEMPLE STREET
FREDONIA, NEW YORK 14063
(716) 679-7200
FAX (716) 679-7591

JAMESTOWN OFFICE
81 FOREST AVENUE
JAMESTOWN, NEW YORK 14701
(716) 664-2250

November 18, 2015

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

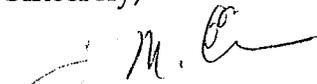
RE: DAMAGE CAUSED BY TREE ON CITY PROPERTY

To Whom It May Concern,

Our office represents Mario P. Falcao, a resident of the city of Dunkirk. On November 13, 2015 a branch from a tree located on city property fell onto Mr. Falcao's vehicle causing considerable damage (police incident report enclosed). Mr. Falcao lives at 436 Dove Street in Dunkirk, and the tree is located on the city's property, between the road and the sidewalk, adjacent to his driveway.

While the damage to Mr. Falcao's vehicle will be covered by his insurance, he remains concerned about the potential for further harm. The tree and its branches are quite large and extend over Mr. Falcao's home creating the risk of substantial damage to his property. We would like the city of Dunkirk to be on notice that it will be responsible for any further damage caused by this tree and the city's failure to properly care for its property.

Sincerely,



Sue M. Evans
SME/abm

enc.

cc. Mario Falcao

City Attorney's Office
Ronald Szot, Esq.
Second Floor, City Hall
342 Central Ave.
Dunkirk, NY 14048

2015 NOV 20 PM 12:07

CITY CLERK'S OFFICE
DUNKIRK, N.Y.

RESOLUTION #88-2015
NOVEMBER 17, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE CHAUTAUQUA COUNTY AGREEMENT AMENDMENT
(SNOW REMOVAL AND ICE CONTROL)**

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 has expired 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 on behalf of the City of Dunkirk, with Chautauqua County, for provision of snow removal and ice control services for snow seasons through April 30, 2018 at the following annual reimbursements:

2015/2016 Season	\$3,000.00 per centerline mile
2016/2017 Season	\$3,150.00 per centerline mile
2017/2018 Season	\$3,300.00 per centerline mile.

11/17/15: Councilwoman Szukala made a motion to table this Resolution pending verification of numbers. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

RESOLUTION #89-2015
DECEMBER 1, 2015

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #4-2015
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO ADD TO THE DUNKIRK CITY CODE, CHAPTER 31, ARTICLE III,
SECTION 31-19(B) ENTITLED "NORTH COUNTY WATER DISTRICT RATE"**

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 add to the Dunkirk City Code Chapter 31, Article III, Section 31-19(B) "North County Water District Rate."

Section 2 **Addition to the City Code.**

Dunkirk City Code Chapter 31, Article III, Section 31-19(B) is hereby added as follows:

ARTICLE III

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

**§ 31-19(B). North County Water District Rate [Added _____ as L.L. #4
(Intro No. 1) 2015]**

Notwithstanding any terms or conditions included herein, water services shall be provided to the North County Water District pursuant to the terms and conditions contained in a certain Water Purchase/Supply Agreement, authorized by the Dunkirk Common Council (Resolution #77-2015 on November 17, 2015), as amended.

Section 3 **Effective Date.**

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

RESOLUTION #90-2015
DECEMBER 1, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE
CHAUTAUQUA COUNTY AGREEMENT AMENDMENT
(SNOW REMOVAL AND ICE CONTROL)**

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 has expired 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 on behalf of the City of Dunkirk, with Chautauqua County, for provision of snow removal and ice control services for snow seasons through April 30, 2018 at the following annual reimbursements:

2015/2016 Season	\$4,916.00 per centerline mile
2016/2017 Season	\$5,162.00 per centerline mile
2017/2018 Season	\$5,420.00 per centerline mile.

RESOLUTION #91-2015
DECEMBER 1, 2015

BY: ENTIRE COUNCIL

ADOPTION OF FY 2016 BUDGET

WHEREAS, Mayor Dolce submitted the proposed FY 2016 Budget to the Common Council; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2016 Budget and desires to make amendments to such Budget as herein below detailed; now, be it

RESOLVED, that Mayor Dolce's proposed FY 2016 Budget, be amended as follows:

GENERAL FUND

Appropriations

001-1490-1001	Overtime	\$ (500)
001-1620-1001	Overtime	\$ (1,000)
001-1900-1930	Judgment	\$ (3,000)
001-5142-1001	Overtime	\$ (5,000)
001-7140-4162	Senior Sweep	\$ (900)
001-5010-1001	Overtime	\$ (2,000)
001-1900-1991	Contingencies	\$ (400)
001-1640-4012	Water	\$ 100
001-5110-4052	Improved Streets	\$ 5,000
001-7550-4209	Fish Tournament	\$ 200
001-8020-4247	DLDC	\$ 5,000
001-8560-1000	Pers Services	\$ 1,000
001-8560-4036	Cont Serv	\$ 1,500

WATER FUND

Appropriations

002-8330-4022	Repair/Maint	\$ (1,500)
002-8340-4125	Water Maint	\$ 1,500

**WASTEWATER
FUND**

Appropriations

003-8131-1000	Pers Serv	\$ 20,833
003-1900-1990	Conting	\$ (10,833)
003-1900-1991	Capital Projects	\$ (10,000)

and, it is

further

RESOLVED, that Mayor Dolce's proposed FY 2016 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2016 Budget, and, it is finally

RESOLVED, that the City of Dunkirk Fiscal Year 2016 Budget requires the raising of taxes in the amount of **\$4,837,477**.

<u>Totals by FUND:</u>	<u>Revenues</u>	<u>Expenditures</u>
General	\$14,903,572	\$14,903,572
Water Treatment	\$ 3,247,679	\$ 3,247,679
Waste Water Treatment	<u>\$ 3,882,000</u>	<u>\$ 3,882,000</u>
	\$22,033,251	\$22,033,251

RESOLUTION #92-2015
DECEMBER 1, 2015

BY: ENTIRE COUNCIL

APPROVE FY 2016 APPROPRIATIONS

WHEREAS, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2016; now, therefore, be it

RESOLVED, that the specified amounts in the column labeled Adopted Budget in the General Fund, Water Treatment and Wastewater Budgets be approved for expenditure for such items, effective January 1, 2016.

RESOLUTION #93-2015
DECEMBER 1, 2015

BY: ENTIRE COUNCIL

AUTHORIZING WARRANT FOR FY 2016 BUDGET

WHEREAS, the FY 2016 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure, now, therefore, be it

RESOLVED, that the attached warrant be delivered to the City Treasurer and a tax levy of **\$4,837,477.00** be established at a rate of **\$17.247488** per \$1,000 of assessed valuation based upon the total City assessed valuation of **\$280,474,291**.

RESOLUTON #94-2015
DECEMBER 1, 2015

BY: COUNCILMAN RIVERA

**AUTHORIZING CONTRACT MODIFICATION
(DREDGING CITY BOAT LAUNCH RECREATIONAL CHANNEL)**

WHEREAS, a dredging project has been proposed for the Dunkirk Harbor, and with the assistance of Chautauqua County officials and departments, bids were let and the sole bidder, Dean Marine and Excavating, Inc., was awarded such bid and the Mayor was authorized to enter in to a contract pursuant to Resolution No. 54-2015 (July 21, 2015) in the amount of One Hundred Sixteen Thousand Five Hundred Dollars and Zero Cents (\$116,500.00); and

WHEREAS, after joint mobilization discussions, an additional amount of Three Thousand Nine Hundred Eighty Dollars and Zero Cents (\$3,980.00) is required; now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby authorizes a contract modification for such dredging services with Dean Marine & Excavating, 75 Avery Street, Mount Clemens, Michigan 48043, providing for the dredging of the Dunkirk Harbor pursuant to the bid specifications issued, increasing the costs in the amount of Three Thousand Nine Hundred Eighty Dollars and Zero Cents (\$3,980.00) for services to be rendered in 2015 and/or 2016; and, it is further

RESOLVED, that such funds shall be paid in 2016 from City Fund 009.8020.4036 as established for all revenues and expenses for this dredging project as established by the City's Office of Fiscal Affairs; and, be it finally

RESOLVED, that all other terms and conditions of Resolution No. 54-2015 shall remain in effect.

RESOLUTION #95-2015
DECEMBER 1, 2015

BY: THE ENTIRE COUNCIL

**CONSENT TO APPOINTMENT OF DIRECTOR OF
DEPARTMENT OF PLANNING & DEVELOPMENT**

WHEREAS, Section 2-14.02 of the City Code provides that the Director of Planning and Development shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-14.02 of the City Code, Mayor Anthony J. Dolce has appointed DUANE BEARD, to the position of Director of Planning and Development for the City of Dunkirk, subject to the consent of the Common Council, now, therefore, be it

RESOLVED, that **DUANE BEARD**, be confirmed as Director of the Department of Planning and Development for the City of Dunkirk, effective December 7, 2015 at Fifty Thousand Dollars and Zero Cents (\$50,000.00) per annum.

RESOLUTION #96-2015
DECEMBER 1, 2015

BY: THE ENTIRE COUNCIL

AFFIRMING THE COMMITMENT OF THE DUNKIRK COMMON COUNCIL TO THE IMPORTANCE OF AMERICAN MANUFACTURING, RECOGNIZING ITS IMPORTANT ROLE TO U.S. NATIONAL SECURITY, EXPRESSING CONCERN THAT DEFENSE SUPPLY CHAINS ARE MOVING OFF-SHORE, AND URGING OUR FEDERAL ELECTED OFFICIALS TO SUPPORT POLICIES THAT ENABLE AMERICA'S SOLDIERS, SAILORS, AIRMEN AND MARINES TO BE THE MOST POWERFUL FIGHTING FORCE IN THE WORLD

WHEREAS, America's soldiers, sailors, airmen and Marines demonstrate unparalleled and extraordinary service to our country;

WHEREAS, there are 21.8 million veterans in the United States, including 988,217 in New York State;

WHEREAS, manufacturing provides well-paying jobs to returning veterans, who are more likely to work in manufacturing than non-veterans;

WHEREAS, American manufacturing provides the tools for ready war fighters and played an important role in supplying allied forces in World War II;

WHEREAS, with the off-shoring of America's manufacturing jobs to countries like China, the United States defense industrial base has deteriorated rapidly;

WHEREAS, Pentagon procurement laws to unsure the purchase of American-made goods have been weakened in recent years;

WHEREAS, some in the U.S. Congress are advocating for policies that would allow more tax dollars to be spent on foreign products to be used by our military;

WHEREAS, China makes 75 percent of the world's high-tech magnets, which are needed to manufacture helicopters, jet fighters and bombers, missiles, tanks, submarines, satellite communications equipment and radar amplifiers;

WHEREAS, China produces 90 percent of the world's supply of rare earth elements, such as lanthanum, which is needed to make night-vision devices;

WHEREAS, semiconductors, a vital component of missile guidance systems, satellites, computers and helicopters, are largely manufactured outside the United States;

WHEREAS, the United States relies on Asian suppliers for lithium-ion batteries used in unmanned drones, robots, missiles, jets and helicopters;

WHEREAS, U.S. producers of steel armor plate – used in mine-resistant protected vehicles that have saved thousands of American lives during the conflicts in

Iraq and Afghanistan – met the challenge of providing orders on time to meet a demand surge;

WHEREAS, increased reliance on foreign supply chains makes the United States vulnerable to major disruptions in foreign supplies due to poor manufacturing practices, natural disasters, domestic unrest, foreign price manipulation, or stoppage of sales due to political or military disputes; Now, therefore, be it

RESOLVED, that the Dunkirk City Common Council

1. Reaffirms its commitment to America's soldiers, sailors, airmen and Marines who have served our nation, and those who have made the ultimate sacrifice to protect our freedoms;
2. Recognizes the importance of American manufacturing and the workers who produce textiles, steel, warships, tanks, aircraft, weapon systems and other essential products that are essential to our national security;
3. Expresses its concern that defense industrial base supply chains are moving offshore, leaving our armed forces vulnerable to disruptions in foreign supplies;
4. Urges our federal elected officials – Hon. Charles Schumer, Hon. Kirsten Gillibrand and Hon. Thomas Reed – to support policies that make America less dependent on foreign nations for the products that enable America's soldiers, sailors, airmen and Marines to be the most powerful fighting force in the world, including:
 - a. In-sourcing of supply chains that have moved to China, Russia and other potentially-hostile trading partners;
 - b. Increasing support for industry sectors at risk being off-shored;
 - c. Developing domestic sources of key natural resources and rare earth elements used by our military;
 - d. Buying American and procuring American-made iron, steel and manufactured products to the fullest extent possible;
 - e. Ensuring strong trade enforcement to uphold a level playing field with foreign competition; and,
 - f. Investing in technological innovation, education and training needed to keep America secure in the future.