

AGENDA - COMMON COUNCIL MEETING – December 19, 2017 - 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 Evelyn Hernandez Ruiz for alleged damages to her vehicle when a City of Dunkirk plow truck backed into her parked vehicle.
7. Reports of Standing Committees, Boards and Commissions:
8. Unfinished Business:
9. Pre-filed Resolutions:
 118. Resolution Authorizing Shared Services agreement Extension (Police Services-Town of Dunkirk).
 119. Resolution for Extra Valve Change order for Water Treatment Plant Improvements (Phase 3 Under 2009 Consent Order)
 120. Resolution for Valve Pipe Change Order for WWTP Installation of Replacement Bar Screens and Grit Removal System.
 121. Resolution accepting Application for Water and Sewer Service for the Hampton Inn Hotel in the Town of Dunkirk.
 122. Resolution to Declare Lead Agency Status.
10. New Business:
11. Adjournment.

Edwin Ramos
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: Evelyn Hernandez Ruiz
Claimant Address: 211 Deer St Dunkirk NY
14048
Claimant Telephone Number: (716) 939 8036

This claim is for (injuries/damages alleged): Van damaged by city
plow truck while parked. I was not on vehicle
I was in house I noticed he was there for a while
then cops came so that's when I noticed something happened to my car.

This claim is alleged to have arisen on the 13 day of December, 2017 at approximately 4:11 a.m./p.m. on that date at 211 Deer St.

The injuries and/or damages sustained by the Claimant arose in the following manner:
The city plow truck while attempting to turn around the plow
struck the rear driver rear door leaving a large dent removing
paint on my parked van.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: The plow reversing into my van.
Begier, Patrick A being the driver

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

Respectfully yours,

Evelyn Hernandez Ruiz

12/13/17

Claimant

(date)

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

Evelyn Hernandez Ruiz 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 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.

Michelle Farnham DeJesus
Notary

Sworn to before me this
13 day of December, 2017.

MICHELLE FARNHAM DEJESUS
Notary Public, State of New York
No. 01FA6366737
Qualified in Chautauqua County
Commission Expires November 6, 2021

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2017 DE 13 PM 3:54

RESOLUTION #118-2017
December 19, 2017

BY: THE ENTIRE COUNCIL

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

WHEREAS, the City of Dunkirk (City), by Resolution No. 96-2016 (November 15, 2016), and the Town of Dunkirk (Town), entered into a shared services agreement for certain police services, which was extended through December 31, 2017; and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement for calendar year 2018; 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, 2018 through December 31, 2018, at a cost of One Thousand Seven Hundred Fifty Dollars and Zero Cents (\$1,750.00) per month for January, 2018 through December, 2018, with the City providing not less than twelve (12) hours per week of patrol in the Town.

RESOLUTION # 119 -2017
December 19, 2017

BY COUNCILMAN WILLIAMS:

**EXTRA VALVE CHANGE ORDER FOR WATER TREATMENT PLANT IMPROVEMENTS
(PHASE 3 UNDER 2009 CONSENT ORDER)**

WHEREAS, the City of Dunkirk entered into a 2009 Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies at the City's water treatment plant and water distribution system, and now the Phase 3 items of the Consent Order can be addressed according to the CCDOH schedule; and

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

WHEREAS, the City of Dunkirk received an approved increase of the grant portion of these EFC funds to \$3 million; and

WHEREAS, as part of Phase 3, this valve addition change order is required to fully operate the water systems between the filter plant and the storage tanks, has been approved by EFC subject to review by the New York State Department of Health; and

WHEREAS, it has been found that two additional 20-inch valves are required in the distribution system between the filter plant and the new Willowbrook tank at a change order cost of \$84,300, and

WHEREAS, the phase work will remain under budget, DPW recommends quick approval of this change order so the work can be done to avoid delaying the City water system from being fully operational to supply the North County Water District; and

WHEREAS, said change order acceptance is subject to the contractor meeting all NYS DOH and EFC requirements; now, therefore, be it,

RESOLVED, that the Mayor is hereby authorized and directed to execute a change order in the amount not to exceed \$84,300 for these additional general construction items with Kandey Company, Inc., contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements, and that payment for such work will come from the Consent Order Phase 3 portion of City Fund 15.

RESOLUTION #120-2017
DECEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**VALVE AND PIPE CHANGE ORDER
FOR WWTP INSTALLATION OF
REPLACEMENT BAR SCREENS AND GRIT REMOVAL SYSTEM**

WHEREAS, the City of Dunkirk (Dunkirk) has recognized it must address inadequacies at the City's wastewater treatment plant that urgently require repair and/or replacement; and

WHEREAS, the New York State Environmental Facilities Corporation (NYS EFC) granted the City of Dunkirk's application for funding in the amounts of \$2,543,750 in grant funds and \$7,602,250 in zero-interest loan funds for these replacements and repairs at the Wastewater Treatment Plant; and

WHEREAS, the low bid of \$2,295,000 from STC Construction, 63 Zoar Valley Road, PO Box 459, Springville, New York 14141 (STC Construction), was accepted by Common Council Resolution 86-2017; and

WHEREAS, additional old valves and pipes require replacement to continue this work, a \$37,808 change order is recommended by DPW and the City's consulting engineers; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a \$37,808 change order for extra valve and pipe repairs and replacement in general construction contract 17-1G with STC Construction, which will still keep this portion of the project under budget, and contingent upon the contractor first supplying all necessary approvals from EFC to meet their funding requirements for this work, and that payment for such work will come from City Fund #21.

RESOLUTION # 121 -2017
DECEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING APPLICATION FOR WATER AND SEWER SERVICE
FOR THE HAMPTON INN HOTEL IN THE TOWN OF DUNKIRK**

WHEREAS, the City of Dunkirk supplies water and sewer service to Vineyard Drive in the Town of Dunkirk, at out-of-city rates; and

WHEREAS, the attached application for new water and sewer service was reviewed by DPW and recommended for approval includes storm water retention and treatment; now therefore

BE IT RESOLVED, that the Hampton Inn may establish water and sewer accounts with the City of Dunkirk provided it pre-pay all connection and meter fees at the out-of-city rate and establish accounts to pay usage fees billed at the out-of-city rates.

RESOLUTION #122-2017
December 19, 2017

BY: ENTIRE COUNCIL

RESOLUTION TO DECLARE LEAD AGENCY STATUS

WHEREAS, The City of Dunkirk (City) is proposing the City of Dunkirk Brownfield Opportunity Area (Project), located in the City of Dunkirk, Chautauqua County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the City of Dunkirk's Common Council to assume the role of "Lead Agency" for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the City, and has been circulated to all Interested and Involved Agencies for the purpose of establishing the City as the "Lead Agency" in accordance with 6 NYCRR Part 617.6(b); and

WHEREAS, the six (6) Interested and Involved Agencies were given the required thirty (30) day period to respond to the City's Common Council assuming Lead Agency status for this project; and

WHEREAS, no objections were made within the thirty (30) day comment period; now, therefore, be it

RESOLVED, that the City of Dunkirk's Common Council does hereby establish itself as the Lead Agency for the SEQRA review regarding the City of Dunkirk Brownfield Opportunity Area (Project) that the Mayor of the City of Dunkirk and Common Council, together with the City of Dunkirk Planning and Development Department, Attorney, and consultants, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.