

AGENDA - COMMON COUNCIL MEETING – December 06, 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.
  1. Communication from Mayor appointing Steve Helwig as Chairman of the Zoning Board of Appeals.
6. Communications from the public and petitions:
  1. Request from Lauren Klenosky on behalf of Western New York Chapter of the Alzheimer's Association to use Point Gratiot as well as the neighborhood and accompanying bike path for the annual Walk to End Alzheimer's fundraising event on Saturday, September 9, 2017 from approximately 7:00 AM until 12:00 PM. Also requesting use of pop up tents, vendors and live music.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
  97. Resolution Adopting 2017 Fiscal Year Budget.
  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.
9. Pre-filed Resolutions:
  103. Resolution authorizing to review and approve with or without conditions the site plan in accordance with the H-1 Harborfront District for property located at 19 Lake Shore Drive East (Rookies).
  104. Resolution authorizing Agreement to provide drug/alcohol testing (Langford Testing and Consulting).
  105. Resolution authorizing Agreement for Bookkeeping Services for the City of Dunkirk.
  106. Resolution authorizing Agreement for Independent Audit Services for the City of Dunkirk.

107. Resolution approving FY 2017 Appropriations.
  108. Resolution authorizing Warrant for FY 2017 Budget.
  109. Resolution authorizing Lease Agreement with Chautauqua County Fair Association.
10. New Business:
  11. Adjournment.

Lillian R. Divine  
City Clerk



**CITY OF DUNKIRK**  
**OFFICE OF THE MAYOR**  
City Hall, Dunkirk, New York 14048  
[www.dunkirktoday.com](http://www.dunkirktoday.com)

**WILFRED ROSAS**  
Mayor  
716-366-9882  
Fax 716-366-2049

November 30, 2016

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Pursuant to Dunkirk City Code, Section 79-28040, Subdivision 6, I hereby appoint Mr. Steve Helwig of 1039 Central Avenue, Dunkirk as Chairman of the Dunkirk Zoning board of Appeals.

Thank you.

Sincerely,

Wilfred Rosas  
Mayor

cc: City Clerk  
City Attorney  
Housing, Building & Zoning Officer  
Zoning Board of Appeals  
Personnel  
Payroll

2016 NO 30 PM 12:31  
DUNKIRK, N.Y.  
CITY CLERK



November 8, 2016

City of Dunkirk Common Council  
342 Central Avenue  
Dunkirk, NY 14048

2016 NOV 16 AM 11:50  
CITY CLERK  
DUNKIRK, N.Y.

To whom it may concern,

I am writing to you on behalf of the Alzheimer's Association, Western New York Chapter. I am looking to secure your approval to utilize space at Point Gratiot Park for our annual Walk to End Alzheimer's fundraising event on Saturday, September 9, 2017. We also would like to use the surrounding neighborhood and accompanying bike path for the actual walk portion of the event.

This event will have about 400 people in attendance to participate in the 2 mile walk. Our event day begins with set up at 7am, then 9am registration/participant arrival, 10am opening ceremony followed by the walk start, then some post walk activities and wrap up/clean up to be out of the park by 12pm. During the event we have different activities for our participants including raffles, kid's area, food, vendor area and live music. In the past, we've been approved to use the charcoal grills on site, and would like to request the use of those for our hot dog cookout portion of the event.

Pavilion A, worked perfectly for us last year and we would like to request use of this shelter for that morning again. For additional coverage, we have used 2 20'x40' fair tent s, 1 20'x20' tent and several 10'x10' pop up tent. We can provide insurance for any and all structures used and activities happening throughout the event.

Proceeds from the Walk help fund local programs and services including advocacy, education, support group services, in-home care consultations and respite services for more than 12,000 individuals and many right here in Chautauqua County annually. There are more than 55,000 individuals in Western New York living with Alzheimer's disease or other dementias. On average, each individual has 3-4 caregivers bringing the number of local individuals impacted by this disease to well over 220,000.

We hope you will consider allowing us to host our event at Point Gratiot Park again next year. If you have any questions, I can be reached at 716.626.0600 or [lklenosky@alz.org](mailto:lklenosky@alz.org). Thank you for your time.

Sincerely,

Lauren Klenosky  
Manager, The Walk To End Alzheimer's  
Alzheimer's Association, WNY Chapter

**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.

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

11/15/16: Councilwoman Szukala made a motion to Table Resolution #97-2016 for a Public Hearing to be held on Tuesday, December 6th at 5:20 PM. Seconded by Councilman Gonzalez.  
 Carried, all voting aye. TABLED.

**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.

Councilman Gonzalez made a motion to Table Resolution #101-2016. Seconded by Councilwoman Szukala.

Vote to Table Resolution:

Ayes: Councilman Bamonto, Gonzalez, Councilwoman Szukala, Councilman-at-large Woloszyn

No: Councilman Williams.

Carried, 4-1. TABLED.

**RESOLUTION #103-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZATION TO REVIEW AND APPROVE WITH OR WITHOUT CONDITIONS THE  
SITE PLAN IN ACCORDANCE WITH THE H-1 HARBORFRONT DISTRICT  
FOR PROPERTY LOCATED AT 19 LAKE SHORE DR. E.  
(ROOKIES)**

**WHEREAS**, an application for a building permit for permission to construct an addition at property located at 19 Lake Shore Dr. E., Dunkirk, New York 14048, has been submitted, and

**WHEREAS**, the application has been referred by the Housing, Building and Zoning Enforcement Officer to the required Boards, Departments and Agencies for review and comment, and

**WHEREAS**, the City Council is authorized to review and approve, approve with conditions or disapprove site plans prepared in accordance with such standards outlined in Chapter 79 for projects proposed in the H-1 Overlay District, and

**WHEREAS**, this Council has fully investigated all of the facts and circumstances relating to the instant application, now, therefore be it

**RESOLVED**, that this Common Council determines and finds that:

- (A) A proper application for a building/use permit has been made by Alan Steinberg on behalf of 19 Lake Shore Drive East LLC, Rookies;
- (B) All interested Boards, Departments and Officials have been notified pursuant to Local Law for their comments and review of this application;
- (C) All comments from such interested parties have been received, or such parties have waived their right of review and comment under local law;
- (D) The applicant established:
  - (i) That the strict application of the provisions of Chapter 79 of the Dunkirk City Code would deprive the applicant of the reasonable use of the property;
  - (ii) That the approval of the special permit is necessary for the reasonable use of the property; and
- (E) The applicant established that there are special circumstances or conditions applying to the land or building for which the approval is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this Chapter 79 of the Dunkirk City Code;
- (F) The applicant established that the approval of this special permit will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood and will not alter the essential character of the locality;
- (G) Approved the building/use permit will promote the health, safety and welfare of the residents of the City of Dunkirk, and be it further

**RESOLVED**, that the application is approved.

**RESOLUTION #104-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT TO PROVIDE DRUG/ALCOHOL TESTING  
(LANGFORD TESTING AND CONSULTING)**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

**WHEREAS**, the City utilizes a pre-employment screening protocol for various employees; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

**WHEREAS**, the City has obtained quotes from three vendors and has undertaken a vendor comparison which provides that Langford Testing and Consulting can provide the required services in a good and workmanlike manner at the lowest cost; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with **Langford Testing and Consulting**, 52 Berry Road, Fredonia, New York 14063, for the administration of the required drug/alcohol testing program for 2017, including providing compliance with Department of Transportation requirements.

**RESOLUTION # 105-2016**  
**December 6, 2016**

**BY: COUNCILMAN ANDREW GONZALEZ, COUNCILMAN DON WILLIAMS Jr.**

**AUTHORIZING AGREEMENT FOR BOOKKEEPING SERVICES  
FOR THE CITY OF DUNKIRK**

**WHEREAS,** the Finance Committee issued a Request for Proposal in October of 2016 for professional assistance with various aspects of the bookkeeping of the City of Dunkirk; and

**WHEREAS,** the proposals were received and reviewed by the Finance Committee, and the firm of Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C., met the qualification and price criteria necessary for this service; and

**WHEREAS,** it is in the best interest for the City to utilize Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C. for the professional bookkeeping services for a fee of \$110 per hour, not to exceed the previous year's billing; and

**RESOLVED,** that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C., 16 W Main St., Fredonia NY, for bookkeeping services.

**RESOLVED,** that the appropriations for the auditing service shall posted to Contracted Services, Account No. 001-1310-4036.

**RESOLUTION # 106-2016**  
**December 6, 2016**

**BY: COUNCILMAN ANDREW GONZALEZ, COUNCILMAN DON WILLIAMS Jr.**

**AUTHORIZING AGREEMENT FOR INDEPENDENT AUDIT SERVICES  
FOR THE CITY OF DUNKIRK**

**WHEREAS**, the five-year contract for Audit Services has expired with the completion of the Audit for Fiscal Year ending December 31<sup>st</sup>, 2015; and

**WHEREAS**, professional auditing services are required by the City of Dunkirk for Fiscal Years 2016, 2017 and 2018, and

**WHEREAS**, the Finance Committee issued a Request for Proposal in September of 2016 for professional auditing services; and

**WHEREAS**, three proposals were received and reviewed by the Finance Committee, with Dresher and Malecki LLP meeting the qualification and price criteria necessary for this service; and

**WHEREAS**, it is in the best interest for the City to utilize Dresher and Malecki, LLP for auditing services for:

	<u>Not to Exceed Fee Schedule</u>			<u>Optional Years</u>	
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Audit of basic financial statements	\$ 26,500	\$ 27,030	\$ 27,571	\$ 28,122	\$ 28,684
Single Audit	\$ 3,500	\$ 3,570	\$ 3,641	\$ 3,714	\$ 3,789
NYS DOT	\$ 2,026	\$ 2,067	\$ 2,108	\$ 2,150	\$ 2,193
Annual Update Document	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
<b>Total</b>	<b>\$ 35,026</b>	<b>\$ 35,667</b>	<b>\$ 36,320</b>	<b>\$ 36,986</b>	<b>\$ 37,666</b>

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Drescher & Malecki LLP, 3083 William St. Ste 5, Cheektowaga, NY, to provide auditing services for Fiscal Years 2016, 2017, and 2018; and

**RESOLVED**, that the appropriations for the auditing service shall posted to Contracted Services, Account No. 001-1310-4036.

**RESOLUTION #107-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**APPROVE FY 2017 APPROPRIATIONS**

**WHEREAS**, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2017; 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, 2017.

**RESOLUTION #108-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING WARRANT FOR FY 2017 BUDGET**

**WHEREAS**, the FY 2017 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 **\$4,871,870.00** be established at a rate of **\$17.247488** per \$1,000 of assessed valuation based upon the total City assessed valuation of **\$282,468,370**.

**RESOLUTION #109-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING LEASE AGREEMENT WITH  
CHAUTAUQUA COUNTY FAIR ASSOCIATION**

**WHEREAS**, the CHAUTAUQUA COUNTY FAIR ASSOCIATION (the "Fair Association") is the owner of certain premises commonly known as the Chautauqua County Fair Association Agricultural and Commerce Building (the "Premises"), formerly known as the Roll Arena, which is located on the Fair Association's property on Central Avenue, Dunkirk, NY, at the Chautauqua County Fairgrounds; and

**WHEREAS**, the City wishes to lease the Premises from the Fair Association in order to utilize it for recreational programs and activities; and

**WHEREAS**, the City has leased the Premises in the past at low cost which has been a significant benefit to the city; and

**WHEREAS**, the Roll Arena building is in need of repairs, which the Department of Public Works can provide at low cost; and

**WHEREAS**, the Fair Association is ready, willing and able to lease the Premises to the City for such uses in exchange for in-kind services and donated materials; now, therefore, be it

**RESOLVED**, that the Mayor be and hereby is authorized to execute a Lease Agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the Roll Arena building at the Fairgrounds from December 1, 2016 through March 31, 2017, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month, December 1, 2017 through March 31, 2018, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month, and December 1, 2018 through March 31, 2019, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month plus the cost of the ordinary and customary utilities for such building (e.g., natural gas, electricity, etc.); and, be it further

**RESOLVED**, that the funds for such payments be made from

Rent:

Provision of labor and materials for installation of insulation in the Roll Arena building for a total value of Three Thousand Six Hundred Dollars and Zero Cents (\$3,600.00)

Electric:

Divided between Account No. 001-7140-4013 and Account No. 001-7310-4013

Gas:

Divided between Account No. 001-7140-4014 and Account No. 001-7310-4014

; and be it finally

**RESOLVED**, that the Department of Public Works may donate surplus Flooring Materials, Lighting, and a Heater and provide labor to install such items in the Roll Arena building.