

AGENDA - COMMON COUNCIL MEETING – OCTOBER 16, 2012 - 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 2013.
 2. Communication from Mayor Dolce appointing a member to the Property Maintenance Board.
6. Communications from the public and petitions.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 83. Resolution introducing Local Law #1-2012 amending Chapter 31, Article III, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled "Rate Structure."
 84. Resolution authorizing the implementation and funding in the first instance 100% of the Federal Aid & State "Marchiselli" Program Aid eligible costs of a Transportation Federal Aid Project and appropriating funds therefor for the Bicycle Path and Pedestrian Trail Project, Phase II.
 85. Resolution accepting Brownfield Opportunity Areas Program Grant. (Dunkirk AI Tech Area BOA Project).
 86. Resolution authorizing lease agreement with Chautauqua County Fair Association.
 87. Resolution authorizing agreement of adjustment and release of owner and agreement for advance payment. (Millennium Parkway Project).
10. New Business:
11. Adjournment.

Lacy Lawrence
City Clerk

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Lacy Lawrence
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

2013 BUDGET MESSAGE

To: City of Dunkirk Common Council, and to the City's Residents and Taxpayers

It is my distinct honor as mayor to present you with the City of Dunkirk's *Fiscal Year 2013 Budget*.

Every homeowner, business and municipality has faced, and continues to face, significant fiscal challenges because of the condition of local, regional, national and international economies. The *2013 Budget* is the product of a pragmatic approach to balancing the many obstacles which the City will be facing in the coming months with the realistic operational needs of providing for City residents and taxpayers, both individuals and businesses.

Certainly, some of these financial challenges are known (for example, the scheduled loss of close to \$740,000 in NRG PILOT revenue). However, the possibility exists that additional, unplanned financial strains may be brought to light in the near future, which could likely present additional burdens on the City tax- and rate-payers. It is through this prism that the *2013 Budget* was produced. As a result, through working with each and every Department to craft next year's fiscal plan, the *2013 Budget* includes downward modifications in areas of practically every department to accommodate revenue shortfalls.

With that in mind, I want to specifically recognize and to sincerely thank all of the employees and Department Heads who contributed their time and effort to assist in the development of the *2013 Proposed Budget*.

The *2013 Budget* is a cooperative effort that provides a balance across all Divisions and Departments, attempting to address the particular wants and needs of the public with the ability to realistically fund such programs.

We kept constituent expectations in mind through the budget process -- both in the services required and desired. The difficult changes and decisions have been the result of attempting to manage the City's resources as efficiently and as effectively as possible.

Over the past nine months, we have worked diligently and cooperatively to address the City's short- and long-term needs. I am confident we have developed a spending plan conducive to what we envision will be our guideline moving forward. Many difficult decisions had to be made within 2013 Proposed Budget, while keeping the City's ever growing needs in mind. The finished product is one that we will all need to adapt to and by which the greatest value to City taxpayers and ratepayers will be provided.

Thank you.

Sincerely,



Anthony J. Dolce
Mayor

Copies of the Fiscal Year 2013 Budget are available in the Dunkirk City Clerk's Office or on-line at the City's website www.dunkirktoday.com.



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

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
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September 28, 2012

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2012 SEP 28 PM 3:47

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that due to the resignation of Roy Slaven from the City of Dunkirk Property Maintenance Board, I hereby appoint Nancy Chrabaszc of 34 N. Pangolin Street, Dunkirk, NY to fill this unexpired term. This appointment shall be effective October 16, 2012 and will expire March 31, 2014.

Thank you.

Very truly yours,

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: City Clerk
Personnel
Housing, Building & Zoning

RESOLUTION #83-2012
OCTOBER 16, 2012

BY THE ENTIRE COUNCIL:

INTRO NO. 1 TO LOCAL LAW NO. 1-2012
CITY OF DUNKIRK

A LOCAL LAW TO AMEND CHAPTER 31, ARTICLE III, WATER RATE SCHEDULE
SECTION 31-19
OF THE DUNKIRK CITY CODE
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 Chapter 31, Article III, Section 31-19 "Rate Structure" to amend the Quarterly and Monthly Water Rates, in order to generate 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.**

Chapter 31, Article III, Section 31-19 of the Dunkirk City Code is hereby amended as follows:

ARTICLE III

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

§ 31-19. Rate structure.

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

DELETE

EFFECTIVE FOR THOSE ACCOUNTS BILLED ON A QUARTERLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT NOVEMBER 1, 2009 AND WILL BE FULLY REFLECTED IN THE THREE (3) MONTH BILLING CYCLE ENDING JANUARY 31, 2010. [Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$22.50	\$39.38
Next 15,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 180,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
Next 11,800,000 gallons	\$ 2.27 per 1,000 gal.	\$ 3.97 per 1,000 gal.
All over 12,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

and DELETE

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$ 7.50	\$13.13
Next 5,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 60,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
Next 3,933,000 gallons	\$ 2.27 per 1,000 gal.	\$ 3.97 per 1,000 gal.
All over 4,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

ADD

EFFECTIVE JANUARY 1, 2013

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2013):

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$33.75	\$59.07
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.

and ADD

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2013):

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$11.25	\$19.69
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.

EFFECTIVE JANUARY 1, 2014

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2014:

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$45.00	\$78.75
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.

and **ADD**

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2014):

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$15.00	\$26.25
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.

Section 3 Effective Date.

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

RESOLUTION #84-2012
OCTOBER 16, 2012

BY: COUNCILMAN MICHALSKI

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL AID PROJECT AND APPROPRIATING FUNDS THEREFOR FOR THE BICYCLE PATH AND PEDESTRIAN TRAIL PROJECT, PHASE II

WHEREAS, a Project for the City of Dunkirk Bicycle Path and Pedestrian Trail Project, in the City of Dunkirk, Chautauqua County, PIN 5757.54 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs, such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Dunkirk desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5757.54.

NOW, THEREFORE, the City Council of the City of Dunkirk, duly convened does hereby

RESOLVE, that the City Council of the City of Dunkirk hereby approves the above subject project; and, it is hereby further

RESOLVED, that the City Council of the City of Dunkirk hereby authorizes the City of Dunkirk to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$79,000 is hereby appropriated from a temporary loan from the General Fund (in addition to \$56,000 previously appropriated via City Resolution No. 13-2011 adopted on February 15, 2011) and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of the Project; and, it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$135,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), and Construction and Construction Inspection phases exceeds \$449,950, the Project's Total Cost, the City of Dunkirk shall convene its Council as soon as

possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and, it is further

RESOLVED, that the Mayor of the City of Dunkirk is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Dunkirk with the New York State Department of Transportation, in connection with the advancement or approval of the Project, and providing for the administration of the Project, and the municipality's first instance funding of project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs, and all Project costs within appropriations therefor that are not so eligible, and, it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION #85-2012
OCTOBER 16, 2012

BY: ENTIRE COUNCIL

ACCEPTING BROWNFIELD OPPORTUNITY AREAS PROGRAM GRANT
(Dunkirk AI Tech Area BOA Project)

WHEREAS, the City submitted an application for a grant to the NYS Department of State for a Brownfield Opportunity Areas Grant regarding the Dunkirk AI Tech Area Project (the "Project"); and

WHEREAS, such application was approved, and the State share funding for the initial period is Three Hundred Three Thousand, Seven Hundred Fifty Dollars and Zero Cents (\$303,750.00), with a Local share funding for the initial period is Thirty-Three Thousand Seven Hundred Fifty Dollars and Zero Cents (\$33,750.00); and

WHEREAS, such Project would enhance the City and provide greater opportunities for the use and re-development of the Project area; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with the NYS Department of State, to accept and utilize funds for use by the City of Dunkirk for the BROWNFIELD OPPORTUNITY AREAS PROGRAM GRANT (Dunkirk AI Tech Area BOA Project); and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and make the necessary budget line modifications to properly account for the receipt and use of the monies for the BROWNFIELD OPPORTUNITY AREAS PROGRAM GRANT (Dunkirk AI Tech Area BOA Project).

RESOLUTION #86-2012
OCTOBER 16, 2012

BY COUNCILWOMAN SZUKALA:

**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 Fair Association is ready, willing and able to lease the Premises to the City for such uses; 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 January 1, 2013 through March 31, 2013, at no charge, excepting the cost of the ordinary and customary utilities for such building (*e.g.*, natural gas, electricity, *etc.*); and, be it finally

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

Account No. 001-7140-4150

Utilities.

RESOLUTION #87-2012
OCTOBER 16, 2012

BY: ENTIRE COUNCIL

**AUTHORIZE AGREEMENT OF ADJUSTMENT AND RELEASE OF OWNER and
AGREEMENT FOR ADVANCE PAYMENT
(Millennium Parkway Project)**

WHEREAS, the New York State Department of Transportation ("NYSDOT") is acquiring properties for the Millennium Parkway Project (the "Project") which will include reconstruction of Talcott Street in the City of Dunkirk; and

WHEREAS, the NYSDOT design plans require the acquisition of a portion of City property, to wit: an approximately triangular shaped parcel at the northwest corner of Talcott Street and Franklin Avenue (107 Franklin Avenue); and

WHEREAS, the NYSDOT has made an "offer of settlement" for such parcel of One Thousand Seven Hundred Dollars and Zero Cents (\$1,700.00) as "total damages – just compensation"; and

WHEREAS, the Common Council believes that is it appropriate for the acquisition of such parcel by the NYSDOT for the Project, and, it is in the best interests of the City to accept this offer of settlement from the NYSDOT; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary with New York State Department of Transportation for an *Agreement of Adjustment and Release of Owner* and for an *Agreement for Advance Payment* for One Thousand Seven Hundred Dollars and Zero Cents (\$1,700.00), for a portion of City property, to wit: an approximately triangular shaped parcel at the northwest corner of Talcott Street and Franklin Avenue (107 Franklin Avenue).