

**COMMON COUNCIL PROCEEDINGS**  
**June 21, 2016**

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

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Brautigam, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Bennice, Personnel Administrator Heyden, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Animal Control Officer Puro, CDBG Administrator Gawronski, Recreation Program Coordinator Hall, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, June 07, 2016 meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of the minutes of Tuesday, June 7<sup>th</sup>, 2016 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Jeff Gambino, 5630 West Lake Road Fredonia, owner of Chadwick Bay Marina, explained that the contract that was in progress to sell Chadwick Bay Marina was cancelled on May 17, 2016 and advised he was here if Council has any questions in regards to this.

Councilwoman Szukala advised that this was not the format for that discussion to happen.

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

Mayor Rosas advised "Deputy Director Nicole Waite submitted the City's application on June 3<sup>rd</sup> for the Downtown Revitalization Initiative. Dunkirk was asked to attend an interview with Empire State Development to present our application and answer questions. Waite, Randy Woodbury and Tiffany Yerico from the NCCF LED Committee attended the interview on June 13<sup>th</sup>. The WNY Regional Economic Development Council will need to nominate one downtown by the end of June."

Mayor Rosas advised "The Farmer's Market season began last Wednesday, June 15<sup>th</sup>. Opening day vendors included Fred Farms, Feinen Farms, and Scott's Farm & Greenhouse. El Azteca Mexican restaurant brought their new food truck during the lunch hours and entertainment included acoustic guitar and vocals from Richard Cerrie, and a cooking demo provided by EatSmart NY. Sarah Sorci, Market Manager, spoke with the farmers afterwards and they were very pleased with the turnout. The Market operates Wednesdays from 9-2 outside the Dunkirk Senior Center until the end of September. We would especially like to thank G&E Tens for donating a tent on opening day."

Mayor Rosas advised "The Mayor, Planning & Development Department, and City Engineer hosed representatives from Barton & Loguidice, Department of State, and Department

of Environmental Conservation on June 10<sup>th</sup> for the BOA Kick-off Meeting. Attendees participated in site tours at AL Tech and a few other brownfields throughout the City. The purpose of the meeting was to determine the project scope, boundaries, community participation process, goals and objectives, time frames, and expected products. Barton & Loguidice, the head consultants for the grant are in the process of drafting a Project Outline which will be submitted to DOS for their approval.”

Mayor Rosas advised he recently received a confirmation letter from the New York State Environmental Facilities Corporation on behalf of Governor Cuomo stating that the City will be awarded an extra \$1,000,000 for the Consent Order work at the Water Filtration Plant.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from The Resource Center and Filling the Gap, Inc. for permission to sell newspapers at City designated intersections on July 6<sup>th</sup> from 6:00 AM until 10:00 AM. Also, requesting Police assistance from the Dunkirk/Fredonia line from Central Avenue to Washington Park and to use Washington Park to host their Victory Celebration on Friday, July 15<sup>th</sup> for their “Annual Laurel Run.”

Councilman-at-large Woloszyn 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. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Request from Blessed Mary Angela Parish for permission to close Jerboa Street from Route 5 north to the St. Hyacinth auditorium property line (at fence) on August 14<sup>th</sup> from 10:00 AM until 6:00 PM for their “Annual Summer Festival.”

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

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Christian Worship Center WNY to use Washington Park on Wednesday, July 20<sup>th</sup> (Rain Date Wednesday July 27<sup>th</sup>) from 5:00 PM until 9:00 PM to host a Church picnic with food, drinks as well as an outdoor concert of Christian Music.

Councilman-at-large Woloszyn 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 Councilman Williams.

Carried, all voting aye.

Loudspeaker application from Don Williams Jr. for a live band at the Koch’s Pavilion at Point Gratiot on Sunday, July 10<sup>th</sup> from 3:00 PM until 5:00 PM.

Loudspeaker application from Blessed Mary Angela Parish for Radio equipment and live music August 14<sup>th</sup> from 12:00 PM until 4:00 PM.

Loudspeaker application from Christian Worship Center WNY for live music at Washington Park on Wednesday, July 20<sup>th</sup> from 5:00 PM until 9:00 PM.

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

Carried, all voting aye.

Notice of Claim from Evelyn Clancy for alleged damages to the rims on her vehicle while driving on Williams Street in Dunkirk.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Bamonto.

Carried, all voting aye.

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

Councilman Williams advised that his next Public Works Committee Meeting is scheduled for June 22<sup>nd</sup> at 4:00 PM in the Mayor's Conference Room, inquired to Public Works Director Bennice for updates on signage issues throughout the City, Police Chief Ortolano for an update on signs to be placed on the Seawall as well as to City Treasurer Woods for an update on the KVS System upgrades.

Public Works Director Bennice advised he will check on the signs in question and explained that the City entrance sign was rotted and that they now have the parts needed to replace it.

Police Chief Ortolano advised that in order to enforce "no parking after" and "no walking on" signs would need to be posted along the seawall.

City Treasurer Woods advised that he needs to figure out the best time as to the volume of business for training and that it will be addressed in a timely manner.

Councilman Bamonto thanked the Committee and Organizers of the "Wreck & Roll" festival for doing a great job and inquired to Recreation Program Coordinator Hall for updates on Senior Sweep and Summer Camp as well as thanked him for going above and beyond in getting the fields ready for the recently held tournaments.

Recreation Program Coordinator Hall advised that the Senior Sweep is tomorrow from 9:00 AM until 12:00 PM at City Hall, he has acquired enough donations so that they do not need to use the Cease Fund money allotted and that according to his secretary camp registration is already at 85% full.

Councilman Gonzalez thanked Recreation Program Coordinator Hall for following up on donations as well as the community for their donations and inquired to Public Works Director Bennice for an update on truck signs on Main Street and City Treasurer Woods if the City was being charged anything additional for not having KVS Updated.

Public Works Director Bennice advised he will look into the sign issue.

City Treasurer Woods advised that there are no extra charges for KVS not being updated.

Councilwoman Szukala inquired to Building Inspector Zurawski for an update on the 3<sup>rd</sup> Street berm, Public Works Director Bennice for an update on scrapping vehicles, Mayor Rosas for an update on the Fairground Lease and to City Treasurer Woods and Fiscal Affairs Officer Halas for updates on the Phase 3 Consent Order work.

Building Inspector Zurawski advised that after getting in touch with a representative from Senator Gillibrand's Office he was in contact with CSX to get that cut, will look into the trees that also need to be taken care of and will call Norfolk about their responsibilities with overgrown brush.

Public Works Director Bennice advised that he will look into this request.

Mayor Rosas advised that there should be discussion soon in regards to the Fairgrounds.

Discussion was had between Council, City Treasurer Woods and Fiscal Affairs Officer Halas on what needs to be done to close out Phase 2, what is needed to begin the Phase 3 Consent Order as well as the repairs needed at the Benton Street tank.

Councilman-at-large Woloszyn read a thank you note from Tim Slade on behalf of Section Six Softball, thanked CDBG Administrator Gawronski for all her work with the City as this is her last Common Council Meeting as well as wished her luck in the future and invited Festivals and Special Events Coordinator Hector Rosas forward to speak about the Air Show.

Festivals and Special Events Coordinator Rosas provided details of the 2016 Dunkirk-Lakeshore Air Show.

Clerk, Board of Assessor Mleczo advised that the NYS STAR Program has changed and provided details of the changes in the program.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #57-2016**

**June 21, 2016**

**BY: ENTIRE COUNCIL**

**Submission of Fiscal Year 2015  
Consolidated Annual Performance & Evaluation Report (CAPER)**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

**WHEREAS**, the City develops a **CAPER** each year which outlines the city's accomplishments for Fiscal Year 2015, and

**WHEREAS**, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via one public hearing and a fifteen-day public

review and comment period has been afforded to City residents until June 30, 2016, now, therefore, be it

**RESOLVED**, the following accomplishments have been documented and the CAPER will be submitted to HUD for review on June 30, 2016.

Carried, all voting aye.

**RESOLUTION #58-2016**  
**June 21, 2016**

**BY: COUCILWOMAN SZUKALA**

**AUTHORIZING AGREEMENT  
FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, the City of Dunkirk requires the services of a Dog Control Officer on a part-time basis, and

**WHEREAS**, Steven A. Purol, is ready, willing and able to provide such services to the City of Dunkirk on a contract basis, and will provide such services in a good and workmanlike manner, and

**WHEREAS**, this agreement will commence on July 1, 2016 and terminate on June 30, 2017, now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute an agreement, on behalf of the City, with Steven A. Purol, 17 University Park, Fredonia, for various dog control services at a monthly cost of Two Thousand Dollars (\$2,000.00) and a quarterly fuel stipend of two hundred dollars (\$200), and, be it further

**RESOLVED**, that this agreement will commence on July 1, 2016 and terminate on June 30, 2017; and, be it finally

**RESOLVED**, that payment for these services is to be made out of Account #001-3510-4036 Control of Animals – Contracted Services.

Councilman Williams made a motion to amend Resolution #58-16 to change “Dog Control Officer” to “Animal Control Officer” throughout the Resolution. Seconded by Councilman Gonzalez.

Vote to amend Resolution:

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

No: Councilwoman Szukala

Resolution Amended, 4-1.

**RESOLUTION #58-2016**

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**RESOLVED**, that the Mayor is hereby authorized to execute an agreement, on behalf of the City, with Steven A. Purol, 17 University Park, Fredonia, for various animal control services at a monthly cost of Two Thousand Dollars (\$2,000.00) and a quarterly fuel stipend of two hundred dollars (\$200), and, be it further

**RESOLVED**, that this agreement will commence on July 1, 2016 and terminate on June 30, 2017; and, be it finally

**RESOLVED**, that payment for these services is to be made out of Account #001-3510-4036 Control of Animals – Contracted Services.

Councilman Williams made a motion to amend Resolution #58-16 to increase the quarterly fuel stipend of two hundred dollars (\$200) to three hundred dollars (\$300). Seconded by Councilman Gonzalez.

Vote to amend Resolution:

Ayes: Councilman Williams and Councilman Gonzalez.

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

Amendment of Resolution failed 2-3.

Councilwoman Szukala advised she will not support this Resolution as no other municipality in Chautauqua County would be doing the work suggested, Steve has done a tremendous job working with the Police Department, is vigilant on writing his alternate parking tickets during peak season and the monies those tickets bring in is relied on for the budget.

Councilman Gonzalez advised he respects Councilwoman Szukala's remarks, there are plenty of animals that are a nuisance in the City and Steve would be focusing on what he should be doing and that the parking tickets are the responsibility of the Police Department and should be handled within the Department.

Councilman Williams advised that this would increase the services provided to City residents, asked Animal Control Officer Purol to explain his new duties as well as Police Chief Ortolano if the same caliber of tickets would be written through his department.

Animal Control Officer Purol advised the kinds of animals he would trap, the process to trap the animals, how he will be dispatched through the Police Department to start the trapping process and he would always be willing to renegotiate should the City want to see him start writing parking tickets again.

Police Chief Ortolano advised that his Officers will do the best that they can, if something else comes up during peak issuing time they will prioritize accordingly and that his Officers, as well as himself, write tickets all day as needed.

Councilwoman Szukala inquired to Animal Control Officer Purol as to how the animals will be disposed of.

Animal Control Officer Purol advised that State Law mandates how many animals can be in one area and that a majority of them will have to be euthanized, especially if sick.

Councilman Bamonto advised he believed this was the right thing to do.

Councilman-at-large Woloszyn advised he has had conversations with both Animal Control Officer Purol as well as Police Chief Ortolano and that while he wouldn't mind if it stayed the same he is open to compromise, this is only a 1 year contract and that if this passes there will be strict guidelines on what constitutes as nuisance animal.

Vote on Resolution #58-16 as amended:

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

No: Councilwoman Szukala.

Resolution carried, 4-1.

**RESOLUTION #59-2016**

**June 21, 2016**

**BY: COUNCILMAN GONZALEZ**

**A BOND RESOLUTION, DATED JUNE 21, 2016, OF THE COMMON COUNCIL OF THE CITY OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT PRIMARILY AT THE WATER POLLUTION CONTROL PLANT IN THE CITY, AT AN ESTIMATED MAXIMUM COST OF \$2,500,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND**

**ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH  
BONDS TO THE CITY TREASURER.**

**WHEREAS**, the Common Council of the City of Dunkirk, County of Chautauqua, New York (the "City") desires to undertake a capital improvements project generally consisting of improvements to the water pollution control plant in the City; and

**WHEREAS**, the City desires to authorize the issuance of obligations to finance such project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

**SECTION 1.** The City is hereby authorized to undertake a capital improvements project consisting of the reconstruction of and the construction of improvements to the water pollution control plant in the City including, but not limited to, the installation of a new mechanical bar screen, compactor and control package equipment, improvements to one concrete tank involving the installation of a new grit removal system, and all preliminary work and necessary equipment, materials and site work, as well as other such improvements as more fully identified in a preliminary engineering report prepared by Wendel (the "Engineer") and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$2,500,000.

**SECTION 2.** The Common Council plans to finance the estimated maximum cost of the purpose by the issuance of serial bonds in an aggregate amount not to exceed \$2,500,000 of said City, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such purpose is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same will become due and payable.

**SECTION 3.** It is hereby determined that the purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the purpose is 40 years.

**SECTION 4.** Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

**SECTION 5.** It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

**SECTION 6.** The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the

taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

**SECTION 7.** Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

**SECTION 8.** The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds.) This resolution shall constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

**SECTION 9.** The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

**SECTION 10.** The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 11.** The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

**SECTION 12.** To the extent applicable, the City Treasurer is hereby authorized to execute and deliver in the name and on behalf of the City a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the City Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

**SECTION 13.** In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

**SECTION 14.** The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

**SECTION 15.** The City Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

**SECTION 16.** This Resolution is effective immediately.

Councilman Williams inquired as to how much rates would have to increase to pay back this debt.

City Treasurer Woods advised that it would be approximately \$.46/thousand for City Residents and \$.95/thousand for Town of Dunkirk which equals to around \$4-\$5/quarterly bill for City residents and \$8-\$10/quarterly bill for Town of Dunkirk for the average user.

Fiscal Affairs Officer Halas advised that this is a conservative estimate with no grants or aide received.

Carried, all voting aye.

**RESOLUTION #60-2016**

**June 21, 2016**

**BY: COUNCILMAN GONZALEZ**

**AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES  
WASTE WATER TREATMENT FACILITY  
(WENDEL)**

**WHEREAS**, the City of Dunkirk owns and operates a Water Pollution Control Plant, that contains a bar screening and grit removal system, which, due to age and wear, is inoperable and could cause damage to other equipment, and jeopardize the entire water pollution control plant operation; and

**WHEREAS**, professional engineering services are required for immediate replacement of these key components, and Wendel, is ready, willing and able to provide such services for the City in a good and workmanlike manner as determined by the Director of Public Works under his responsibility and authority by the City Code, and with the further consideration that Wendel Engineering of New York has over 70 years of water and wastewater experience, and comes highly recommended from the nearby communities that have replaced similar equipment; now, therefore be it

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Wendel, Centerpointe Corporate Park, 375 Essjay Road, Suite 200, Williamsville, NY, to design, provide engineering and construction administration, and resident inspection services for the bar screening system(s) and the grit removal system, (including all design components) with a cost not to exceed a total of three hundred and fifty thousand dollars (\$350,000); and be it further

**RESOLVED**, that the revenue, and appropriations for this project be set up by Fiscal Affairs as an income and expense in a separate City Fund, and that any and all engineering services be paid from the engineering expense line of said Fund.

Carried, all voting aye.

**RESOLUTION #61-2016**

**June 21, 2016**

**BY: COUNCILMAN GONZALEZ**

**SEQRA Lead Agency Designation - Wastewater Treatment Plant  
Improvements**

**WHEREAS**, the City of Dunkirk proposes rehabilitation to its Wastewater System, including rehabilitation of the Wastewater Treatment Plant, and

**WHEREAS**, The City of Dunkirk, including the City Engineer, Finance Director, and Contract Engineering Firm has evaluated the project, as required by New York State Law under the State Environmental Quality Review Act (SEQRA), and determined and classified the proposed actions as "Type II" actions under SEQRA, now, therefore, be it

**RESOLVED**, that the City of Dunkirk act as the Lead Agency under SEQRA.

Carried, all voting aye.

**RESOLUTION #62-2016**  
**June 21, 2016**

**BY: COUNCILMAN GONZALEZ**

**State Environmental Quality Review Act Designation  
Wastewater Treatment Plant Improvements**

**WHEREAS**, The Common Council of the City of Dunkirk, in compliance with the New York State Environmental Quality Review Act (SEQRA), has reviewed the Capital Improvement Program proposed at the City's Wastewater Treatment Plant located in and operated by the City of Dunkirk, and;

**WHEREAS**, The Common Council of the City of Dunkirk has classified the action as a "Type II" action under SEQRA, as the project consists of maintenance or repair of the existing Wastewater Treatment Plant, and those actions are not subject to SEQRA review; and

**WHEREAS**, the City of Dunkirk has determined that the proposed project, as a Type II action, will not have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, article 8; now, therefore, be it

**RESOLVED**, that the Common Council of the City of Dunkirk, after considering the action proposed herein, has reviewed the criteria in Section 6 NYCRR 617.5(c)(2) and determines that the action is a Type II action and is not subject to SEQRA review; and, be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is a Type II action.

Carried, all voting aye.

**RESOLUTION #63-2016**  
**JUNE 21, 2016**

**BY: COUNCILMAN GONZALEZ**

**AUTHORIZING GRANT APPLICATION  
NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION  
CLEAN WATER STATE REVOLVING FUND**

**WHEREAS**, the City of Dunkirk is applying for funding for the reconstruction and redevelopment of the facilities and amenities of the City’s wastewater treatment facilities through a grant of the New York State Environmental Facilities Corporation, Clean Water State Revolving Fund (CWSRF) Application; and

**WHEREAS**, it is in the best interest of the City to apply for State Grant funding for this project; now, therefore, be it

**RESOLVED**, that the Dunkirk Common Council does hereby authorize the Mayor to complete any paperwork or application necessary to achieve funding through the CWSRF.

Councilman Gonzalez advised that Resolutions #59-16 thru #64-16 coincide with each other.

Carried, all voting aye.

**RESOLUTION #64-2016**  
**JUNE 21, 2016**

**BY: ENTIRE COUNCIL**

**ESTABLISHING STANDARD WORK DAY AND  
REPORTING RESOLUTION (NYS COMPTROLLER RS 2417-A)**

**BE IT RESOLVED**, that the City of Dunkirk, New York (Location Code 20012) hereby establishes the following as standard work days for elected and appointed officials, and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Name	SSN	Reg No	Standard Work Day (Hrs/day)	Term Begins/Ends	Record of Activities Result	Tier 1 (Check only if member in Tier 1)	Not Submitted (Check box if no record of activities completed or time-keeping system)
<b>Elected Officials</b>								
ASSESSOR	THOMAS MLECZKO	xxxx	xxxx	7	1/1/16-12/31/17	24.83	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR	WILFRED ROSAS	xxxx	xxxx	7	1/1/16-12/31/19	-	<input type="checkbox"/>	<input type="checkbox"/>
TREASURER	MARK WOODS	xxxx	xxxx	7	1/1/16-12/31/17	26.82	<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials</b>								
ATTORNEY	ANDREW BRAUTIGAM	xxxx	xxxx	7	1/1/16-12/31/17	12.42	<input type="checkbox"/>	<input type="checkbox"/>
CITY CLERK	LILLIAN R. DIVINE	xxxx	xxxx	6	1/1/16-12/31/17	21.5	<input type="checkbox"/>	<input type="checkbox"/>
DPW DIRECTOR	GREGORY BENNICE	xxxx	xxxx	7	1/1/16-12/31/17	-	<input type="checkbox"/>	<input type="checkbox"/>

Additional Elected Officials								
COUNCILMEMBER AT LARGE	ANDREW WOLOSZYN	XXXX	XXXX	6	1/1/16-12/31/17	4.27	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER	DONALD WILLIAMS JR.	XXXX	XXXX	6	1/1/16-12/31/17	3.83	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER	STACY SZUKALA	XXXX	XXXX	6	1/1/16-12/31/17	7.92	<input type="checkbox"/>	<input type="checkbox"/>

Carried, all voting aye.

**RESOLUTION # 65 - 2016**

**June 21, 2016**

**By: ENTIRE COUNCIL**

**RATIFICATION AND CONSENT TO ASSIGNMENT OF WATER RIGHTS EASEMENT**

**WHEREAS**, the City of Dunkirk granted a Water Rights Easement to JSG Marina Holdings, LLC by Agreement dated April 21, 2011, recorded in the office of the Chautauqua County Clerk on April 25, 2011 in Liber 2718 of Deeds at page 442, which provided an easement to JSG Marina Holdings, LLC for the purpose of installing and maintaining boat docks from and appurtenant to the parcel situated at 24 Lakeshore Drive West; and

**WHEREAS**, JSG Marina Holdings, LLC desires to convey 24 Lakeshore Drive West to Pier LLC and to assign its rights under the said Water Rights Easement therewith;

**WHEREAS**, the City of Dunkirk has no objections to the current Water Rights Easement and supports its assignment to Pier LLC; now, therefore, be it

**RESOLVED**, that the City of Dunkirk hereby ratifies the current Water Rights Easement and consents to its assignment to Pier LLC.

Councilman Williams made a motion to Table Resolution #65-16. Seconded by Councilman Bamonto.

Carried, all voting aye.

Resolution #65-16 TABLED.

Councilwoman Szukala motioned to meet in Executive Session to discuss the proposed acquisition, sale or lease of real property of the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. It is expected that no new business will be taken after the Executive Session concludes. Seconded by Councilman Williams.

Carried, all voting aye

Executive Session called to order at 6:28 PM.

Councilman Gonzalez moved to adjourn the Executive Session at 7:04 PM and reconvene to the regular Council Meeting. Seconded by Councilman Bamonto.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Gonzalez moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

**Adjourned at 7:05 PM**

**Lillian Divine, City Clerk**

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