

COMMON COUNCIL PROCEEDINGS
October 6, 2015

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

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilman-at-large Rosas.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, CDBG Administrator Gawronski, Recreation Program Coordinator Gornikiewicz and Police Chief Ortolano.

Councilman-at-large Rosas excused Fire Chief Edwards from tonight's meeting.

Certification of September 15, 2015 meeting was read by City Clerk Joiner.

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

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

Carried, all voting aye.

PUBLIC COMMENTS:

Councilman-at-large Rosas reminded everyone that comments during privilege of the floor should pertain to this evening's agenda only.

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Dolce thanked everyone for their patience and the coordinated responses between all city departments and agencies involved regarding last week's Coburn Block Building collapse and read the following statement from Fire Chief Edwards who could not attend tonight's meeting:

"I would just like to recognize the well-coordinated response from the city departments at last week's building collapse. Departments including Police, D.P.W. and Fire worked together efficiently to make sure all the well-being of any occupants, evacuation of the area and adjoining buildings as well as securing the area. Special recognition should be given to Police Chief Ortolano, DPW Director Anthony Gugino, Building Inspector Allan Zurawski and Streets Supervisor Mike Porpiglia who were on scene immediately and dealt accordingly with the tasks at hand.

Outside agencies that were key to assisting with planning and coordination of the well-being and shelter of the displaced residents were as follows: Chautauqua County Emergency Coordinator Services under the direction of Julius Leone, Coordinator and Anthony Faso, First

Battalion Coordinator, The American Red Cross and First Student Bus Company. The entire Fredonia State team that assisted with housing and cold storage under the direction of their President.”

Mayor Dolce announced he issued a proclamation on behalf of the city today to Dan Palmer congratulating him on his 40 years of service in broadcasting.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Revitalize Dunkirk to hold a voluntary cleanup on Central Avenue between Fifth Street and the City Pier (excluding two blocks affected by Coburn Building collapse) on Saturday, October 17th (Rain date October 24th) from 8:30 AM until 11:30 PM.

Department of Public Works Director Gugino advised an NRG Rally is scheduled to take place that day on the City Pier at 10:30 AM.

Councilman Michalski suggested the group reverse their order of clean up and begin at the City Pier, before the Rally is to take place.

Councilman-at-large Rosas advised a motion to approve contingent on each participant executing a waiver/indemnification form.

Councilman Rivera moved to approve this petition. Seconded by Councilman Michalski.

Carried, all voting aye.

Request from Harvest Chapel Church to use Washington Park on December 5th 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 a petting zoo.

Councilman Rivera advised he has concerns regarding noise ordinances from groups who request to use Washington Park and asked does the city have the proper equipment to measure noise decibels.

Police Chief Ortolano advised the city has the proper equipment to measure decibel noise, loudspeaker applications are normally approved the same time the group’s request to use the Park is approved; he received a complaint letter today from an individual who resides in that area regarding the constant noise in the park by these groups and suggested that council may want to reconsider the length of time allowed (two or four hours) and or a time limit cut-off on the application. Police Chief Ortolano advised he was working the evening this particular group was in the park and stated that although the group had the proper loudspeaker permit, they were loud.

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

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

Carried, all voting aye.

Request from Stephen O'Brien, Principal, Dunkirk Senior High School requesting 3 police officers on October 10th from 7:45 PM until 11:15 PM for their Homecoming Dance.

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

Councilman Michalski motioned to refer this petition to the PBA. Seconded by Councilman Rivera.

Carried, all voting aye.

Notice of Summons from Jeffrey Kane.

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

Councilman Rivera moved to refer this to the Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski asked when Central Avenue will be reopened, who is responsible for the cleanup of Central Avenue and confirmed that this is private property, not city owned property.

Building Inspector Zurawski advised there is no exact date as to the reopening of Central Avenue, there is process involved, proposals will be received tomorrow regarding the demolition and engineering and Chautauqua Rural Ministry is responsible for any and all expenses associated with the demolition and cleanup.

Councilman Rivera inquired about Resolution #72-2015 on tonight's agenda and asked will the demolition of these properties occur by the end of this calendar year.

Building Inspector Zurawski advised the city has a schedule, stated we are trying to stay on this schedule and is hoping these homes will be demolished by the end of this year.

Councilman Gonzalez advised area behind the Coburn Block Building does not look structurally sound and inquired about the status.

Building Inspector Zurawski advised that needs to be looked at by private structural engineer.

Councilman Gonzalez announced the Personnel Committee held its meeting prior to tonight's council meeting, Camp Gross as well as city personnel issues were discussed.

Councilwoman Szukala asked Department of Public Works Director Gugino for an update on the camera installation on Lucas Avenue and inquired who will monitor these cameras.

Department of Public Works Director Gugino advised half of the cameras have been installed, the remaining half should be installed within the next week; individuals have been

caught illegally dumping items at the barns and the city is seeking to prosecute these individuals. Department of Public Works Director Gugino further advised a coordinated effort between himself, the Streets Department Supervisor and the Chief of Police will be in place regarding the monitoring of these cameras.

Councilwoman Szukala asked for information regarding the SUNY Fredonia 20/20 grant round three, formation of a LLC regarding the parcel in question and what happens with this potential grant should the city be awarded it and that parcel is no longer available. Councilwoman Szukala asked is there a timeframe associated with the awarding of this grant.

Mayor Dolce advised the city has completed its contribution to this grant application a while back, and stated there are additional potential properties within the city that would qualify for this grant if the parcel in question is no longer available. Mayor Dolce advised he has spoken recently with Tim Kearns and stated no timeframe has been announced regarding the awarding of this grant.

Councilman-at-large Rosas asked Mayor Dolce for an update regarding the cleanup of the Coburn Building on Central Avenue and what is the delay.

Mayor Dolce asked Building Inspector Zurawski to explain since he has been working on this matter.

Building Inspector Zurawski advised the building needs to be stabilized and proper permits need to be issued before demolish can begin, this process takes time, this is within the normal timeline and the city wants to make sure everything is done correctly.

Councilman-at-large Rosas asked is there a timetable regarding the completion of this cleanup and advised he has spoken with Wally Gotowka and stated they are accepting bid proposals.

Building Inspector Zurawski advised there is no timetable, but it will be soon, once demolition begins it should only take a few days to complete and stated he has seen contractors at the site accessing the building for potential bid proposals.

Councilman-at-large Rosas asked for an update on the Waste Water Treatment Plant trainees and Seventh Street Repaving Project.

Department of Public Works Director Gugino advised the city currently has three operators and a few trainees, the city is in a difficult situation with such low number of operators and that he, the Mayor and Personnel Administrator Heyden recently met regarding this. DPW Director Gugino further advised the trainee process to become an operator is a long process, ranging anywhere from two to five years and the city is so short staffed due to retirements and several individuals out due to injury. Director of Public Works Director Gugino advised the blacktop on the Seventh Street Paving Project should be completed within a week.

Councilman-at-large Rosas advised a North County Water District Meeting was held yesterday, council was pleased with the presentation and meeting and stated council is in agreement and wants to push forward with it.

Police Chief Ortolano reiterated the comments by Fire Chief Edwards and Mayor Dolce regarding the Coburn Building collapse and commended everyone for their work, especially Kathy Peterson and her staff at Rural Ministry as they have been very cooperative with the city.

Department of Public Works Director Gugino stated he was proud of everyone at the Dunkirk Senior Center especially Barb Bajdas, Patty Pleszewski, and Joe Meyer who immediately opened their doors to the families who were displaced and also commended and thanked Ann Burns and David Herman from SUNY Fredonia for their work in taking in displaced families.

Councilman-at-large Rosas announced a rally for NRG will be held on October 17th at the City Pier and encouraged everyone to attend.

Councilman-at-large Rosas read the following statement from Fire Chief Edwards:

“The Dunkirk Fire Department would like to announce that the City of Dunkirk will hold its first annual city wide fire drill on Wednesday, October 14th from 6:00 PM until 7:30 PM. During this drill we encourage all city residents to check their smoke alarm, make a home fire escape plan and then practice this plan by having a home fire drill. Fire apparatus will be in the neighborhoods to answer any questions residents may have, as always residents can also call Fire headquarters at 366-2577 for answers to any fire safety questions.”

PRE-FILED RESOLUTIONS:

RESOLUTION #70-2015
OCTOBER 6, 2015

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Saturday, October 31, 2015, shall be from 3:00 P.M. to 8:00 P.M.

Councilwoman Szukala advised comments have been placed on the city's website regarding this year's hours; hours in the past were normally set from 4:00 PM until 8:00 PM, however, with Halloween falling on Saturday this year, council has decided to extend the hours by one hour. Councilwoman Szukala stated we know we cannot please everyone, but these are the hours council has decided on for this year.

Carried, all voting aye.

RESOLUTION #71-2015
OCTOBER 6, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZE AGREEMENT FOR UTILITY EXPENSE REDUCTION SERVICES
(Troy & Banks, Inc.)**

WHEREAS, it is in the best interests of the City to conduct a review, audit and analysis of the City's utility service accounts for the purpose of securing refunds, credits and cost reductions; and

WHEREAS, it is appropriate to engage the services of an independent firm to undertake such requisite review, audit and analysis; and

WHEREAS, the City has reviewed a proposal from an independent firm to conduct such review, audit and analysis; and

WHEREAS, after reviewing such proposals, it has been determined that **Troy & Banks, Inc.**, has the requisite knowledge, training and expertise to provide such services in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a contract with **Troy & Banks, Inc.**, 2216 Kensington Avenue, Buffalo New York 14226, to provide certain expense reduction services, including but not necessarily limited to, conducting a review, audit and analysis of the City's utility service accounts for the purpose of securing refunds, credits and cost reductions, with such services compensated by a percentage payment upon refunds, credits or rebate obtained by Troy & Banks, Inc.

Councilwoman Szukala asked Fiscal Affairs Officer Halas to explain this Resolution.

Fiscal Affairs Officer Halas advised this company specializes in reviewing utility bills and franchise agreements for municipalities and large corporations, ensuring them that all taxes and credits are properly applied to their accounts; there is no fee to the city for this service, unless they recover funds for the city, then they receive a percentage of what is recovered. Fiscal Affairs Officer Halas further advised he researched this company and stated they have a good history.

Carried, all voting aye.

RESOLUTION #72-2015
OCTOBER 6, 2015

BY: THE ENTIRE COUNCIL

**AWARDING BID FOR ASBESTOS SURVEY
(Various Parcels)**

WHEREAS, the City of Dunkirk in 2014, entered into a Contract with the Chautauqua County Land Bank to demolish structures in the City; and

WHEREAS, an asbestos survey is needed to be conducted and submitted for certain properties located at: 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain)

(79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22), which are listed for demolition; and

WHEREAS, following published Legal Notice, sealed bids for the asbestos abatement of 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain) (79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22), were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 A.M. on September 28, 2015, with one (1) bid being received for asbestos abatement; now, therefore, be it

RESOLVED, that upon review and recommendation of the Building Inspector, the lowest responsible bid of **Envoy Environmental Consultants, Inc., 57 Ambrose Street, Rochester, New York 14608**, in the amount of Seventeen Thousand Dollars and Zero Cents (\$17,000.00), be and hereby is accepted for asbestos removal for 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain) (79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22); and, be it further

RESOLVED, that – after the contractor provides satisfactory insurance certificates to the City Law Department, and the contractor provides performance bond and payment bonds, which are reviewed and approved, and the contractor shows compliance with the MWBE procedures – the Mayor is hereby authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor for the asbestos removal of the said structures; and, that the City Clerk is hereby authorized to return the bid deposits of the bidders, after contract execution or non-awarded bid, in accordance with the contract specifications, and that the City Clerk shall return unaccepted and unsealed, any and all bids, received after the date and time of the published bid opening; and, be it finally

RESOLVED, that the following funds are to be utilized for such asbestos removal:

071.8000.4000.0562 - CDBG	\$ 7,590.00
072.8000.4000.0662 - CDBG	\$ 3,910.00
LANDBANK FUNDS	\$ 5,500.00

Councilman-at-large Rosas advised there is a typo in this Resolution and the word "abatement" and "removal" should be changed to "survey".

RESOLUTION #72-2015
OCTOBER 6, 2015

BY: THE ENTIRE COUNCIL

AWARDING BID FOR ASBESTOS SURVEY
(Various Parcels)

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WHEREAS, an asbestos survey is needed to be conducted and submitted for certain properties located at: 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain) (79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22), which are listed for demolition; and

WHEREAS, following published Legal Notice, sealed bids for the asbestos survey of 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain) (79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22), were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 A.M. on September 28, 2015, with one (1) bid being received for asbestos survey; now, therefore, be it

RESOLVED, that upon review and recommendation of the Building Inspector, the lowest responsible bid of **Envoy Environmental Consultants, Inc., 57 Ambrose Street, Rochester, New York 14608**, in the amount of Seventeen Thousand Dollars and Zero Cents (\$17,000.00), be and hereby is accepted for asbestos survey for 31 N. Pangolin Street (79.12-1-6), 630-632 Grant Avenue (79.19-5-24), 215 Leopard Street (79.57-1-31), 707 Main Street (Garage to remain) (79.19-6-36), 75 W. Doughty Street (79.20-8-73), 208 Antelope Street (79.11-6-25), and 60 E. Seventh Street (79.19-7-22); and, be it further

RESOLVED, that – after the contractor provides satisfactory insurance certificates to the City Law Department, and the contractor provides performance bond and payment bonds, which are reviewed and approved, and the contractor shows compliance with the MWBE procedures – the Mayor is hereby authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor for the asbestos survey of the said structures; and, that the City Clerk is hereby authorized to return the bid deposits of the bidders, after contract execution or non-awarded bid, in accordance with the contract specifications, and that the City Clerk shall return unaccepted and unsealed, any and all bids, received after the date and time of the published bid opening; and, be it finally

RESOLVED, that the following funds are to be utilized for such asbestos survey:

071.8000.4000.0562 - CDBG	\$ 7,590.00
072.8000.4000.0662 - CDBG	\$ 3,910.00
LANDBANK FUNDS	\$ 5,500.00

Vote on Resolution as corrected:

Carried, all voting aye.

RESOLUTION #73 -2015
OCTOBER 6, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZING BUDGET MODIFICATIONS
(October 2015)**

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2015, ending December 31, 2015; now, therefore, be it

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

FUND 1

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.5110.1010	Maint of Streets	Pers Svc – Part Time	\$ 2,000.00
001.7110.1010	Parks Division	Pers Svc – Part Time	(\$2,000.00)
001.5110.4003	Maint of Streets	Other Supplies	\$ 300.00
001.5110.4023	Maint of Streets	Rep & Maint Vehicles	\$ 500.00
001.5110.1001	Maint of Streets	Overtime	(\$ 800.00)
001.5110.4054	Maint of Streets	Sidewalks & Intersections	\$ 2,000.00
001.5110.4016	Maint of Streets	Electrical Supplies	(\$1,000.00)
001.5110.4056	Maint of Streets	Infrastructure Repairs	(\$1,000.00)
001.7110.2000	Parks Division	Equipment	\$ 1,500.00
001.7110.1000	Parks division	Personal Services	(\$1,500.00)
001.7110.4002	Parks Division	Supplies	\$ 700.00
001.7110.1001	Parks Division	Overtime	(\$ 700.00)
001.7110.4023	Parks Division	Repair & Maint Vehicles	\$ 3,000.00
001.8160.1000	Ref & Garbage Coll	Personal Services	(\$3,000.00)
001.8120.4003	Sanitary Sewer	Supplies	\$ 3,000.00
001.8120.4036	Sanitary Sewer	Contracted Services	\$ 150.00
001.8160.1000	Ref & Garbage Coll	Personal Services	(\$3,150.00)
001.8160.4015	Ref & Garbage Coll	Chemical	\$ 100.00
001.8160.1001	Ref & Garbage Coll	Overtime	(\$ 100.00)
001.8560.1000	Tree Trimming & Rem	Personal Services	\$ 3,000.00
001.8160.1000	Ref & Garbage Coll	Personal Services	(\$3,000.00)
001.7140.4003	Rec Department	Supplies, Maint Rec Ctr	\$ 1,850.00
001.7140.4165	Rec Department	Midget League Football	(\$1,850.00)

FUND 2

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8340.1001	Water Dist Services	Overtime	\$ 2,000.00

002.8340.2000	Water Dist Services	Equipment	\$ 3,000.00
002.8340.4011	Water Dist Services	Telephone	\$ 300.00
002.8340.4023	Water Dist Services	Rep & Maint Vehicles	\$ 6,000.00
002.8340.4150	Water Dist Services	Rent/Lease	(\$11,300.00)
002.8340.4125	Water Dist Services	Water Main Maint	\$50,000.00
002.1900.1991	General Services	Capital Replace Proj	(\$5,000.00)
002.1900.1990	General Services	Contingencies Allow	(\$11,787.00)
002.8320.4115	Water Pur & Pumping	Sewer Fees	(\$33,213.00)

FUND 3

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8110.4037	Wastewater Admin	Permit Fee	\$ 500.00
003.8130.4021	Wastewater Treatment	Repair/Maintenance	\$ 3,000.00
003.8130.4022	Wastewater Treatment	Repair to Equipment	\$ 5,000.00
003.1900.1990	General Services	Contingencies Allowance	(\$8,500.00)

Councilwoman Szukala asked for an explanation regarding the \$33,000.00 transfer in Fund II (Sewer Fees).

Fiscal Affairs Officer Halas proceeded to explain the transfer and stated it is needed due to all the water main breaks in the city.

Councilwoman Szukala asked how much is left in contingencies after the transfer.

Department of Public Works Director Gugino stated there is nothing left in contingencies after this transfer.

Fiscal Affairs Officer Halas advised Fund II will be fully depleted; Fund III balance is low and expects those funds to be expended.

Department of Public Works Director Gugino advised Sewer Fees are currently running 20 percent below budget.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:06 PM

Nicole Joiner, City Clerk
