

**COMMON COUNCIL PROCEEDINGS**  
**April 21, 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, Clerk, Board of Assessors Mleczko, Building Inspector Zurawski, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

Absent: Public Works Director Gugino

Certification of Tuesday April 07, 2015 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of April 07, 2015 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Loretta Slaton Torain, 415 Mullet Street Dunkirk, Chairperson of the Juneteenth Celebration Committee, thanked Council for putting the 3-year petition on the agenda, advised that on April 3<sup>rd</sup>, 2014 she met with Mayor Dolce to discuss site options for last year and future Juneteenth Celebration events as well as dates, would like the City to admit they made a mistake in not remembering this year's date and that she would like to see Resolution #24-2015 be denied.

Ron Hall, 5 Gratiot Court Dunkirk, spoke in regards to the NY State Audit regarding the alleged misuse of CDBG Funds, inquired as to why the public wasn't made aware of any results and if the processes of exchanging funds was handled.

Mayor Dolce advised that the practice he is referring to stopped early in 2012.

Councilwoman Szukala advised that the council felt the process of recovering funds would have cost the city taxpayers more money than what was to be recovered.

Laurie Williams, 60 West 2<sup>nd</sup> Street Dunkirk, inquired to the steps necessary in order to get an event sponsored by the City of Dunkirk.

Mayor Dolce advised that any event requested or wanting sponsorship for should be submitted in writing.

Ned Devine, 618 Main Street Dunkirk, spoke in favor of the 3-year commitment to the Juneteenth Festival and advised Council to think carefully about establishing a policy in regards to Resolution #24-2015 as this could potentially limit events due to planning.

Frank Torain, 415 Mullet Street Dunkirk, advised he felt the policy that could be established in Resolution #24-2015 is unnecessary and could become cumbersome to events to be planned in the City and inquired to the process of sponsorship by the City as the Juneteenth group was told monetary donations were no longer being done.

Mayor Dolce advised that the Great Lakes Experience considers the City a sponsor as we are allowing the use of the park and that monetary contributions are no longer made to any organization.

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Communication from Mayor Dolce appointing Jamie Thompson to fill the unexpired term of Willie Rosas on the Board of Assessment Review effective May 5, 2015 until September 20, 2017.

Councilwoman Szukala made a motion to appoint. Seconded by Councilman Michalski.

Carried, all voting aye.

Communication from Mayor Dolce appointing/re-appointing Allan Zurawski, Dennis Wolfe, Ron Veklotz and Kurt Warmbrodt to the Greater Dunkirk Area Harbor Commission retroactive to the original expiration date of April 22, 2015.

Received and filed.

Mayor Dolce apologized on behalf of the City to the Juneteenth Committee, hopes this will be a win-win situation for both groups with the weather cooperating and recognized Jacqueline Chiarot, Regional Director from Congressman Reed's Office, who is in attendance at tonight's meeting.

Mayor Dolce welcomed and then asked Ray Domanski to step forward for a presentation. Fire Chief Edwards then read and presented a certificate of appreciation to Mr. Domanski on behalf of the City and the Dunkirk Fire Department for his help in assisting people out of their residence during a recent house fire.

Mr. Domanski thanked Fire Chief Edwards, Police Chief Ortolano, Council and Mayor Dolce for his certificate and stated he was humbled and honored at the recognition he has received for doing an act of community service.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Loretta Slaton Torain on behalf of the Juneteenth Celebration Committee to use Memorial Park on Saturday June 18<sup>th</sup> thru Sunday June 19<sup>th</sup> 2016, Saturday June 17<sup>th</sup> thru Sunday June 18<sup>th</sup> 2017 and Saturday June 16<sup>th</sup> thru Sunday June 17<sup>th</sup> 2018 for their annual Juneteenth Celebration. Also, requesting the use of picnic tables, electricity, water and portable toilets.

Councilman Michalski advised that in his 5 ½ years on Council he has never approved a request for greater than a year, approving yearly gives Council the opportunity to re-evaluate and discuss with department heads how the event was handled previously, being able to use the city parks is a privilege not a right and is in favor of approving 2016 only.

Councilwoman Szukala apologized for the miscommunication between the City and the groups, advised that she was not involved in any discussions where future dates and locations

were discussed, is glad that everything was settled for this year's event and is also in favor of approving 2016 only.

Councilman Gonzalez advised that he knows how difficult it can be to schedule events as these things take time to plan and would support this for the next 2 years.

Councilman Rivera asked Mayor Dolce for his opinion on this petition.

Mayor Dolce advised that this is a council decision, he has worked with the groups to help arrange this year's sharing of the park, it would be unprecedented to approve 3 years in advance and that unofficially penciling in dates could become a concern logistically from a clerk's perspective.

Councilman Rivera advised that he also agrees with Councilman Michalski and Councilwoman Szukala as you cannot be sure what would be going on at the park at any given time so far in advance.

Councilman-at-large Rosas advised Juneteenth is celebrated in most cities throughout the United States, is held on the same weekend yearly, is similar to the 4<sup>th</sup> of July celebration the City sponsors, the celebration is open to the public at no cost, most other municipalities contribute financially and that the right thing to do would approve this request.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilwoman Szukala made a motion to approve the petition for the year 2016 (June 18<sup>th</sup> and 19<sup>th</sup>) only. Seconded by Councilman Michalski.

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala

No: Councilman Gonzalez, Councilman-at-large Rosas

Carried, 3-2.

Request from Harvest Chapel Church to use Washington Park on July 10<sup>th</sup> (Rain date July 17<sup>th</sup>) from 5:00 PM until 8:30 PM, permission to bring in grills, coolers and use of electric power for their popcorn machine. Also requesting permission to bring in ponies for pony rides.

Councilwoman Szukala inquired to Mayor Dolce if everything is picked up and back in place after the event is finished.

Mayor Dolce advised that there have been no problems with this group's events and that Councilman Gonzalez inspects Washington Park when complete.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Gonzalez made a motion to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Request from Dunkirk Local Development Corporation – Festivals Committee for the City's assistance and use of City facilities for their Summer on the Lake events.

Councilwoman Szukala inquired to Mayor Dolce as to the status of the Heritage Festival as well as Wreck and Roll.

Mayor Dolce advised that the committee has made modifications as the Heritage Festival last year didn't have much interest, Beach Bash is being brought back and that Thursday's Music on the Pier continues to be immensely successful.

Councilman-at-large Rosas advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Rivera made a motion to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Request from Dunkirk Senior High School for 2 Police Officers on Saturday, May 30<sup>th</sup> 2015 from 7:45 PM until 12:15 AM for their Junior-Senior Prom.

Councilwoman Szukala inquired to Police Chief Ortolano as to the payment of the officers.

Police Chief Ortolano advised that this would be a direct agreement though the PBA.

Councilman-at-large Rosas advised a motion was needed to refer to the PBA.

Councilman Gonzalez made a motion to refer. Seconded by Councilman Michalski.

Carried, all voting aye.

Loudspeaker application from Taqueria Mexicana for loudspeakers at 45 Lake Shore Drive East on July 4<sup>th</sup> from 1:00 PM until 12:00 AM.

Loudspeaker application from Harvest Chapel Church for audio equipment, speakers, amplifiers and microphones in Washington Park on July 10<sup>th</sup> (Rain date July 17<sup>th</sup>) from 6:00 PM until 7:30 PM.

Loudspeaker application from Dunkirk Local Development Corporation – Festivals Committee for professional audio equipment and DJ on June 28<sup>th</sup> from 2:00 PM until 6:00 PM, July 3<sup>rd</sup> & 4<sup>th</sup> from 2:00 PM until 6:00 PM, September 6<sup>th</sup> from 1:00 PM until 4:00 PM, and Thursdays June 18<sup>th</sup> thru August 27<sup>th</sup> from 6:30 PM until 8:30 PM.

Councilman Rivera made a motion to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Notice of claim from Patrick Rojas for damages to his vehicle allegedly due to hitting a pot hole on Central Avenue and Howard Street.

Notice of claim from Jason Sebзда for damages to his vehicle allegedly due to a rusted stop sign that fell on vehicle.

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

Councilman Rivera made a motion to refer. Seconded by Councilman Michalski.

Carried, all voting aye.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski inquired to City Attorney Szot as to the status of the proposed changes in fees for the Building/Zoning Office recommended by the Finance Committee.

City Attorney Szot advised that the Local Law should be pre-filed for next Council Meeting's agenda as it is going through its final review stages with Building Inspector Zurawski.

Councilman Rivera inquired to Building Inspector Zurawski for an update on the Land Bank properties.

Building Inspector Zurawski advised that they are currently doing the asbestos abatement with air monitoring in place and that the bids for demolition are due May 15<sup>th</sup> so a Resolution to present to Council will be presented shortly after.

Councilman Gonzalez apologized for having to cancel his Personnel Meeting and advised the next one will be scheduled for Monday, May 11<sup>th</sup> at 6:00 PM in the Mayor's Conference Room.

Councilwoman Szukala inquired to Building Inspector Zurawski for an update on the Lake Shore Drive house and Director of Development Neratko for an update on the Main Street Grant.

Building Inspector Zurawski advised that he has just recently had discussions with the owner of the property, has calls out to the Insurance companies associated and that the building is closed so if anyone is entering illegally to please call his office or the Police Department.

Director of Development Neratko advised that all work has to be completed by the end of June with all paperwork needing to be done by the end of July.

Councilwoman Szukala inquired to City Treasurer Woods for an update on the dollar amount required for the next consent order and when something would possibly be put together in Resolution form so what is needed to borrow is known.

City Treasurer Woods advised that he does not have a proposed amount from the Department of Public works and/or the Engineers involved in the process.

Councilman-at-large Rosas thanked everyone for attending tonight's meeting and the Juneteenth Committee for speaking at the privilege of the floor.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #23-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**ACCEPTING HANGING FLOWER BASKET DONATION**

**WHEREAS**, the *Beautification Committee of Revitalize Dunkirk* has generously initiated a Central Avenue Hanging Basket Project, has solicited donations and has purchased twenty-one (21) hanging flower baskets; and

**WHEREAS**, *Revitalize Dunkirk* wishes to donate such hanging baskets in order to help beautify Central Avenue; and

**WHEREAS**, the City is desirous of accepting such a donation in order to facilitate the beautification of Central Avenue; now, therefore, be it

**RESOLVED**, that the City hereby gratefully appreciates and accepts the donation from the *Beautification Committee of Revitalize Dunkirk* and ownership of twenty-one (21) hanging flower baskets (22" diameter, black welded steel) for use by the City.

Councilman Gonzalez advised he was glad that this was being brought forward.

Councilwoman Szukala thanked the Beautification Committee for helping to beautify the downtown and inquired as to where the money for donations will go to.

Mayor Dolce advised that there is a budget line already established and thanked Mr. Steve Rees from the Beautification Committee for his efforts.

City Treasurer Woods inquired as to who would be accepting donations.

Steve Rees, member of the Beautification Committee of Revitalize Dunkirk advised that individual donations are being accepted at the Northern Chautauqua Community Foundation in a pass-thru account that will then be used to help offset the labor and maintenance, the plants are currently maturing and should be ready to be put out in early June.

Councilman Rivera thanked Mary and Steve Rees as well as the Revitalize Dunkirk Committee for all their effort to get this established and expressed that he is excited to see this happen.

City Attorney Szot clarified that the Resolution is covering the City receiving donation of the baskets only and nothing monetary.

Carried, all voting aye.

**RESOLUTION #24-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**ESTABLISHING POLICY FOR USE OF CITY FACILITIES**

**WHEREAS**, the City of Dunkirk, from time-to-time, receives requests from various groups and organizations to utilize certain facilities of the City, including City parks and recreational fields; and

**WHEREAS**, in order to balance a fair administration of and planning for the approval for such requests, it would be appropriate for a formal policy to be enacted to accommodate such requests; now, therefore, be it

**RESOLVED**, that this Common Council declares that no request for the use of any City facilities, including but not necessarily limited to City parks and recreational fields, shall be considered more than nine (9) months prior to the date(s) of the proposed event; reservations for pavilions at Point Gratiot shall be pursuant to the customary schedule, with requests not accepted prior to the 1<sup>st</sup> Monday in April.

Councilman Gonzalez advised he would have preferred for this to read 2 years.

Councilwoman Szukala moved to amend this Resolution to say one (1) year. Seconded by Councilman Michalski.

Vote to Amend Resolution:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala

No: Councilman Gonzalez, Councilman-at-large Rosas

Resolution Amended, 3-2.

**RESOLUTION #24-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**ESTABLISHING POLICY FOR USE OF CITY FACILITIES**

**WHEREAS**, the City of Dunkirk, from time-to-time, receives requests from various groups and organizations to utilize certain facilities of the City, including City parks and recreational fields; and

**WHEREAS**, in order to balance a fair administration of and planning for the approval for such requests, it would be appropriate for a formal policy to be enacted to accommodate such requests; now, therefore, be it

**RESOLVED**, that this Common Council declares that no request for the use of any City facilities, including but not necessarily limited to City parks and recreational fields, shall be considered more than twelve (12) months prior to the date(s) of the proposed event; reservations for pavilions at Point Gratiot shall be pursuant to the customary schedule, with requests not accepted prior to the 1<sup>st</sup> Monday in April.

Vote on Amended Resolution:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala

No: Councilman Gonzalez, Councilman-at-large Rosas

Carried, 3-2.

**RESOLUTION #25-2015**

April 21, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS  
(April 2015)**

**WHEREAS**, the City of Dunkirk Fire Department has been awarded an Assistance to Firefighters Grant to purchase a mobile Live Burn Simulator; and

**WHEREAS**, such Live Burn Simulator will cost \$400,000, along with a five year maintenance agreement at a cost of \$49,500; and

**WHEREAS**, such purchase will be funded by FEMA, through an Assistance to Firefighter's Grant, and the 10% required match will be provided by Chautauqua County, per County Legislator Resolution 267-14; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

**FUND 1**

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
<b>Revenue</b>			
001.0001.4000	General Fund	FEMA Grant	\$ 449,500
<b>Appropriation</b>			
001.0001.2000	Fire Department	Equipment	\$ 449,500

Carried, all voting aye.

**RESOLUTION #26-2015**

APRIL 21, 2015

BY THE ENTIRE COUNCIL:

**AUTHORIZING BUDGET MODIFICATIONS  
(April 2015)**

**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 2015, ending December 31, 2015; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

**Fund 1**

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1490.4008	Public Works Admin	Safety Supplies	\$ 50
001.1490.4023	Public Works Admin	Repair & Maint Vehicles	\$ (50)
		<b>TOTAL</b>	\$ -

**Fund 1**

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
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001.1620.1001	Building City Hall	Overtime	\$ 250
001.1620.4013	Building City Hall	Electric	\$ (250)
		<b>TOTAL</b>	\$ -

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.5110.4052	Maint of Streets	Repair to Imp Streets	\$ 25,000
001.5110.1000	Maintenance of Streets	Personal Services	\$ 25,000)
		<b>TOTAL</b>	\$ -

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.5142.1001	Snow Removal	Overtime	\$ 1,200
001.5142.4022	Snow Removal	Repair to Equipment	\$ (1,200)
		<b>TOTAL</b>	\$ -

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.5142.4007	Snow Removal	Salt	\$ 36,000
001.1640.4061	Central Garage	Vehicle Fuel	\$(36,000)
		<b>TOTAL</b>	\$ -

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.8120.4025	Sanitary Sewer	Sewer Repair	\$ 2,000
001.8120.1000	Sanitary Sewer	Personnel Services	\$ (2,000)
		<b>TOTAL</b>	\$ -

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8320.4016	Water Purification	Electrical Supplies	\$ 200
002.8320.4015	Water Purification	Chemicals	\$ (200)
		<b>TOTAL</b>	\$ -

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8320.4021	Water Purification	Repair Maintenance	\$ 5,000
002.8320.4015	Water Purification	Chemicals	\$ (5,000)
		<b>TOTAL</b>	\$ -

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8320.4022	Water Purification	Repair to Equipment	\$ 2,000
002.8320.4013	Water Purification	Electric	\$ (2,000)
		<b>TOTAL</b>	\$ -

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8330.4009	Water Laboratory	Advertising/ Fees	\$ 600
002.8330.2005	Water Laboratory	Equipment Non-Capital	\$ (600)
		<b>TOTAL</b>	\$ -

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8340.4001	Water Distribution	Travel & Training	\$ 350
002.8340.4150	Water Distribution	Rent / Lease	\$ (350)
		<b>TOTAL</b>	\$ -

**Fund 3**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
003.8130.2000	Wastewater Treatment	Equipment	\$ 10,000
003.1900.1990	Wastewater Treatment	Contingencies Allowance	\$(10,000)
		<b>TOTAL</b>	\$ -

Councilwoman Szukala inquired to Fiscal Affairs Officer Halas about the salt line budget transfer.

Fiscal Affairs Officer Halas advised anticipated overage in the fuel line was used to balance what is currently a deficit in the salt line.

Carried, all voting aye.

**RESOLUTON #27-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**ACCEPTING FEMA ASSISTANCE FUND AWARD**

**WHEREAS**, the City of Dunkirk, through its Department of Public Works, applied for public assistance relative to the disaster-declared severe winter events that began on November 17, 2014, and tabulated damages which included extra expenses for road-work labor and road-work material and related damage to DPW road-work equipment totaling \$97,625.35; and

**WHEREAS**, this application for assistance was reviewed by the New York State Division of Homeland Security and Emergency Services and by the United States Federal Emergency Management Agency, who recommended the full award to the City of Dunkirk by communication of April 2, 2015, which award of up to \$97,625.35 would be paid by 75 percent (75%) federal emergency funds and by up to 25 percent (25%) state emergency funds in about sixty (60) days following City of Dunkirk acceptance of the recommended award; now, therefore, be it

**RESOLVED**, that upon review and recommendation of the Director of Public Works, the Mayor is authorized and directed to execute any appropriate FEMA document(s) to accept these severe winter assistance funds; and, be it further

**RESOLVED**, that the Fiscal Affairs Officer and City Treasurer are hereby authorized and directed to make the following line item budget modifications:

<b>Account Number</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>	<b>Revenue</b>
001.0001.4000	General Fund	FEMA Grant		\$ 97,625.35

Carried, all voting aye.

**RESOLUTON #28-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**AWARDING BID FOR WATER TREATMENT PLANT SEDIMENTATION  
BASIN SLUDGE COLLECTION SYSTEMS  
(WATER TREATMENT FACILITY – Phase 1 and 2 Continuation)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) and has received subsequent deficiency reports from CCDOH to address inadequacies related to the City's water systems; and

**WHEREAS**, the Common Council, through Resolutions authorized bonding for Phase 1 and Phase 2 of the reconstruction of and construction of improvements to the City’s water system with the stated specific purpose to reconstruct and construct improvements to the City water system including, but not limited to, improvements to the water treatment plant and all preliminary work and necessary equipment, materials and site work; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of portions of this work were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on April 13, 2015; and

**WHEREAS**, the bids were reviewed by the Department of Public Works which recommends that the Sedimentation Basin Sludge Collection Systems lowest responsible bidder be awarded work for such sludge collection system; now, therefore, be it hereby

**RESOLVED**, that upon review and recommendation of the Director of Public Works, the following lowest responsible bidders be accepted and awarded:

<u>Bidder</u>	<u>Item and Funding Line</u>	<u>Cost</u>
H & K Services 1205 Leon Road Leon, NY 14751	Sedimentation Basin Sludge Collection Systems Fund 015-8320-5043-8069	\$674,600.00

and, be it further

**RESOLVED**, that – after contractors provide satisfactory insurance certificates to the City Law Department, and contractors provide performance bonds and payment bonds reviewed and approved by the design engineer, and having contractors show compliance with Contract Requirements of the New York State Revolving Fund, including but not limited to MWBE procedures – the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor(s), for the Sedimentation Basin Sludge Collection Systems 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.

Councilwoman Szukala made a motion to table Resolution #28-2015 for further discussion. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

**RESOLUTON #29-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**AWARDING BID FOR BENTON WATER TANK REPAIRS  
(WATER TREATMENT FACILITY – Phase 1 and 2 Continuation)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) and has received subsequent deficiency reports from CCDOH to address inadequacies related to the City’s water systems; and

**WHEREAS**, the Common Council, through Resolutions authorized bonding for Phase 1 and Phase 2 of the reconstruction of and construction of improvements to the City’s water system

with the stated specific purpose to reconstruct and construct improvements to the City water system including, but not limited to, improvements to the water treatment plant and all preliminary work and necessary equipment, materials and site work; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of portions of this work were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on April 13, 2015; and

**WHEREAS**, the bids were reviewed by the Department of Public Works which recommends that the Benton Tank lowest responsible bidder for work be awarded for such Benton Tank work so the work can be started quickly, so the tank can be internally inspected for the required internal corrosion-resistant coating by subsequent bid and fully improved and repaired to correctly operate in tandem with the new Willowbrook Tank and resume providing fullest fire protection for the Fourth Ward and for many large industries served and protected by the Willowbrook-Benton-Sheridan operationally-linked network of elevated tanks; now, therefore, be it hereby

**RESOLVED**, that upon review and recommendation of the Director of Public Works, the following lowest responsible bidder be accepted and awarded:

<u>Bidder</u>	<u>Item and Funding Line</u>	<u>Cost</u>
H & K Services 1205 Leon Road Leon, NY 14751	Benton Water Tank Repairs Fund 015-8320-5043-8068	\$388,700.00

and, be it further

**RESOLVED**, that – after contractors provide satisfactory insurance certificates to the City Law Department, and contractors provide performance bonds and payment bonds reviewed and approved by the design engineer, and having contractors show compliance with Contract Requirements of the New York State Revolving Fund, including but not limited to MWBE procedures – the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor(s), for the Benton Water Tank Repairs, 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.

Councilman Rivera inquired as to why this and the previous Resolution are being tabled.

Fiscal Affairs Officer Halas advised he is researching the budgeted amounts to ensure sufficient funding.

Councilwoman Szukala made a motion to table Resolution #29-2015 for further discussion. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

**RESOLUTION #30-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR (N. Waite)**  
**(Community Development Block Grant Program)**

**WHEREAS**, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City’s participation with the U.S. Department of Housing & Urban Development (“HUD”) Community Development Block Grant (“CDBG”) program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

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

**WHEREAS**, Nicole M. Waite (“WAITE”), 723 Washington Avenue, Dunkirk, New York 14048, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **NICOLE M. WAITE**, 723 Washington Avenue, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City’s Community Development Block Grant program, **commencing April 22, 2015 and extending through September 30, 2015**, with payment of Twenty Dollars and Zero Cents (\$20.00) per hour, as services may be needed by the City, up to ten (10) hours per week, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Councilwoman Szukala advised that she was sad to see Ms. Waite leave, wishes her the best and that it has been a pleasure working with her.

Councilman Gonzalez echoed the sentiments of Councilwoman Szukala.

Councilman Rivera wished Ms. Waite luck for the future.

Councilman Michalski advised he has a lot of respect for Ms. Waite, wished her good luck and that this would be a loss for the City.

Councilwoman Szukala made a motion to withdraw this Resolution. Seconded by Councilman Gonzalez.

Carried, all voting aye. WITHDRAWN.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:34 PM**

**Nicole Joiner, City Clerk**

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