

AGENDA - COMMON COUNCIL MEETING – December 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. Prior Notice from Edmund Aniszewski for a dangerous tree on or near 606 Roosevelt Avenue.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
  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:
  111. Resolution Awarding Bid through Municipal Lease/Purchase of one (1) new garbage packer truck.
  112. Resolution authorizing Change Orders 1 and 2 for Contract for Fourth Ward Benton Street water tank interior repair and painting (Water Treatment Facilities – Phase 3 – under 2009 Consent Order).
  113. Resolution Awarding Bid – 2017 Sludge and Grit Hauling (Dunkirk Water Pollution Control Facility).
10. New Business:
11. Adjournment.

Lillian R. Divine  
City Clerk

12-8-16

Dear Mayor Rosas + City Council,

This is to inform you that on Nov 29, 2016 during a windstorm, a piece of a large tree on city property broke off. The rest of the tree is hanging dangerously over my home. If it falls it will cause considerable damage not only to my home but it will take down electrical wires.

I called city hall on Dec 1, 2016 and was told this would be reported to Mr. Banowski. I also asked for my call to be recorded. My son and I have since spoken to multiple city officials requesting the tree be removed but so far nothing has been done.

To avoid possible legal issues, I'm requesting immediate action be taken

Sincerely,  
Edmund Aniszewski  
Edmund Aniszewski  
606 Roosevelt Ave  
Dunkirk NY 14048  
(716) 366-1574

DUNKIRK, N.Y.  
2016 DE 12 AM 11:29

RECEIVED

DEC 12 2016

MAYOR'S OFFICE

**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.

11/15/16: Councilman Gonzalez made a motion to Table Resolution #101-2016. Seconded by Councilwoman Szukala.

Vote to Table Resolution:

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

No: Councilman Williams.

Carried, 4-1. TABLED.

12/06/16: Councilman Williams made a motion to remove Resolution #101-2016 from the Table.

Vote to Remove Resolution from Table:

Ayes: Councilman Williams and Councilman Bamonto.

No: Councilman Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Resolution remains TABLED, 2-3.

**RESOLUTION #111-2016**  
**DECEMBER 20, 2016**

**BY: COUNCILMAN WILLIAMS, COUNCILMAN BAMONTO, COUNCILMAN GONZALEZ**

**AWARDING BID THROUGH MUNICIPAL LEASE/PURCHASE  
OF ONE (1) NEW GARBAGE PACKER TRUCK**

**WHEREAS**, the Department of Public Works has reported that it is in need of a new garbage packer truck, and

**WHEREAS**, The City of Dunkirk Procurement Policy allows the City to make purchases under State or County contracts as allowed by the General Municipal Law, and

**WHEREAS**, the DPW Director has reviewed Onondaga County bid #7823 and the equipment, and recommends the lease of one (1) Heil DP5000-32 CY High Performance Rear Loader for the total cost of Sixty Four Thousand Five Hundred Eleven and Thirty Seven Cents (\$65,511.37), now therefore be it

**RESOLVED**, that the DPW Director obtain bids, according to the City of Dunkirk Procurement Policy, for lease financing for this purchase, and be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute all documents for the acquisition of the above-described Heil DP5000-32 CY High Performance Rear Loader to be ordered under said bid #7823, and be it further

**RESOLVED**, that the appropriations for the purchase shall be posted to Account No. 001.8160.2000 (Equipment).

**RESOLUTON # 112-2016**  
**DECEMBER 20, 2016**

**BY: COUNCILWOMAN SZUKALA**

**CHANGE ORDERS 1 AND 2 FOR CONTRACT FOR FOURTH WARD  
BENTON STREET WATER TANK INTERIOR REPAIR AND PAINTING  
(WATER TREATMENT FACILITIES – 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 that include repairs and corrosion-resistant coating of the interior of the Benton Tank; and

**WHEREAS**, the Common Council, through Resolution #75-2016 (September 20, 2016) accepted the lowest of the three sealed bids that were received on August 5, 2016, in the amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127 for this Fourth Ward Benton Tank work; and

**WHEREAS**, additional work is required under this contract to provide generator power for mechanical work inside the tank, as it was recently discovered that the electrical service inside the Benton Street Pump Station was mis-labeled during its construction in the 1980s and therefore is not sufficient to supply construction electrical power; and

**WHEREAS**, this extra needed electrical power requires the contractor to rent a large generator for the duration of construction, at a cost not to exceed \$23,000, with the City providing diesel fuel through its no-tax State Contract vendor; and

**WHEREAS**, after sand blasting the Benton Street Tank interior in preparation for painting, inspections of the sand blasted surface revealed excessive "pitting" of the tank interior. In order to cover the excessive pitting and maintain the warranty for the project, the Contractor estimates an additional 600 gals of paint will be required at a cost of \$138 per gallon for materials and application. The final change order amount will be adjusted based on actual additional quantities of paint applied at a unit cost of \$138 per gallon, therefore,

**BE IT RESOLVED**, that upon review and recommendation of the Director of Public Works, the following Change Order be accepted and awarded:

<b><u>Contractor</u></b>	<b><u>Item</u></b>	<b><u>Cost</u></b>
Global Contracting P. O. Box 606 Orchard Park, NY 14127	Electric Generator for Consent Order Contract Change Order One	\$23,000
Global Contracting P. O. Box 606 Orchard Park, NY 14127	Estimated additional 600 gallons of paint to cover excessive pitting revealed after sand blasting for Consent Order Contract Change Order Two	\$82,800

and, be it further

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor, for the described consent order change orders 1 and 2, and be it finally,

**RESOLVED**, that the Fiscal Affairs Officer is authorized and directed to transfer sufficient funds from Consent Order Phase 3 Contingencies (budget of \$682,000, Fund 015.8321.5056) to Consent Order Phase 3 Benton St Painting, Fund 015.8321.5049.8054, to pay for the items required for these Change Orders.

**RESOLUTION # 113-2016**  
**DECEMBER 20, 2016**

**BY: ENTIRE COUNCIL**

**AWARDING BID – 2017 SLUDGE AND GRIT HAULING  
(DUNKIRK WATER POLLUTION CONTROL FACILITY)**

**WHEREAS**, following published legal notice, two sealed bids for 2017 hauling of sludge and grit from the City Water Pollution Control Facility were received, opened and read aloud in the Dunkirk City Clerk's Office at 10:30 a.m. on December 15, 2016; now, therefore, be it

**RESOLVED**, that upon the recommendation of the Director of Public Works, the low aggregate bid of **Bestway Container Service, 202 East Main Street, Fredonia, New York 14063**, be and hereby is accepted for 2017 Sludge & Grit Hauling at the following unit costs:

Item 1 – Sludge Hauled (per bid specifications) to Ellery      \$12.79 per ton

Item 2 – Grit Hauled (plastic-lined bid specification) to Ellery      \$62.00 per ton

(For a total annual aggregate cost based on anticipated amounts of about \$99,000 compared to the second bid total annual aggregate cost of about \$123,000.)

and, be it further

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, for the Year 2017 Sludge and Grit Hauling, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposit of the bidder, following contract execution, in accordance with the contract specifications, and to return bid deposits of unsuccessful bidders.