

COMMON COUNCIL PROCEEDINGS
November 2, 2015

The meeting was called to order at 5:30 PM by Councilman-at-large Rosas followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilman-at-large Rosas.

Also present: Mayor Dolce, City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, CDBG Administrator Gawronski, Recreation Program Coordinator Gornikiewicz, Fire Chief Edwards and Police Chief Ortolano.

Councilman-at-large Rosas excused Department of Public Works Director Gugino from tonight's meeting.

City Clerk Joiner advised there is a typographical error in the minutes from October 20, 2015; Resolution #74-2015 vote should have read Councilman Rivera rather than Councilman Gonzalez.

Certification of October 20, 2015 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, October 20, 2015 be dispensed with.

Councilman Gonzalez moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce advised the city received \$330,000.00 for the Brownfield Opportunity Area Step 2 grant; these funds will be used to develop a comprehensive plan to market half of the city, three bids were received this afternoon and the city will begin the process of reviewing these bids.

Mayor Dolce spoke in regard to Phase III of the Consent Order for the Water Treatment Plant, advised the city will be looking to establish a new timeline for a completion, stated no items will be eliminated and advised he will be meeting with Mr. Laurie and Mr. Snyder to discuss this.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Roxanne Tenamore for damages to her vehicle allegedly caused by a manhole cover on the corner of E. Seventh Street and Washington Avenue.

Councilman-at-large Rosas advised a motion to refer to this to the Law Department was needed.

Councilman Rivera moved to refer this to the Law Department. Seconded by Councilman Michalski.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski asked City Attorney Szot for an update on the North County Water District Agreement, has a timeframe been established and is there a deadline for grant money.

City Attorney Szot explained various issues, advised substantial progress has been made during the past couple weeks, discussion amongst other municipality attorney's has been ongoing and stated some open issues remain. City Attorney spoke in regard to city owned water meters located in surrounding municipalities and advised there is currently no established timeframe regarding the Water District Agreement.

Mayor Dolce advised there are several issues that need to be resolved before proceeding with the agreement, there is a Water Agency Meeting scheduled for November 12, 2015 and County Executive Horrigan is looking for Public Hearing to be scheduled by November 17, 2015. Mayor Dolce advised he would like to schedule an internal meeting with the common council to discuss this prior to the Water Agency Meeting scheduled for November 12, 2015.

Councilman Rivera announced he intends on holding a Public Safety Committee Meeting this month and asked for an update on the demolition of Lucas Avenue.

Mayor Dolce advised he and Councilman-at-large Rosas met with our State Representatives last month, stated the State's timeframe was to release the bid in November 2015 and accept the bid in the spring of 2016.

Councilman Rivera asked for an update on Cable Access and the HUD repayment schedule.

Cable Access Program Coordinator Chip Riewaldt advised wiring in the conference room is complete and the only thing remaining is the installation of the camera which has been ordered and is on backorder.

Mayor Dolce advised a conference call with HUD is scheduled for tomorrow afternoon.

CDBG Administrator Gawronski advised \$300,000.00 was wire transferred last Friday, a conference call is scheduled for tomorrow with HUD to ensure the money has been paid back properly and advised she received an e-mail from Jill Casey commending the city on the repayment process and strides that have been made in meeting the timeliness deadlines.

Councilman Rivera commended CDBG Administrator Gawronski for her work regarding the HUD repayment plan.

Councilman Gonzalez asked for clarity regarding the water meter obstacles and the Water District Agreement.

City Attorney Szot advised the meters are a consideration he put forth to the mayor and common council.

City Treasurer Woods advised these meters and several other issues, which have not been formally addressed, need to be considered and resolved before the city proceeds with the North County Water District Agreement.

Councilman Rosas advised the county will not be using these water meters.

City Attorney Szot proceeded to explain the city's agreement with the surrounding municipalities regarding these water meters and stated this should be resolved prior to the Water District Agreement as there is approximately \$150,000.00 worth of city owned water meters located in the surrounding municipalities.

Councilman-at-large Rosas advised this should not delay the city negotiating with the North County Water District Agreement and we should be negotiating with the surrounding municipalities regarding these meters.

City Treasurer Woods proceeded to explain the prior agreements the city has with the surrounding municipalities and stated the average cost per water meter is approximately \$160.00. City Treasurer Woods suggested a meeting between city officials and the common council be scheduled to address this and several other items.

Councilman Gonzalez asked what the duties of the Animal Control Officer are as he has received several calls from residents on Greco Lane regarding skunks.

Mayor Dolce advised the Animal Control Officer's duty is to solely focus on dogs and dog control and he occasionally assists with the Trap/Neuter Control Program.

Councilman Michalski advised the Animal Control Officers strictly deals with dogs; no one is willing to accept cats at this time and advised it is the responsibility of the residents to handle this issue privately.

Councilman Gonzalez advised the next Personnel Committee Meeting will be held on December 1, 2015 at 4:30 PM.

Councilwoman Szukala advised she received several complaints regarding Cable Access volume issues during the previous televised common council meeting.

Cable Access Coordinator Reiwaldt advised this is a server issue and is working on correcting this issue, he is trying to get new modems from Time Warner Cable, would like to switch to fiber optics which would eliminate the use of modems and advised he will add more microphones.

Councilwoman Szukala asked who is negotiating with Time Warner Cable so the city receives the proper equipment to televise events like this.

Councilwoman Szukala advised the Seawall Construction Project is \$156,000.00 over budget and asked where the funds will come from to pay this.

Fiscal Affairs Officer Halas proceeded to explain the additional work on the Seawall and advised upon learning that the Seawall Project was over budgeted he contacted the appropriate personnel, recommends a meeting be scheduled to discuss this and suggested the city reduce the payment by that amount until this matter can be resolved.

Councilwoman Szukala asked were contingencies set aside in this project budget.

Fiscal Affairs Officer Halas advised there were no contingencies set aside in this project.

Councilman Gonzalez asked is this an engineering problem.

Fiscal Affairs Officer Halas advised he does not know; this project is 96% complete and stated the extent of the increase was unknown during a recent Finance Committee Meeting.

Councilwoman Szukala advised she does not want the city to use contingency funds from Fund I and Fund III to pay this; the purpose of contingency funds are for catastrophe issues, failure of machinery or emergencies.

Fiscal Affairs Officer Halas advised contingencies from Fund I and Fund III will be used to pay for this.

Councilwoman Szukala advised she spoke with the Animal Control Officer prior to tonight's meeting and announced the city passed a surprise inspection at the animal shelter.

Councilwoman Szukala advised council will be meeting in the conference room this Thursday and Friday from 10:00 AM until 2:00 PM to review the Mayor's 2016 proposed budget, stated it is open to the public and asked has local industry been advised of the proposed water rate increase.

Mayor Dolce advised local industries have been advised of a potential water rate increase.

Councilman-at-large Rosas advised he has spoken to the county regarding NRG PILOT Payment and stated the county is guaranteed half of the payment for 2016 and asked is the city guaranteed their PILOT Payment for 2016.

Mayor Dolce advised the city is guaranteed the full value of the 2016 PILOT Payment as NRG makes two payments to the city, the first payment is to be received by December 2015 and the second payment will be received in January 2016.

Councilman-at-large Rosas spoke in regard to the Brush and Yard Waste Policy and asked why Mark Riedesel paid \$25.00 for a permit when the permit fee established by the city is \$200.00 for the season.

Mayor Dolce advised this was a judgement call and stated this individual was looking to use the facility for only one month.

Councilman-at-large Rosas advised the only reason this individual came in to pay for a permit was because he was caught illegally dumping at the barns; stated the Mayor does not have the authority to supersede a Resolution voted on by council and announced he would like this individual to pay the remaining permit fee balance of \$175.00.

Councilman Gonzalez advised he would like Mark Riedesel to pay the illegal dumping fee fine and the remaining permit fee balance.

Councilman-at-large Rosas made a motion requesting the Mayor receive the remaining \$175.00 permit fee balance from Mark Riedesel.

Councilwoman Szukala moved to approve. Seconded by Councilman Gonzalez.

Vote:

Ayes: Councilman Rivera, Councilman Gonzalez, Councilwoman Szukala,
Councilman-at-large Rosas.

No: Councilman Michalski.

Carried, 4-1.

Councilman-at-large Rosas advised budget meeting review sessions will be held this Thursday and Friday from 10:00 AM until 2:00 PM.

Fiscal Affairs Officer Halas spoke in regard to Water Plant Project, water main breaks and Seawall Project and advised a total of 6.5 million has been paid out since 2013 and stated when it comes to these capital projects a plan should be in place, outlined and monitored. Fiscal Affairs Officer Halas advised there is a plan listed within the city code for capital projects and stated the city should adhere to the city code.

PRE-FILED RESOLUTIONS:

RESOLUTION #76-2015
NOVEMBER 2, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2015

WHEREAS, there is a need to make timely adjustments to the 2015 Fiscal Year to address modifications in certain line items for confirmation of additional Consolidated Highway Investment Program (CHIP) funds; now, therefore, be it

RESOLVED, that the appropriate revenue and corresponding appropriation be increased by One Hundred Sixty-Three Thousand One Hundred Seventy-Two Dollars and Zero Cents (\$163,172.00), comprised of: an increase of Sixty Thousand Nine Hundred Eighty-Eight Dollars and Zero Cents (\$60,988.00) for 2015 fiscal year CHIP allocation, and an additional One Hundred Two Thousand One Hundred Eighty-Four

Dollars and Zero Cents (\$102,184.00) additional CHIP allocation secured from previous years; and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the Fiscal Year 2015 budget:

FUND 1 - General Fund

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
Revenue			
001.0001.3501	General Fund	State Aid CHIP Highway	\$163,172.00
Appropriation			
001.5110.4055	Maintenance of Streets	CHIP Streets Program	\$163,172.00

Councilman Michalski asked is this anticipated revenue?

Mayor Dolce advised he has spoken with Fiscal Affairs Officer Halas and City Engineer Woodbury; they met with the State DOT Representatives and stated this is an additional \$163,000.00 from the original projected amount.

Carried, all voting aye.

RESOLUTION #77-2015
NOVEMBER 2, 2015

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #3-2015
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 _____ as L.L. #3 (Intro No. 3) 2015]

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

DELETE

EFFECTIVE JANUARY 1, 2015

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2015: [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	\$57.00	\$99.75
Next 15,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 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

**MAXIMUM METER CHARGE
PER CUSTOMER**

\$1,800.00

\$3,150.00

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2015): [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	\$19.00	\$33.25
Next 5,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 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

ADD**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; 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	\$ 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

**MAXIMUM METER CHARGE
PER CUSTOMER**

\$1,800.00

\$3,150.00

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; Amended _____ as L.L. #3 (Intro No. 1) 2015]**

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
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

**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.

Councilwoman Szukala motioned to table Local Law #3-2015 with a Public Hearing to be held on, Tuesday, November 17th at 5:15 PM. Seconded by Councilman Rivera.

Carried, all voting aye. TABLED.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:19 PM

Nicole Joiner, City Clerk

*** 11-17-15 Councilman-at-large Rosas advised there was a typographical error on page 212 of the November 2, 2015 Common Council Minutes. The phrase "one individual" should be changed to "Mark Riedesel".