

COMMON COUNCIL PROCEEDINGS
January 5, 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, Public Works Director Bennice, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mieczko, Director of Development Beard, Personnel Administrator Heyden, CDBG Administrator Gawronski, Recreation Program Coordinator Gornikiewicz, Fire Chief Edwards and Police Chief Ortolano.

Certification of December 15, 2015 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, December 15, 2015 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Mary Rees, 433 Dove Street, Dunkirk, New York advised she is representing the Beautification Committee of Revitalize Dunkirk, is attending tonight's meeting to introduce herself to the new members of the Common Council and Director of Public Works and stated she sent an e-mail to them earlier in the day explaining Revitalize Dunkirk's role in last year's hanging basket project and outlining plans for expanding the project this year. Mrs. Rees further advised there is one time sensitive part of the new plan which involves approval from the Common Council; the group would like to add an additional ten baskets this year and hopes the Council will approve this as she needs to submit the order for the baskets by mid-January.

Steve Rees, 433 Dove Street, Dunkirk, New York welcomed the new administration, wished them success during their term and invited them to the Revitalize Dunkirk meetings which are held the third Thursday of every month at 6:30 PM in the Fredonia State University Technology Incubator conference room.

Skeeter Tower, 438 Swan Street, Dunkirk, New York spoke on behalf of the Academy Heights Neighborhood Association, welcomed the new administration and presented a proposal to the Mayor and Common Council from the Association requesting their assistance for that area of the city.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas thanked everyone who attended the Inauguration Ceremony this past Friday, stated he took the new Director of Public Works Director to meet with all the supervisors in all the divisions under his umbrella this past Monday and advised he received a letter of

resignation from a chemist at the water treatment plant yesterday. Mayor Rosas stated "we met with him today and we're still negotiating to ascertain if he's going to stay on or not. If he isn't, I've met with the personnel director in Mayville, Mr. Porpiglia, yesterday in his office and we're looking into our options if this gentleman decides to move on."

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Phillip Weiss on behalf of Western New York Chapter of the Alzheimer's Association to use Point Gratiot as well as the neighborhood and accompanying bike path for the annual Walk to End Alzheimer's fundraising event on Saturday, October 1, 2016 from approximately 7:00 AM until 12:00 PM. Also requesting use of pop up tents, vendors and live music.

Councilwoman Szukala advised the group has been notified by the previous City Clerk, Nicole Joiner, that they have to come in the city clerk's office in April to reserve the large pavilion and that council is only approving the use of the park and setting up of additional tents. Councilwoman Szukala further advised the group needs to submit a loudspeaker application for that day.

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.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised he looks forward to working with this council and mayor, will be holding a Public Works Committee Meeting on January 13, 2016 at 3:00 PM, this meeting is open to the public and asked Mayor Rosas for an update on the Union Contracts.

Mayor Rosas advised he will be scheduling meetings with the Unions in the near future, has nothing to report at this time, and all city Union Contracts are expired.

Councilman Bamonto advised he is excited to work the new council and mayor, and asked Recreation Program Coordinator Gornikiewicz for an update in his department.

Recreation Program Coordinator Gornikiewicz advised the Recreation Center opened in December, explained the various programs available to the city residents, stated the city has six individuals on staff who work approximately 15-20 hours a week, and the city's lease at the Fair Grounds expires April 15, 2016.

Councilman Bamonto advised there will be a Personnel, Youth and Recreation Board Committee Meeting on January 19, 2016 at 4:00 PM, and that he was given a tour and introduced to the staff at City Hall.

Councilman Gonzalez welcomed the new administration and personnel, stated he looks forward to working with everyone and advised Mrs. Rees that he did receive her e-mail and stated he supports the expansion of the basket project.

Councilman Gonzalez advised he intends on holding an Economic and Development Committee Meeting and will announce a date and time within the next two weeks.

Councilwoman Szukala stated the Common Council is scheduled to be on the radio (WDOE) on January 21, 2016, February 25, 2016 and March 17, 2016 at 8:40 AM, advised Mrs. Rees that she received her e-mail and forwarded it to the city's Director of Public Works and is also in support of the expansion project.

Councilwoman Szukala asked Fire Chief Edwards for an update on the electrical issue at Hose Company #4 fire hall.

Fire Chief Edwards advised the city is waiting on the planner from National Grid and is also waiting on National Fuel to check on underground pipes; has spoken with the city's electrician and DPW Director and stated they are hopeful that this is a repair issue versus a complete replacement.

Councilwoman Szukala advised she intends on holding a Public Safety Committee Meeting and will announce a date and time in the near future and asked for an update on the recycling material that was damaged in the fire at the Edgewood Warehouse building on Roberts Road.

Department of Public Works Director Bennice stated everything was cleaned up, it cost the city over \$3,000.00, would like to see changes as that building is very unsecure and a safety hazard.

Councilwoman Szukala advised she is a strong advocate of recycling and asked for an update on the recycling calendar.

Department of Public Works Director Bennice advised he will keep her updated.

Councilman-at-large Woloszyn asked Building/Zoning Officer Zurawski for an update on the housing demolition in the city and funding for these demolitions.

Building/Zoning Officer Zurawski advised demolition on the Doughty Street property began today, it is a controlled demolition and should be completed within the next few days, and then demolition of 31 N. Pangolin Street will begin. There are five properties that are currently under the abatement process and these demolitions are funded through CDBG funds and New York State Attorney General funds.

CDBG Administrator Gawronski advised 2013, 2014 and 2015 CDBG funding is being used to pay for the demolition of these houses.

Councilman Woloszyn asked for an update on the old Sara's Tavern building on Lake Shore Drive East, the Community Christmas building on Ruggles Street and advised the warehouse adjacent to the Community Christmas building owned by Chautauqua Woods has a large hole in the roof.

Building/Zoning Officer Zurawski advised the owner of the Sara's Tavern has been notified by his office, but he will follow up on this, the Community Christmas building has been completed, and the owners of the warehouse have been notified by his office and he is working with them.

Councilman-at-large Woloszyn thanked Mr. & Mrs. Rees and Ms. Tower for speaking during tonight's meeting.

PRE-FILED RESOLUTIONS:

RESOLUTION #16-2016
JANUARY 5, 2016

BY: THE ENTIRE COUNCIL

**ACCEPTING GRANT AWARD DWSRF PROJECT NO. 17614
FOR WATER TREATMENT PLANT IMPROVEMENTS**

WHEREAS, the City of Dunkirk has applied to the New York State Department of Health (NYSDOH) for a Two Million Dollar and Zero Cents (\$2,000,000.00) grant to help with costs of the DWSRF Project No. 17614 at the Water Treatment Plant Facility; and

WHEREAS, as a requirement of these programs, the City must obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

RESOLVED, that the Dunkirk Common Council does hereby confirm, approve and endorse the City's award for a Two Million Dollar and Zero Cents (\$2,000,000.00) grant, under the New York State Department of Health, with the Environmental Facilities Corporation (EFC) determining the amount of the grant when the project is complete and final projects costs are calculated; and, be it further

RESOLVED, that the Mayor is hereby authorized to execute any and all documents and agreements associated with this grant award.

Councilwoman Szukala asked Mayor Rosas to explain this resolution.

Mayor Rosas stated "that two million dollars that we are accepting comes with certain strings attached, part of that is based on the nine million dollars that we projected to use for the remainder of that project, if we only use say seven million dollars then the two million will be brought down accordingly."

Carried, all voting aye.

RESOLUTION #17-2016
JANUARY 5, 2016

BY: ENTIRE COUNCIL

ESTABLISHING HEALTH CARE REFORM POLICY

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), as amended, requires that employers undertake certain obligations, including various reporting requirements; and

WHEREAS, the PPACA requires that employers establish a Health Care Reform Policy in order to comply with certain elements of the PPACA; now, therefore, be it

RESOLVED, that this Common Council hereby adopts a Health Care Reform Policy to comply with the Patient Protection and Affordable Care Act, as amended.

Carried, all voting aye.

Health Care Reform PROCEDURE

January 1, 2015

Medical Health Plan: The City of Dunkirk currently offers eligible employees and dependents Blue Cross Blue Shield PPO 813. This plan is a Preferred Provider Organization plan that provides Hospital, Medical, Mental Health and Prescription Drug coverage providing minimal essential coverage as required by the Patient Protection and Affordable Care Act. Coverage is available to the employee's spouse.

Existing and New Full time employees: As part of the Patient Protection and Affordable Care Act (PPACA), its amendments and implementing regulations we will make available the Medical Benefit Plan to all employees hired as full time (with intent of working 30 hours or greater). Medical Coverage will be effective for new full-time employees as of the date of hire.

Variable-hour Employees: Some employees may be full time, but not easily identified due to the irregularity in their schedules. These employees will be determined to be full-time based on the lookback measurement method.

All Existing Full Time & Variable hour employees (as of January 1st, 2014): As part of the new Health Care Reform Act we have created *the 12-month Standard Measurement Period (SMP) of December 1st through November 30th*. We will then compile, analyze and maintain the data during our 1-month Standard Administrative Period (SAP) of December 1st through December 31st. Lastly, the final "Average hours worked (AHW)" data will determine eligibility for the Medical Benefit Plan for *the 12-month Standard Stability Period (SSP) of January 1st through December 31st*.

Newly hired Variable Hour Employees (hired during the SMP): As part of the new Health Care Reform Act we will use a 12 month Initial Measurement Period (IMP) for all variable hour employees hired after the beginning of the Standard Measurement Period (SMP) of December 1st, 2014. The Initial Administrative Period (IAP) will be concurrent with the last month of the Initial Measurement Period (IMP). Lastly, the final "Average hours worked (AHW)" data will determine eligibility for Medical Benefit Plan for the following Initial Stability Period (ISP) which will begin the first day following the completion of 12 months of employment and continue for 12 months regardless of hours worked.

Example of newly hired variable hour tracking: Hire date of January 20th

Initial Measurement period (IMP): January 20th – January 19th

Initial Administrative Period (IAP): December 20th – January 19th

Initial Stability Period (ISP): January 20th – January 19th

Minimum Average Hours Worked (MAHW): If the Employee has worked an average of **30 hours** or more during either applicable Measurement Period (SMP or IMP)

they will be eligible for the Medical Benefit Plan the following applicable Stability Period (ISP or SSP) .

Procedure: We will list and track all Variable hour employees. This data will be used in the applicable Administrative Period (SAP or IAP) to determine Medical Benefit Plan eligibility.

Overlap Note: A new variable hour employee will automatically enter into the Standard Measurement Period following the Initial Measurement Period; thus overlap will occur in the tracking process.

Documentation of offer of Coverage - Even though it is not a requirement, we will document that a timely offer of coverage was made and the specific details of the offer. For employees who decline coverage, we will obtain a signed waiver that the employee is not enrolling in the coverage offered. The waiver will include the employee's acknowledgment that an offer of coverage is being made and that the offer's terms and details are understood. The signed waivers can be used as evidence that valid, timely offers of coverage were made to all required full-time employees (and their dependents).

Application: This procedure applies to the requirements of the Patient Protection and Affordable Care Act, its amendments and implementing regulations only.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 5:54 PM

Lillian R. Divine, City Clerk
