

COMMON COUNCIL PROCEEDINGS
January 21, 2014

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

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

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of December 17, 2013 and January 1, 2014 meetings were read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, December 17, 2013 and Wednesday, January 1, 2014 be dispensed with.

Motion by Councilman Rivera to accept the minutes as presented. Seconded by Councilman Gonzalez.

Carried, all voting aye.

PUBLIC COMMENTS:

Walter Rutland, 184 W 2nd Street, Dunkirk New York congratulated Mayor Dolce, Police and Fire Departments on doing a great job in the City and expressed concern in regards to HUD funds and the repayment and implications that this could have on the tax payers. Mr. Rutland also provided idea's to help improve the economy of Dunkirk (buffet(s), new bowling alley, train station) and expressed concern for the children in the Dunkirk School District who walk to school in the cold temperatures.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from Mayor Dolce appointing Robert Harris as City Historian effective January 22, 2014.

Communication from Mayor Dolce re-appointing Andy Bohn to a five (5) year term on the Dunkirk Planning Board effective January 22, 2014 and expiring December 31, 2018.

Communication from Mayor Dolce re-appointing Kurt Warmbrodt effective January 22, 2014 and expiring June 6, 2014 and Eugene Pauszek effective January 22, 2014 and expiring August 31, 2015 to the Greater Dunkirk Area Harbor Commission.

Received and filed.

Mayor Dolce advised that there are still openings available on boards and to contact his office if anyone is interested.

Mayor Dolce advised that he received 4 bids in regards to tonight's New Business (Resolution #16-2014), 3 of which were interviewed with the best offer brought forward to Council tonight.

Mayor Dolce advised that he has a goal date of early February for his "State of the City" address and that no one is filming tonight's Council Meeting as there is an open bid process right now with proposals due in the Clerk's Office by 3:00PM Friday, January 24th.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Richard J. Clark on behalf of "Score This" requesting the use of roads and facilities to host a triathlon event on August 24, 2014 from 7:00 AM to 1:00 PM in the City of Dunkirk called "Tri Dunkirk."

Councilman Michalski inquired as to the amount of overtime this event assumes, weighed the pros and cons of hosting this if costs are substantial and advised that perhaps a Committee could look this process over.

Public Works Director Gugino advised that overtime is minimal, volunteers do most of the work/cleanup for the event and inquired to Mayor Dolce to see if they donate money that would help to offset costs.

Mayor Dolce advised that in the past they have donated but does not believe they have recently and that this could pose a potential conflict should Seawall Construction begin before the event.

Councilwoman Szukala advised that this group sets up early for registration/sponsorships and suggested working to set up an alternate route should the need be.

Police Chief Ortolano advised that this group sets up a meeting with the City to go over specifics and has always worked well in the past changing things up should they need to.

Councilwoman Szukala suggested that Council could send the group a letter asking for a donation of some sort.

City Attorney Szot advised that if something was sent to that group than a letter would have to go to every group that comes through Council. He agreed with Councilman Michalski and advised that a Committee should come up with a charge uniform/consistent for all events that would not necessarily cover all costs but help offset the expense to the City.

Councilwoman-at-large Kiyak advised a motion to approve was needed contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, and that all city property is left in the same condition as prior to the event, Seawall repair contingencies and liability insurance and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Michalski moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Communication from Gary Cerne, Dunkirk City School District Superintendent, requesting two police officers for the Boys' Basketball game vs. Fredonia High School on Friday, January 31st from 5:45 to 9:15 PM.

Councilwoman-at-Large Kiyak advised a motion was needed to refer these to the PBA.

Councilwoman Szukala moved to refer to the PBA. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of claim from Jon Muntz for damages to his mailbox, allegedly due to a city snowplow.

Notice of claim from Stella Michalak for damages to her mailbox allegedly due to a city snowplow.

Councilwoman-at-large Kiyak advised a motion to refer these to the City Attorney was needed.

Councilwoman Szukala moved to refer to the City Attorney. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of Summons and Complaint from Linda Hudson of Fredonia, New York.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski advised that he and Fiscal Affairs Officer Halas have met, and will continue to meet with Lawley Insurance to discuss and review the City's policy and that any potential changes would be brought before Council, Mayor Dolce, and Finance Committee for approval.

Councilman Rivera advised that the next Public Safety Committee Meeting date has yet to be determined but will be held in February.

Councilman Gonzalez advised that the next Personnel Meeting is scheduled for Monday, February 10th at 3:00PM.

Councilwoman Szukala advised that Council will be on the radio Thursday, January 23rd at 8:45AM and asked Building Inspector Zurawski the status of RFP for grass cutting and emergency closures in the City that run through Building/Zoning Office.

Building Inspector Zurawski advised that he is currently researching other similar communities and their procedures and should have something put together soon.

Councilwoman Szukala inquired to Mayor Dolce the status of Cable Access and if V3 has turned over the keys to the studio yet.

Mayor Dolce advised that multiple letters have been sent to them and that he and City Attorney Szot were going over tomorrow to the studio.

Councilwoman Szukala advised Mr. Rutland that school districts are only allowed so many days for inclement weather and suggested he attend a school board meeting to voice his concern on the matter.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino for an update on the Water Treatment Plant.

Department of Public Works Director Gugino advised that the construction phase is almost complete and that Phase II bids will be opened on Friday.

Clerk, Board of Assessors Mleczo advised that New York State has extended the registration for the Basic STAR Program and that approximately 140 residents have not yet reapplied.

Councilwoman Szukala asked Clerk, Board of Assessors Mleczo if the City sends letters to the residents who have not yet filed. Clerk, Board of Assessors Mleczo advised that the State sends all reminders (letters, phone calls & postcards) to the unregistered residents as a reminder and that the State does not want his office to do anything additional.

PRE-FILED RESOLUTIONS:

RESOLUTION #11-2014
JANUARY 21, 2014

BY: COUNCILWOMAN SZUKALA

**AUTHORIZE UTILITY WORK AGREEMENT WITH NYSDOT
(Route 60 and Route 5 Re-surfacing Project)**

WHEREAS, the New York State Department of Transportation ("NYSDOT") is administering a contract in 2014 to re-surface New York State Route 60 and New York State Route 5 through the City of Dunkirk (the "re-surfacing project"); and

WHEREAS, the NYSDOT is requesting that the City allow the NYSDOT contractors for such re-surfacing project to adjust City-owned manholes within the NYS rights-of-way to complete the re-surfacing contract; now, therefore, be it

RESOLVED, that the City hereby authorizes the Mayor to enter into a Utility Work Agreement with the NYS Department of Transportation granting access to NYSDOT and/or its contractors to adjust City-owned manholes as may be required during the NYSDOT Route 60 and Route 5 re-surfacing project, provided any modifications or adjustments are made so that the City will continue to maintain its facilities using said manholes.

Councilwoman-at-Large Kiyak asked Public Works Director Gugino if there will be any supervision provided by the DPW as there have been problems in the past where roadwork was left unsupervised when traffic was forced one-way.

Public Works Director Gugino explained the process for paving the road and advised that the State is strict with its standards and that there will be proper traffic flow and signage when/if the roadway is temporarily made one-way.

Carried, all voting aye.

RESOLUTION #12-2014
JANUARY 21, 2014

BY: COUNCILWOMAN SZUKULA

**AWARDING BIDS FOR TREATMENT CHEMICALS
(WATER POLLUTION CONTROL FACILITY)**

WHEREAS, following published Legal Notice, sealed bids for the furnishing of two (2) wastewater treatment plant chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on January 2, 2014; and

WHEREAS, the bids were received and reviewed by the Department of Public Works, and the Department of Public Works recommends that the lowest responsible bidder(s) be awarded bids for such 2014 wastewater treatment plant chemicals; now, therefore, be it hereby

RESOLVED, that upon review and recommendation of the Director of Public Works, the following lowest responsible bids be accepted and awarded for furnishing wastewater treatment plant chemicals for 2014:

<u>Cost</u>	<u>Bidder</u>	<u>Item</u>	
	Amrex Chemical Co., Inc. NH ₄ OH 117 East Frederick Street PO Box 642 Binghamton, NY 13902	Aqua Ammonia Solution	\$ 0.2475 per pound
	Amrex Chemical Co., Inc. 117 East Frederick Street PO Box 642 Binghamton, NY 13902	Phosphoric Acid	\$ 0.58 per pound

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 vendor, for the purchase of such treatment chemicals, and that the City Clerk is hereby authorized to return the bid deposits of the bidders,

after contract execution or non-awarded bid, in accordance with the contract specifications, and that the City Clerk shall return unaccepted and unsealed, any and all bids, received after the date and time of the published bid opening.

Carried, all voting aye.

RESOLUTION #13-2014
JANUARY 21, 2014

BY THE ENTIRE COUNCIL:

AUTHORIZING BUDGET MODIFICATIONS
(December 2013)

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2013, ending December 31, 2013; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2013 budget:

FUND 1

<u>Account Number</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1010.4009	Legislative Board	Advertising / Fees	\$ 500.00
001.1670.4006	Central Mailing	Postage Purchased	\$ (500.00)
TOTAL			\$ -
001.1310.4002	Fiscal Affairs	Supplies	\$ 225.00
001.1310.4001	Fiscal Affairs	Travel & Training	\$ (100.00)
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (125.00)
TOTAL			\$ -
001.1310.2000	Fiscal Affairs	Equipment	\$ 750.00
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (750.00)
TOTAL			\$ -
001.3120.2005	Police	Equipment Non-Capital	\$ 75.00
001.3120.4002	Police	Supplies	\$ 225.00
001.3120.4036	Police	Contracted Services	\$ 200.00
001.3120.4020	Police	Uniform Allowance	\$ (500.00)
TOTAL			\$ -
001.3410.4036	Fire	Contracted Services	\$ 3,400.00
001.3410.4112	Fire	Water	\$ 450.00
001.3410.4020	Fire	Uniform Allowance	\$ (3,850.00)
TOTAL			\$ -

Carried, all voting aye.

RESOLUTION #14-2014
JANUARY 21, 2014

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT TO PROVIDE RANDOM DRUG TESTING
(COMPLETE TESTING SERVICES)**

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

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

WHEREAS, Complete Testing Services has satisfactorily performed this function for the City in the past and is ready, willing and able to provide such services in a good and workmanlike manner; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with **Complete Testing Services**, 4200 Sheva Lane, Hamburg, New York 14075, for the administration of the standard random selection drug testing program for 2014.

Discussion between Council, City Attorney Szot, Personnel Administrator Heyden and Public Works Director Gugino was held in regards to this Resolution and the City's Procurement Policy.

City Attorney Szot advised that this current company has been timely and consistent, and that if a CDL Driver gets in an accident while it would become problematic.

Carried, all voting aye.

RESOLUTION #15-2014
JANUARY 21, 2014

BY: COUNCILWOMAN SZUKALA:

**AUTHORIZING AGREEMENT FOR COURT CLEANING/MINOR REPAIRS
(NYS UNIFIED COURT SYSTEM)
(APRIL 1, 2013 TO MARCH 31, 2014)**

WHEREAS, the State of New York Unified Court System ("UCS") and the City of Dunkirk, have entered into agreements for certain reimbursement to the City of Dunkirk for certain expenses associated with the maintenance and operation of the City's court facilities, including, cleaning, building and grounds maintenance, overhead expense,

authorized preventative maintenance, and capital improvements requested by the UCS; and

WHEREAS, the State 2013-2014 fiscal year (April 1, 2013 - March 31, 2014) reimbursement amount under said operations and maintenance agreement's estimated budget is to be a contractual maximum of \$49,057; and

WHEREAS, it would be in the best interests of the City to enter into a successor agreement for such services; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement with the New York State Unified Court System, for maintenance and operations of the City's Court facilities for NYS fiscal year 2013 – 2014, with an estimated reimbursement in the amount of up to \$49,057, which funds received through such agreement to be allocated to Revenue Account #001-0001-3330 – Court Operations & Maintenance, for reimbursement of funds expended with respect to such maintenance.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #16-2014
JANUARY 21, 2014
NEW BUSINESS

SPONSOR: _____

SECOND: _____

**AUTHORIZING INFORMATION TECHNOLOGY SERVICES AGREEMENT
(DFT Communications)**

WHEREAS, the City of Dunkirk and its departments have, on a regular basis, the need for professional computer and information technology services; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Requests for Proposals/Qualifications for computer and information technology services were noticed to the public and four (4) responses were received and reviewed; and

WHEREAS, **DFT Communications**, is ready, willing and able to provide such services to and on behalf of the City in a good and workmanlike manner and is being recommended for approval; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **DFT Communications**, 40 Temple Street, Fredonia, New York 14063, as an independent contractor to provide independent computer and information technology services for the City for the period January 22, 2014 through December 31, 2014, at the cost of Nine-Hundred, Fifty Dollars and Zero Cents (\$950.00) per month, for a minimum of sixteen (16) hours of service per month; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-1680-4036 (Contracted Services).

Councilwoman Szukala asked Mayor Dolce if he felt comfortable with the amount of hours and what would happen should DFT go over their allotted hours.

Mayor Dolce advised that he felt comfortable with the amount of hours and that there will be a couple 'point people' who would handle the workload. He also advised that DFT would be paid monthly, there are no extra costs if DFT goes over their hours, and that the only thing not included on the contract is the repair/reconstruction of a hard drive.

Councilman Michalski inquired to the amount that the City paid previously.

Mayor Dolce advised that the previous cost was \$1000/month and that if a new hard drive was needed proper procedures would be in place for competitive pricing.

City Attorney Szot advised that a Sponsor and Second was needed for this Resolution.

Resolution sponsored by Councilwoman Szukala. Seconded by Councilman Rivera.

RESOLUTION #16-2014
JANUARY 21, 2014
NEW BUSINESS

BY: COUNCILWOMAN SZUKALA AND COUNCILMAN RIVERA

AUTHORIZING INFORMATION TECHNOLOGY SERVICES AGREEMENT
(DFT Communications)

WHEREAS, the City of Dunkirk and its departments have, on a regular basis, the need for professional computer and information technology services; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Requests for Proposals/Qualifications for computer and information technology services were noticed to the public and four (4) responses were received and reviewed; and

WHEREAS, DFT Communications, is ready, willing and able to provide such services to and on behalf of the City in a good and workmanlike manner and is being recommended for approval; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **DFT Communications**, 40 Temple Street, Fredonia, New York 14063, as an independent contractor to provide independent computer and information technology services for the City for the period January 22, 2014 through December 31, 2014, at the cost of Nine-Hundred, Fifty Dollars and Zero Cents (\$950.00) per month, for a minimum of sixteen (16) hours of service per month; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-1680-4036 (Contracted Services).

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:02 PM

Nicole Joiner, City Clerk
