

**COMMON COUNCIL PROCEEDINGS**  
**October 21, 2014**

The meeting was called to order at 5:34 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, Public Works Director Gugino, Clerk, Board of Assessors Mleczko, Building Inspector Zurawski, Director of Development Neratko, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Police Chief Ortolano welcomed Ryan Pakulski, Hans Schober, Andrew Chillemi and Zach Gawronski who are attending tonight's meeting for their Government Class.

Certification of Tuesday October 07, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, October 07, 2014 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Lori Cornell, Southwestern Region Representative for Governor Cuomo, congratulated Dunkirk on its "minority majority" with the Common Council then presented and read a proclamation from the Governor declaring "Hispanic Heritage Month" for all of Southwestern New York.

Walter Rutland, 184 West 2<sup>nd</sup> Street, Dunkirk, thanked Lori Cornell for her presentation and congratulated Mayor Dolce, Police Chief Ortolano, Fire Chief Ahlstrom and Public Works Director Gugino for doing a wonderful job in the City.

Stephen Rees, 433 Dove Street, Dunkirk, read the following statement:

"Two comments and two questions if I may. First, I wanted to take a moment to thank the DLDC and the Creating Healthy Places program for sponsoring the locations and raised beds for local residents to prepare, plant and harvest a variety of vegetables over the course of the recent growing season. Well over a dozen gardeners had occasion to avail themselves of this unique opportunity. I hope that this program can continue and grow in 2015 and subsequent years.

Second, I am very pleased to observe that storm drain lines and receivers have been installed in the lower 500 block of Plover St. and that work has begun to install sidewalks in this area as a prelude to widening and repaving this street. This work appears to be done in accordance with the Complete Streets initiative and the Safe Routes to School program. This work will resolve several issues of long standing in this area.

My first question is in regard to when work will occur on the upper 500 block of Plover St. through the high school parking lot. I recall that Mr. Gugino made mention of coordination between the City and the city school district and I was wondering if that coordination has occurred and if the entire Plover St project be completed at one time this construction season?

My second question concerns where the responsibility lies for pruning or removal of trees located in the verge or boulevard between sidewalks and city streets. Specifically, I refer to five very large silver maple trees on 6<sup>th</sup> street directly across from Dunkirk High School that are in noticeably poor condition with large dead limbs in danger of falling and having potential for injuring passersby. Is this a city responsibility and liability or is it the responsibility and liability of the school district?

Thank you for your time.”

Public Works Director Gugino advised he was not familiar with any issues with the 6<sup>th</sup> Street tree situation and will discern if the responsibility falls with the City or school and explained the construction/completion process for the Plover Street project.

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



## *2015 BUDGET MESSAGE*

*For the Dunkirk Common Council and Dunkirk's Residents, Taxpayers, Industrial & Retail community –*

I hereby present the City of Dunkirk's 2015 Budget. Much time, effort, and thought were put into the compilation of the document before you.

First, I would like to thank the City's Department Heads and all City personnel who expended a great deal of their time and expertise in helping to provide a realistic outlook on the needs of their respective departments *and* the realities of what our residents and taxpayers can afford. I would especially like to thank Fiscal Affairs Officer Rich Halas, City Treasurer Mark Woods, and City Attorney Ron Szot for their constant efforts throughout the process.

Be assured – we will continue to research cost-cutting measures and expand our efforts regionally with the goal of stabilizing our tax- and rate-base moving forward, while ensuring that all essential capital projects are prioritized and completed.

By no means do I consider this a “final” document, but more of a working one that is subject to our City's changing needs. Every Department remains focused on changes that may occur which affect the operations of the City, thereby affecting the City's fiscal condition.

**FUND 1 (General)**

Revenues remained relatively stable from 2014 into 2015. The City is scheduled to incur a revenue reduction of approximately \$50,000 based upon the current NRG PILOT structure.

*Department Items of Note...*

Fiscal Affairs Office has cut their contracted services amount by nearly fifty percent (50%) over the last two years by taking on previously outsourced tasks and handling such critical tasks within the Department.

The City is beginning to realize the savings of making office supply purchases through a central office supply budget line.

A proposed increase to the contingencies line with approximately one-half (50%) ear-marked for three (3) planned International trucks with snow blades as a lease-purchase expense in 2016 (a Fund 1 contribution of \$35,000 as well as strategic use of CHIPS funding).

Increased opportunities in Youth and Recreation programming are offset by league/program fees with the additional possibility of future grant funding through County Youth Board.

All City contributions to our cultural bodies remained steady for 2015.

A reduction of \$25,000 in our HUD repayment is proposed with a subsequent increase in the repayment amount run through our CHIPS program allowing repayment flexibility and an opportunity to increase our already significant focus on upgrading waterlines and road reconstruction in target areas.

The increased DLDC allotment of \$10,000 is the necessary amount for the DLDC to operate and make audit and insurance fee payments.

A savings of approximately \$15,000 in 2015 will be realized through the efforts of Access 12 Coordinator, Mr. William Smock, and a community building partnership with the Dunkirk City School District.

\*One significant appropriations increase of note is tied to the State's Retirement System contribution—between the two designated Fund 1 budget lines the City is slated for an increase of approximately \$85,000.

Through cost-saving measures and numerous department budget line reductions we were able to absorb the \$50,000 PILOT reduction and an \$85,000 Retirement contribution increase within the existing budget parameters—allowing us to present for the 2<sup>nd</sup> consecutive year—

A zero percent (0%) tax increase.

**FUND 2 (Water)**

Two major contributors lead to the following proposed rate increase: significantly lower revenues and additional bond re-payments associated with the 2009 Consent Order (an increase of approximately \$225,000 from the 2014 budget).

In- City ratepayers will see their bills increase approximately \$4 per month and Out-of-City ratepayers are slated for a \$7 per month increase. Every affected ratepayer will share equally in the proposed increase to the minimums on their quarterly bill.

This fund is obviously a point of much consternation; therefore, we will continue to devote much time and effort to researching what future necessary steps are needed to stabilize our rates for industry and consumers.

**FUND 3 (Sewer)**

Increased revenues have allowed the City to significantly increase our contingencies amount. This will be used in conjunction with our long term plan for necessary equipment upgrades.

Also of note – the City increased the Wastewater Fund Administration Fee transfer by \$50,000 in order to more accurately reflect the amount of time and effort expended by non-Fund 3 personnel.

---

Difficult decisions have been made and will continue to be made in order to realistically manage the City's resources as efficiently and as effectively as possible. This spending plan will be our guideline moving forward and one that we will all need to work within to provide the greatest value to City taxpayers and ratepayers.

Sincerely,

---

Anthony J. Dolce, Mayor  
City of Dunkirk, New York

*\*Copies of the proposed 2015 Mayor's budget are made available in the City Clerk's office, at the Dunkirk Free Library and online at [Dunkirktoday.com](http://Dunkirktoday.com)*

2015 Proposed Budget  
City of Dunkirk  
Summary  
Of  
Estimated Revenues, Appropriations, and Real Property Taxes

Totals (By Fund)	Revenues	Appropriations
General	\$ 14,973,797	\$ 14,973,797
Water	\$ 3,255,143	\$ 3,255,143
Waste Water	\$ 4,139,294	\$ 4,139,294
 Total	 \$ 22,368,234	 \$ 22,368,234
 Revenue – Real Property Taxes		 \$ 4,837,477
 Total Assessed Value		 \$ 279,580,626
 Tax Rate/\$1,000 Assessed Valuation		 \$ 17.302619

Councilwoman Szukala made a motion for a Public Hearing on the Mayor's Proposed 2015 Budget to be scheduled on Tuesday, November 4<sup>th</sup> at 5:15 PM. Seconded by Councilman Rivera.

Carried, all voting aye.

Mayor Dolce advised that a copy of his 2015 Proposed Budget is now available online on the City's website and that the Youth Bureau and Boys and Girls Club will be co-hosting a Halloween event at the Boys and Girls Club location with games, costume contest, etc. on Thursday October 30<sup>th</sup> from 3:00 PM until 5:00 PM.

Mayor Dolce advised that the Public Service Commission is having a hearing on the proposed pipeline that is necessary to repower NRG Thursday October 23<sup>rd</sup> at the Fredonia Opera House with two chances for public comment at 3:00 PM and 7:00 PM.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Notice of Claim from Jeffrey Kane for alleged injuries sustained while operating a bicycle on Maple Avenue.

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.

Request from Boys & Girls Club of Northern Chautauqua County in conjunction with the Career Club from Dunkirk High School to host a beach cleanup on October 22<sup>nd</sup> from 3:00 PM until 4:00 PM.

Public Works Director Gugino advised that due to Seawall Construction, Wright Park would not be an ideal location and suggested the use of Point Gratiot.

City Clerk Joiner advised that she would call the Sponsor first thing tomorrow and explain the change of location.

Councilman-at-large Rosas advised a motion was needed to refer to DPW, Police, Fire and Law Departments, contingent on prior proof of appropriate insurance by the sponsor as well as changing the location from Wright Park to Point Gratiot.

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

Carried, all voting aye.

Request from Harvest Chapel Church to use Washington Park on December 6<sup>th</sup> from 2:00 PM until 4:00 PM with an additional hour at each end for set-up and clean up for their "Courtney Street Christmas." Also requesting to set-up tents and bring in a lawn tractor for train rides, and horses for horse and carriage rides and or a petting zoo.

Councilwoman Szukala asked Public Works Director Gugino if he had any concerns regarding the event and use of tractors.

Public Works Director Gugino advised that it is a small tractor and the group does a great job policing the event.

Councilman Gonzalez advised that this event is pretty well attended.

Councilman-at-large Rosas advised a motion was needed to refer to DPW, Police, Fire and Law Departments, contingent on prior proof of appropriate insurance by the sponsor and that all city property is left in the same condition as prior to the event.

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

Carried, all voting aye.

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

Councilman Michalski inquired to City Treasurer Woods as to what would come first in the budget process in regards to raising water rates or approving the budget as "the budget, if it changes at all, it could also change the water rate increase" and stated "I'm going to stress that the water rate increase, and this is in the words of Mr. Gugino at one of our meetings, rates are not the answer. Our only long term answer is increasing the number of users, which is obviously going to come from a north county water district or doing it on our own. Any rate increase is a

short-term solution to a long-term problem. This stresses that again, that we need to increase our number of users and hopefully, we can do that soon.”

City Treasurer Woods advised that Council’s budget review would determine if any changes or adjustments would need to be made that could potentially affect the rate increase and “if you’re approving the budget with that revenue, that revenue is dependent on the rate increase to support it.”

Councilman Rivera advised that he will have a Public Safety Meeting in November and stated he is not comfortable with an increase in water rates and that the City needs to look at other ways to raise revenue such as adding users to the customer base or departmental cuts.

Councilman Gonzalez advised that there is a Personnel Meeting scheduled for November 17<sup>th</sup> at 6:00 PM and inquired to Mayor Dolce if there are any updates to the county-wide water district and what the hold-up is.

Mayor Dolce advised that there is a Water Agency Meeting scheduled for October 30<sup>th</sup> at the Incubator and that progress is slow.

Councilman Gonzalez advised that once rates are increased the probability of them decreasing is less likely, stated “It kind of hurts that we have to raise the rates right now but it’s something that needs to be done” and inquired to Public Works Director Gugino as to the last time the fire hydrants have been totally flushed.

Public Works Director Gugino advised that it has been approximately 3-4 years due to lack of manpower in the Water Maintenance Department but, with over 60 water main breaks this year within the city, is confident that the lines were all flushed.

Councilwoman Szukala inquired to Mayor Dolce about what can be done now that the SUNY 20/20 Grant was denied as well as if any progress has been made in Union negotiations and advised that the Public Works Meeting scheduled for October 27<sup>th</sup> has been cancelled and will be rescheduled for November 17<sup>th</sup> at 5:00 PM.

Mayor Dolce advised that he has discussed this with Chuck Cornell from the Technology Incubator and Kevin Kerns from Fredonia College, will be looking into other avenues such as Empire State Development and has had discussions with all 3 of the Unions but has nothing that he can comment on at this time.

Councilman Rivera thanked Public Works Director Gugino and City Engineer Woodbury for their hard work in getting the 500 block of Plover Street near completion as this was a sore subject for him, is proud that all the work will be completed while he is in office and apologized for the inconvenience to the residents on West Green Street who had brown water.

Councilman-at-large Rosas inquired to Public Works Director Gugino about the rules and regulations for flushing the fire hydrants.

Public Works Director Gugino advised that he will have to pull out the regulations for himself and Councilman-at-large Rosas to review as he does not have them memorized.

Councilman-at-large Rosas advised that he had his Economic Development meeting on Monday and asked Director of Development Neratko to explain a potential STEL project that was discussed.

Director of Development Neratko spoke in regards to details from the previous day's Economic Development Meeting.

Police Chief Ortolano advised that a press release will be coming out for Halloween and alternate parking regulations.

Director of Development Neratko advised that 2015 CDBG planning process is underway, a Public Hearing is scheduled for November 3<sup>rd</sup> at 12:00 PM in the Mayor's Conference Room, applications will be released at that time and that on Thursday October 23<sup>rd</sup> at 4:00 PM the Incubator will be hosting an open house.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #88-2014**  
**OCTOBER 21, 2014**

**BY: COUNCILMAN RIVERA AND COUNCILWOMAN SZUKULA**

**AWARDING BID FOR CONSENT ORDER CONTRACT 4-2014 FOR  
DEMOLITION AND REMOVAL OF OLD EXISTING WILLOWBROOK  
AVENUE ELEVATED WATER STORAGE TANK**

**WHEREAS**, following published Legal Notice, seven (7) sealed bids for Consent Order Contract 4-2014, for demolition and removal of the old existing Willowbrook Avenue elevated water storage tank, were received and opened at 2:00 p.m. on October 14, 2014, and

**WHEREAS**, Director of Public Works Gugino has reviewed the bids and finds the low bid of Fifty-Four Thousand Four Hundred Eighty Dollars and Zero Cents (\$54,480.00), to be from a responsible bidder, and in accord with specifications prepared by the consulting engineer, and

**WHEREAS**, Director of Public Works Gugino recommends awarding the bid quickly so the structurally unsound old existing Willowbrook Avenue elevated storage tank can be demolished and removed this construction season, now therefore, be it

**RESOLVED**, that the following low bid be accepted for Consent Order Contract 4-2014 for demolition and removal of old existing Willowbrook Avenue elevated water storage tank:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Wargo Enterprises, Inc. 5055 Havens Road Akron, NY 14001	Demolish and Remove Old Existing Willowbrook Tank per contract specifications	\$54,480.00

and, be it further

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with Wargo Enterprises, Inc., 5055 Havens Road, Akron, NY 14001, for the described consent-order work to be paid from funding line 015-8320-5043-8068, and, be it finally

**RESOLVED**, 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.

Councilman Michalski inquired to Public Works Director Gugino if the cost is contingent on the net of scrap.

Public Works Director Gugino advised that the listed amount includes scrap.

Councilwoman Szukala asked Public Works Director Gugino if there was a time frame for completion, who will be responsible to clean up the area and what the original budget was.

Public Works Director Gugino advised that after Council passes this Resolution approval will be given to the contractors to start, should be a relatively quick process, any remediation to the area is their responsibility, and this was originally budgeted at \$100,000 but with seven bidders the City will realize a costs savings of approximately \$46,000.

Councilman-at-large Rosas inquired to Public Works Director Gugino if this bid included all costs associated with the project, including engineering.

Public Works Director Gugino advised that any professional services contracted are included with this resolution or have already been paid for previously.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:13 PM**

**Nicole Joiner, City Clerk**

\*\*\*\*\*