

COMMON COUNCIL PROCEEDINGS
September 19, 2017

The meeting was called to order at 5:48 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 Morrisroe, City Treasurer Woods, Public Works Director Woodbury, Fiscal Affairs Officer Pinkoski, Board of Assessors Mleczko, Clerk, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, September 5, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, September 5, 2017 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Fisher representing Revitalize Dunkirk expressed that the organization appreciates the Resolution for the hanging baskets. The monthly meeting will be Thursday at 6:30pm at the Incubator.

Jeannette Delgado 65 Lakeshore Drive East. I would like to speak on behalf of the residents of Columbus St on the Fourth and Fifth blocks, they are concerned about cars driving fast and are requesting that the City consider placing children at play signs on these blocks.

Mike Civileto of 138 Ruggles St spoke on behalf of the Community Advisory Committee. In our meeting we discussed concerns with traffic around the Middle School.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas requested that Director of Development Rebecca Yanus give updates on the Dog Park and Zombie properties.

Director of Development Rebecca Yanus advised that we did receive \$10,000 from Purina for the dog park and we did sign the lease agreement. We will be accepting donations for the dog park; information will be in the newspaper and on the city's website. We have volunteers that are doing a visual survey of housing in the City of Dunkirk so we can better assess where we need to focus our efforts on those not so good areas and make more people want to live in The City of Dunkirk.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from The Real Moms of Dunkirk Football Committee requesting to use the corners of Central Avenue and Fourth Street, Central Avenue and Fifth Street and West Doughty Street near the Fire Hall to conduct a “Tag Day” fundraiser on Saturday September 23rd 2017 from 9:00am-3:00pm.

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

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

Carried, all voting aye.

Notice of Summons from Princess I. Case for personal injuries allegedly sustained due to a fall at the Senior Citizens’ Center parking lot.

Councilman-at-large Woloszyn advised that a motion was needed to refer to the law department.

Councilman Williams made a motion. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Request from Dunkirk City School District to have one police officer for supervision of the High School Varsity Girls Soccer game against Olean on September 28 from 4:00pm-7:00pm.

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

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired to Festivals & Special Events Coordinator Hector Rosas to reach out to the Kosciuszko Club and try to work something out with them regarding their sponsorship of Music on the Pier and the bad weather that did occur that day, inquired to Building Inspector Zurawski for an update on the Deer St property that I asked you to look at, Director of Development Yanus for an update on the Floramo plan. The DPW committee meeting will be Wednesday, September 27 in the Mayors conference room.

Festivals & Special Events Coordinator Hector Rosas advised that the weather was not very good that day but he will reach out to them and try to work something out with them.

Building Inspector Zurawski stated that we have gone thru legal procedures twice and we have reached out to have her accept volunteer help, she has not done that. We are having another hearing in October with the property maintenance board and we will go from there.

Director of Development Yanus advised that this is part of the Zombie properties survey. We are identifying those areas. Our consultants are working on the recommendations with the Floramo plan to better fit The City of Dunkirk.

Councilman Bamonto commended everyone for the success of picnic at the Point. Also, The Dunkirk School District has finished the sidewalk on Marauder Drive near Lucas Avenue.

Councilwoman Szukala inquired to Director of Public Works Woodbury for an update on Hoyt Street . We do need to discuss trick or treat hours so we may sponsor a resolution for the next meeting in October. Inquired to Mayor Rosas for an update on the financial restructure board and the audit. Commended the “Dunkirk Rocks” program for making a positive impact, thank you to everyone who is participating in this.

Director of Public Works Woodbury advised that they are hoping to have the project complete sometime in mid October.

Mayor Rosas advised that they are working on it and asked Fiscal Affairs Officer Pinkoski to speak regarding the audit.

Fiscal Affairs Officer Pinkoski advised that we have given all of the information that has been requested of us. We have not received any information back yet but will touch base with them to try and get an update.

Councilman Gonzalez inquired to Chief of Police Ortolano whether or not people are being ticketed for playing loud music in their cars.

Chief of Police Ortolano stated that the department has been writing tickets.

City Clerk Ramos expressed gratitude to Mayor Rosas for allowing us to coordinate the collection of items for Hurricane Harvey relief, Mr. & Mrs. Allen Shaw and Mr. & Mrs. Burgess for allowing us to use their warehouse to hold the items that were donated , Mr. Jacob Sam of Agricultural Transport for providing a semi, trailer, driver and packaging supplies to move the items to Houston, Special Events Coordinator Hector Rosas for allowing us to coordinate with Music on the Pier, Super Dan who was there every day helping in any way he was needed and to all of the volunteers from local communities. This project was under the directive of Mike Ferguson.

PRE-FILED RESOLUTIONS:

RESOLUTION #84 -2017
August 19, 2017

BY COUNCILMAN GONZALEZ:

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2017

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 2017, ending December 31, 2017; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2017 budget:

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1210.4001	Mayor	Discretionary	\$ 1,200
001.1210.4019	Mayor	Travel & Training	\$ (1,200)
TOTAL			\$ -

Account Number	Department	Line	Change
001.0001.2705.7060	Police	SWAT	\$ 300
001.3120.4538	Police	SWAT Equipment	\$ 300
TOTAL			\$ -

(Donation from Score This, Inc for SWAT)

Carried, all voting aye.

RESOLUTION #85 -2017
SEPTEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING ELECTRICAL CONTRACT 17-1E FOR WASTEWATER
TREATMENT PLANT INSTALLTION OF REPLACEMENT
BAR SCREENS AND GRIT REMOVAL SYSTEM**

WHEREAS, the City of Dunkirk (Dunkirk) recognizes it must address certain inadequacies in the City's wastewater treatment plant infrastructure that urgently require replacement and/or repair; and

WHEREAS, Dunkirk's funding application was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (NYS EFC) in the amounts of \$2,543,750 in grant funds and \$7,602,250 in zero-interest loan funds for these replacements and repairs at the Wastewater Treatment Plant; and

WHEREAS, following public advertisement, Dunkirk received sealed bids on September 12, 2017, for required electrical work necessary to replace the plant's two decayed and inoperable bar screens grit removal system; and that the low, sole bid of \$244,750.00 by BECC Electric, 1007 Central Avenue, Dunkirk, New York 14048, has been deemed responsible by City DPW and by the City's consulting engineer, Wendel Engineers of Williamsville, New York, both of whom recommend quickly accepting this bid so the work can be started so the City

wastewater system efficiently treat wastewater for City residents and for City industries; now therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute electrical contract 17-1E with BECC Electric 1007 in the amount of \$244,750.00, contingent upon the contractor first supplying all necessary approvals from EFC to meet their funding requirements for this work, and that payment for such work will be from City Fund #21.

Carried, all voting aye.

RESOLUTION #86 -2017
SEPTEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING GENERAL CONTRACT 17-1G FOR WASTEWATER
TREATMENT PLANT INSTALLATION OF
REPLACEMENT BAR SCREENS AND GRIT REMOVAL SYSTEM**

WHEREAS, the City of Dunkirk (Dunkirk) recognizes it must address certain inadequacies related to the City’s wastewater treatment plant that urgently require repair and/or replacement; and

WHEREAS, the City of Dunkirk’s application for funding was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (NYS EFC) in the amounts of \$2,543,750 in grant funds and \$7,602,250 in zero-interest loan funds for these replacements and repairs at the Wastewater Treatment Plant; and

WHEREAS, following public advertisement, Dunkirk received sealed bids in the amounts of \$2,295,000, \$2,491,000, \$2,953,000 and \$3,298,000 on September 12, 2017, to replace the plant’s two decayed and inoperable bar screens and grit removal systems; and that the low bid of \$2,295,000 from STC Construction, 63 Zoar Valley Road, PO Box 459, Springville, New York 14141 (STC Construction), has been deemed responsible by City DPW and by the City’s consulting engineer, Wendel Engineers of Williamsville New York, both of whom recommend quickly accepting this bid so the work can be started so the City wastewater system efficiently treat wastewater for City residents and for City industries; now therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute general construction contract 17-1G with STC Construction, in the amount of \$2,295,000, contingent upon the contractor first supplying all necessary approvals from EFC to meet their funding requirements for this work, and that payment for such work will be from City Fund #21.

Carried, all voting aye.

RESOLUTION # 87 -2017
September 19, 2017

BY: ENTIRE COUNCIL

AMENDED AUTHORIZATION TO CONTRACT FOR

**CITY BUILDINGS' ROOF REPAIR
ADDING FIRE DEPARTMENT HEADQUARTERS & HOSE #3**

WHEREAS, this Council passed Resolution #30 on May 16th of this year authorizing the City to contract with A. W. Farrell & Son, Inc. to do emergency roof repairs on several city buildings, including City Hall, the Lucas Avenue Facility, and the Dunkirk Historical Society Museum; and

WHEREAS, A. W. Farrell & Son, Inc. is ready, willing, and able to perform additional roof repairs for additional buildings on the same no-interest 10 year installment payment plan that was previously agreed to in May; and

WHEREAS, the Dunkirk Fire Department Headquarters (HQ) and the Fire Department's Hose #3 building are also in need of roof repairs; and

WHEREAS, A. W. Farrell & Son, Inc. will repair the HQ roof for \$85,000 and the Hose #3 roof for \$71,000, respectively;

WHEREAS, pursuant to General Municipal Law §104-b(2)(f) and the City of Dunkirk Procurement Policy Paragraphs 1 (Emergency purchases) and 6(a) (Professional services), the Common Council, in its sole discretion may dispense with the solicitation of alternative proposals or quotations under certain circumstances when it is not in the best interest of the municipality to do so; and

WHEREAS, the Common Council has specifically considered the following factors is making this determination:

1. This is a professional service requiring special or technical skill, training, or expertise related to management of municipally owned property; and
2. The timing as Fall and Winter fast approach; and
3. The willingness of the contractor to accept payment of the work over a minimum term of 10 years with no interest or financing required is a substantial benefit to the City that is unlikely to be offered by any other contractor; now therefore be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute all necessary agreements, contracts, and other documents necessary to complete the additional roof repairs to the Dunkirk Fire Department buildings at a cost of \$156,000.00 payable in installment payments over 10 or more years, no interest.

Carried, all voting aye.

REVISED RESOLUTION # 88 -2017
September 19, 2017

BY: ENTIRE COUNCIL

**AUTHORIZATION TO CONTRACT WITH
LED ENERGY SOLUTIONS LLC
TO REPLACE ALL CITY LIGHTS WITH ENERGY EFFICIENT LED BULBS**

WHEREAS, the City of Dunkirk (“Dunkirk”) seeks greater cost efficiency and the ability to reduce its carbon footprint; and

WHEREAS, Dunkirk saw an opportunity to achieve these goals by replacing the light fixtures and light bulbs in City-owned facilities and City-owned street lamps; and

WHEREAS, pursuant to General Municipal Law §104-b(2)(f) and the City of Dunkirk Procurement Policy Paragraph 6(a) (Professional services) in an Appendix to the Dunkirk City Code dated February 1, 2009, the Common Council, in its sole discretion may dispense with the competitive bidding process, and the solicitation of alternative proposals or quotations when contracting for professional services; and

WHEREAS, in spite of this exception to the state and local statutes governing service procurement, Dunkirk solicited bids over the past 18-20 months from three potential vendors: Smart Watt, Real Term Energy and LED Energy Solutions LLC; and

WHEREAS, LED Energy Solutions LLC offered the most compelling bid, whereby energy cost savings will be realized immediately upon installation of the new lighting, and will increase over time, with the investment paying for itself within 5 years in operating cost savings of approximately \$220,000 per year, and by its method of financing the work, offers Dunkirk an immediate \$100,000 rebate upfront; and;

WHEREAS, LED Energy Solutions LLC will handle financing applications, engineering specifications and contracting with professional electricians to install new fixtures, equipment and bulbs, as well as the purchase and retrofitting of the light pole arms from National Grid across Dunkirk; and

WHEREAS, At the current structure of a 5 year term, the new lighting retrofit project is slated to save Dunkirk \$226,653 per year and includes upgrades to all the street lights, plus several areas of lights that were not covered on the 2007 Siemens fluorescent lighting retrofit project. Cut into quarters, the cost savings is \$56,663.25. Payments are \$206,891/year, leaving \$19,763/year cash flow positive....or +\$4,940.75/quarter; and

WHEREAS, The old Siemens project charges \$19,127.87 per quarter and includes much more than just interior lighting, such as new big boilers, HVAC VFDs & controls, steam pipe insulation, steam traps, computer & monitors, electrical service upgrades, doors and seals. These quarterly payments under the Siemens contract are scheduled to continue until October 15, 2025; thus, under the current proposal, the City still achieves a *de minis* savings in years 1 through 5; and,

WHEREAS, Dunkirk is able to buy out the Siemens Equipment via Article 10 of the contract for \$543,146.03 on January 15, 2018, after the incentives are paid by National Grid, roughly \$100,000, refinancing the remaining \$443,146 balance could be an the additional cost to the new project; and

WHEREAS, This amount can be included in the proposed LED project if the financing term is extended by 2 years to 7 years total, the projected energy savings would mean Dunkirk still would be cash flow positive by about \$4,000 per year, with a coincident term end to the Siemens contract, which includes additional locations for new lighting and controls, and which nets the City cost savings in energy use, as well as reduces Dunkirk's carbon footprint; and

WHEREAS, the vendor's principals spent extra time with DPW Director Woodbury and Special Events Coordinator Rosas touring every City-owned facility and offered solutions to both add lighting where necessary and reduce lighting where too much currently is used, which neither Smart Watt nor Real Term Energy did in their efforts to be awarded the contract; therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute all necessary agreements, contracts, and other documents necessary to contract with LED Energy Solutions LLC at a cost of approximately \$950,000.00 payable in installment payments over 5 years, no interest.

Councilwoman Szukala stated that she would like to see the numbers to make her feel comfortable about moving forward with this. I would like to have seen us table this for more discussion but I don't think I have support on that tonight so I will be voting no.

Councilman Bamonto stated that he did attend the presentation on this, it was a great presentation and will be voting yes.

Councilman Gonzalez stated that the presentation showed that we can save money with this program, feels that this will benefit the city and he will be voting yes.

Councilman Williams stated that he did discuss that if we do pass this tonight the work should be completed by January 1 so all of the savings we experience would be part of next years budget. I was also at the finance committee meeting and I am also comfortable moving forward with this.

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

No, Councilwoman Szukala.

Carried 4-1.

BY COUNCILWOMAN SZUKALA:

AUTHORIZATION TO REVISE CALGON CARBON FILTRATION CONTRACT

WHEREAS, the City of Dunkirk (Dunkirk) has previously contracted with Calgon, the sole source provider of the activated carbon filtration media used by the Dunkirk Water Treatment Plant (WTP) to provide top quality drinking water to the citizens and industry of Dunkirk; and

WHEREAS, Dunkirk’s WTP is under a consent decree to upgrade its filtration systems and maintenance of said systems;

WHEREAS, the contract between Dunkirk and Calgon is being revised to reflect a new pricing structure to allow immediate filter exchange and ongoing filter exchange as needed, much like replacing the carbon filter for drinking water on a Brita or a modern refrigerator; and

WHEREAS, this new pricing structure has been negotiated and reviewed extensively by WTP Chief Operator Bob Lawrie and DPW Director Randy Woodbury; now therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute the revised contract with Calgon so that Dunkirk’s WTP can comply with its directives under the consent decree and continue to provide top quality water to the residents and industry of Dunkirk.

Carried, all voting aye.

RESOLUTION #90 -2017
SEPTEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

REVISION OF DUNKIRK’S PROCUREMENT POLICY PART I

WHEREAS, the City of Dunkirk (Dunkirk) has an existing Procurement Policy governing purchase and public works contracts and the process by which Dunkirk must procure said contracts in conformity with State law and the City code; and

WHEREAS, upon information and belief, the policy has not been updated since 1992 when drafted, although the most recent edition is dated 2009; and

WHEREAS, upon consultation with the New York State Conference of Mayors (NYCOM) and review of the New York Office of the State Comptroller's (OSC's) 2016 publication, *Seeking Competition in Procurement*; and

WHEREAS, the entire procurement policy warrants review and revision by the law department working together with the fiscal affairs office, but where such revisions will take time, thus calling for segmented revision so Dunkirk can continue to conduct business; and

WHEREAS, in Part I of said revisions, the dollar limits under Paragraph 1 of the policy are outdated, and do not jibe with either NYCOM or OSC; now therefore,

BE IT RESOLVED, that the Dunkirk Procurement Policy's exceptions to the competitive bidding process dollar limitations under Paragraph 1, in conformity with General Municipal Law §103, be amended to read as follows: **The following items are not subject to competitive bidding pursuant to §103 of the General Municipal Law:**

Purchase contracts involving expenditures of \$20,000 or less,

Contracts for public work involving expenditures of \$35,000 or less and

Professional services and other procurements not required by law to be competitively bid

Emergency purchases

Certain municipal hospital purchases

Good purchased from agencies for the blind or severely handicapped

Good purchased from correctional institutions

Purchases under State and County contracts (i.e., piggybacking)

Surplus and second-hand purchases from another governmental entity

Carried, all voting aye.

RESOLUTION #91 -2017
SEPTEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPT EIGHT ADDITIONAL HANGING BASKETS AS A DONATION
& REMOVE PAYMENT PROVISION FROM REVITALIZE DUNKIRK'S**

HANGING BASKETS AGREEMENT WITH THE CITY OF DUNKIRK

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 in 2015 and an additional ten (10) baskets in 2016; and,

WHEREAS, *Revitalize Dunkirk* wishes to donate eight (8) additional hanging baskets in 2018 to continue to help beautify Central Avenue and spur downtown revitalization; and,

WHEREAS, Revitalize Dunkirk expends the private funds of its members and donors to pay for said hanging baskets; and

WHEREAS, the City of Dunkirk incurs no additional expense for summer laborers to water and maintain said baskets as the duties are handled as part of their regular eight (8) work day; and,

WHEREAS, the \$2,000 Revitalize Dunkirk can be absorbed by the City Operating Fund as a *de minimis* expense, especially as the City will soon enter 2018 budget negotiations; therefore,

BE IT RESOLVED, that the City hereby gratefully appreciates and accepts the donation from the *Beautification Committee of Revitalize Dunkirk* and ownership of eight (8) hanging flower baskets (22" diameter, black welded steel) for use by the City; and be it further

RESOLVED, that the City remove the \$2,000 payment provision from the donation agreement so that Revitalize Dunkirk’s funds can be more fruitfully used to provide added value services to the City of Dunkirk.

Carried, all voting aye.

New Business:

RESOLUTION #92 -2017
SEPTEMBER 19, 2017

BY COUNCILMAN BAMONTO:

**RESOLUTION IDENTIFYING THE CITY OF DUNKIRK PUBLIC WORKS
DIRECTOR AS THE CITY’S RESPONSIBLE LOCAL OFFICIAL
AUTHORIZED TO ACCESS NYSDOT’s EBO SYSTEM**

WHEREAS, the New York State Department of Transportation (NYSDOT) has implemented a web based reporting system called Equitable Business Opportunities

(EBO) to streamline and satisfy the Title VI Civil Rights Reporting requirements for BridgeNY – Aid locally sponsored contracts; and

WHEREAS, NYSDOT requires each local municipality as a sub-recipient to NYSDOT of funds and sponsor of BridgeNY-Aid Contracts to identify a single primary user in order to access and use the system for Title VI compliance reporting requirements; and now,

THEREFORE, BE IT RESOLVED, that the City Council identifies the Public Works Director as the City’s Responsible Local Official authorized to access the EBO system.

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

Carried, all voting aye.

Councilman Gonzalez made a motion to go into Executive Session at 6:28pm.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman-at-large Woloszyn.

Carried, all voting aye.

Adjourned at 7:11 PM

Edwin Ramos, City Clerk
