

**PUBLIC HEARING  
November 5, 2012**

The public hearing was called to order at 5:00 PM by Councilwoman-at-large Kiyak.

Present: Councilmen Michalski, Rivera, Councilwoman Szukala, Councilwoman-at-large Kiyak.

Also Present: Mayor Dolce, City Attorney Szot, City Clerk Lawrence, Clerk Tarnowski, Police Chief Ortolano, Clerk, Board of Assessors Mleczko and City Treasurer Woods.

Notice of Public Hearing was read by Councilwoman-at-large Kiyak.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Mayor Dolce's Proposed 2013 City Budget:

**PUBLIC COMMENTS:**

Thomas Taylor, 223 Temple Street, Dunkirk, NY had concerns regarding the proposed water rate increases, advised the city should charge according to gallons used and stated this increase will create a hardship for senior citizens and individuals on a fixed income. Mr Taylor asked the council to reevaluate the budget to see if other expenses can be cut.

**Public Hearing closed at 5:04PM**

**Lacy Lawrence, City Clerk**

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**PUBLIC HEARING  
November 5, 2012**

Councilwoman-at-large Kiyak called the Public Hearing to order at 5:20 PM.

Present: Councilmen Michalski, Rivera, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Also Present: Mayor Dolce, City Attorney Szot, Fire Chief Ahlstrom, Clerk, Board of Assessors Mleczko, City Treasurer Woods, Police Chief Ortolano, Public Works Director Gugino, Fiscal Affairs Officer Briggs, City Clerk Lawrence and Clerk Tarnowski.

Notice of Public Hearing was ready by Councilwoman-at-large Kiyak.

Public Hearing was held for the purpose of giving interested persons and opportunity to comment on proposed Local Law #1-2012 amending Chapter 31, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled: "Rate Structure".

**PUBLIC COMMENTS:**

James Muscato, 280 Lake Shore Drive West, Dunkirk, NY asked how the city determined the proposed water rate increase figure.

Councilwoman-at-large Kiyak advised Mr. Muscato this public hearing is solely for the purpose of public comments, not for questions; if he had any questions regarding the water rate structure he should submit them in writing to the City Clerk’s Office and his questions will be answered.

Thomas Taylor, 223 Temple Street, Dunkirk, NY advised he is objecting to the water rate increase and does not think a lot of and planning and thinking was put into this proposal by our city officials. Mr. Taylor advised council should consider how this increase will affect senior citizens and individuals on fixed incomes and the city should look into billing per gallon. Mr. Taylor stated there are less than 12,000 people in the city, if the city continues to raise rates it will lose its base and the city council will lose public support. Mr. Taylor asked council to look at this proposal carefully.

**Public Hearing adjourned at 5:24PM**

**Lacy Lawrence, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
November 5, 2012**

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

Present: Councilmen Michalski, Rivera, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Councilwoman-at-large Kiyak advised Councilman Gonzalez is absent.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Briggs, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Absent: Director of Development Neratko.

Certification of October 16, 2012 meeting was read by City Clerk Lawrence.

**RESOLVED:** That the reading of the minutes of Tuesday, October 16, 2012 be dispensed with.

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

Carried, all voting aye.

Councilwoman-at-large Kiyak advised Councilman Gonzalez is now present at tonight’s meeting.

Councilman Gonzalez apologized for arriving late to tonight's meeting.

**PUBLIC COMMENTS:**

James Muscato, 280 Lake Shore Drive West, Dunkirk, NY asked how the city determined the proposed water rate increase figure.

Mayor Dolce advised Mr. Muscato he will discuss this during his portion of tonight's meeting.

Thomas Taylor, 223 Temple Street, Dunkirk, NY spoke in regard to a recent listing in the Observer regarding city employee's salaries and asked why are wages in the fire department increasing when jobs in that department are being eliminated through retirement.

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

Communication from Mayor Dolce appointing Margie Dye from Lake Shore Savings to the Dunkirk Local Development Corporation (DLDC) effective November 5, 2012 and will expire February 20, 2014.

Received and filed.

Mayor Dolce thanked Tom Taylor and Jim Muscato for their questions regarding the water rates and advised much time and effort was put into arriving at these figures. Mayor Dolce proceeded to explain the formula the city used to determine the water rate increase and explained this is to cover a 17 million dollar consent order. Mayor Dolce advised the city is still looking to receive EFC financing which could result in rolling back rates in the second year.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from John T. Murray VFW Post #1017 requesting to use the corner of Central Avenue and Fourth Street on November 10<sup>th</sup> and November 11<sup>th</sup> from 10:00 AM until 2:00 PM for their "Annual Poppy Drive".

Councilwoman-at-large Kiyak advised a motion to approve was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department contingent upon liability insurance.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from St. Elizabeth & Seton Catholic Youth Organization requesting to use the corners of Central Avenue and Fourth Street, Central Avenue and Fifth Street and Doughty Street near Route 60 on November 24<sup>th</sup> from 10:00 AM until 1:00 PM for their annual "Fill the Stocking" drive.

Councilwoman Szukala advised the group should be notified to stand near the Fire Hall away from Route 60.

Department of Public Works Director Gugino advised this has always been a concern; we want to keep volunteers off Route 60.

Councilwoman-at-large Kiyak advised a motion to approve was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department contingent upon liability insurance.

Councilman Michalski moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Harvest Chapel Church requesting permission to use Washington Park on December 8, 2012 from 2:00 PM until 4:00 PM with an additional hour on each end for set-up and clean up for their "Courtney Street Christmas." Also requesting permission to erect tents and bring a lawn tractor for train rides and horses for horse and carriage rides and or a petting zoo.

Councilwoman Szukala advised this is a wonderful event, the group is requesting a lot and asked Department of Public Works Director Gugino about the tractor and horse request should the park lawn be wet and muddy. Councilwoman Szukala asked will they need porta potties and if so who is responsible for providing that service.

Department of Public Works Director Gugino advised he has spoken with Police Chief Ortolano and they both have concerns regarding this event such as what type of tractor (lawn versus farm), who will be responsible for cleaning up after the horses, do they need electricity and do they want portions of the streets blocked off.

Councilwoman Szukala asked DPW Director Gugino if this petition should be pulled from tonight's agenda until we receive more information from Harvest Chapel Church.

DPW Gugino advised this petition should be pulled for further information and stated he is willing to talk to the group regarding their needs.

Police Chief Ortolano advised he and DPW Director Gugino are supportive of this event however the city needs more information from this group.

Councilman Gonzalez advised he is supportive of this function but the city needs more information.

Councilwoman-at-large Kiyak advised this petition is being pulled tonight and the City Clerk's Office will notify this group to contact DPW Director Gugino.

**Petition Pulled.**

Petition from the Town of Pomfret for water service at the corner of Division and Fifth Streets in van Buren for the Soch residence.

Received and Filed.

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

Councilman Michalski advised October concluded the third year of the Rising Star Program and to date \$1,800.00 has gone back into the community from sponsors. Councilman Michalski thanked The Home Depot, Service Hardware, Bargain Outlet and ADD Lumber and thanked the Observer and Gib Snyder for placing the winner's photograph in the newspaper. Councilman Michalski thanked Al Zurawski's department for referrals of individuals who have made home improvements and the Planning Board and stated the program had the highest total of applications this year.

Councilman Michalski advised tomorrow is Election Day and reminded residents to exercise their right to vote and stated many people have died and sacrificed for this right, do not let their efforts be in vain.

Councilman Rivera advised the next Personnel Meeting will be held on Tuesday, November 27<sup>th</sup> at 10:00 AM in the Mayor's Conference Room.

Councilman Rivera reminded residents tomorrow is Election Day and to exercise your right to vote.

Councilman Rivera thanked Tom Taylor and Jim Muscato for expressing their concerns regarding the water rate increases.

Councilman Gonzalez advised the next Public Works Meeting will be held on Tuesday, November 13<sup>th</sup> at 11:00 AM in the Conference Room; they will continue to discuss what this board can do to address properties on Main Street.

Councilman Gonzalez thanked Police Chief Ortolano for the quick apprehension of two individuals responsible for bullying Miguel Gonzalez.

Councilwoman Szukala advised the next Public Safety Meeting will be held on Tuesday, November 13<sup>th</sup> at 10:00 AM in the Conference Room.

Councilwoman Szukala asked Department of Public Works Director Gugino if tree limbs and branches can be placed in the same pile as leaves.

Department of Public Works Director Gugino advised the leaf pickup program began today and is strictly for leaves (bagged or loose); residents should not place brush items with their leaves. Residents needing brush items picked up should call the city barns at 366-4411 and leave a message on their answering machine (name, address and phone number).

Councilwoman Szukala responded to Tom Taylor's remark regarding the fire department and advised there is mandatory staffing (5 firefighters per shift/365 days per year) which resulted in additional overtime. Councilwoman Szukala advised the council can not change this at this time and stated the overtime payout is less expensive to the city than the costs associated with hiring an additional firefighter.

Councilwoman-at-large Kiyak advised there will be two Budget Meetings in November, the first meeting will be held tomorrow, November 6<sup>th</sup> from 9:00 AM until 2:00 PM in the Mayor's Conference Room and the second meeting will be held Thursday, November 8<sup>th</sup> from 9:00 AM until 12:00 PM in the Department of Developments Conference Room.

Councilwoman-at-large Kiyak advised residents City Hall will be closed on November 12<sup>th</sup> in observance of Veterans’ Day.

Councilwoman-at-large Kiyak advised the next Economic and Development Committee Meeting will be held on Tuesday, November 27<sup>th</sup> at 11:00 AM in the Conference Room and the Dunkirk Citizens’ Dialogue Committee Meeting will also be held on Tuesday, November 27<sup>th</sup> at 6:00 PM in the Conference Room.

Fire Chief Ahlstrom spoke in regard to a recent article submitted to the Observer by Councilwoman-at-large Kiyak regarding the Fire Department and read the following from her submitted letter:

“Let’s talk about the union contracts negotiated by the previous mayor. For example the firemen’s contract – you know, the one that the Observer has said more than once was a very good deal (and yes, it was and still is – for the firemen). As of Friday’s budget meeting, Chief Ahlstrom told Council members that we should be close to \$160,000.00 in overtime for 2012 for his department alone by years end - I will let that number sink in.”

Fire Chief Ahlstrom advised his department will be close to \$160,000.00 in overtime by years end and stated there were numbers mentioned at the meeting that were not mentioned in this article. Fire Chief Ahlstrom proceeded to explain the firemen’s current contract and stated the firemen took a zero percent pay raise in 2012 and 2013; pay 10 percent of their health insurance costs, agreed to join the Labor-Management Health Care Fund (a coalition of unions in Western New York that would dramatically control the increased cost in health insurance for the City of Dunkirk) and agreed to reduce the number of firefighters from 26 to 24 members. Fire Chief Ahlstrom continued to explain the savings to the city due to the early retirement of two firefighters and the income his department has generated through the ambulance service.

Police Chief Ortolano advised resident’s winter parking rules went into effect this past Sunday; his department will be issuing courtesy tags for a few days and will then begin issuing tickets to anyone in violation of the parking ordinances.

**UNFINISHED BUSINESS:**

**RESOLUTION #83-2012**  
**OCTOBER 16, 2012**

**BY THE ENTIRE COUNCIL:**

**INTRO NO. 1 TO LOCAL LAW NO. 1-2012**  
**CITY OF DUNKIRK**

**A LOCAL LAW TO AMEND CHAPTER 31, ARTICLE III, WATER RATE SCHEDULE**  
**SECTION 31-19**  
**OF THE DUNKIRK CITY CODE**  
**ENTITLED “RATE STRUCTURE”**

**BE IT ENACTED** by the City Council of the City of Dunkirk, New York, as follows:

**Section 1    Intent.**

It is the intent of this Local Law to amend Chapter 31, Article III, Section 31-19 "Rate Structure" to amend the Quarterly and Monthly Water Rates, in order to generate income necessary to retire the capital debt incurred as a result of the construction and improvements necessitated by compliance with certain regulatory agency mandates arising out of a Consent Order (October 2009) between the City of Dunkirk and the Chautauqua County Department of Health.

**Section 2    Amendment of City Code.**

Chapter 31, Article III, Section 31-19 of the Dunkirk City Code is hereby amended as follows:

**ARTICLE III**

**Water Rate Schedule**  
**[Adopted 6-18-1992 as L.L. #6-1992]**

**§ 31-19.    Rate structure.**

The following constitutes the rate structure for water services provided by the City of Dunkirk.

**DELETE**

**EFFECTIVE FOR THOSE ACCOUNTS BILLED ON A QUARTERLY BASIS, THE FOLLOWING RATES WILL TAKE EFFECT NOVEMBER 1, 2009 AND WILL BE FULLY REFLECTED IN THE THREE (3) MONTH BILLING CYCLE ENDING JANUARY 31, 2010. [Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009]**

<b>QUARTERLY</b>
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	<b><u>CITY RATE</u></b>	<b><u>SUBURBAN RATE</u></b>
Minimum up to 5,000 gallons	<b>\$22.50</b>	<b>\$39.38</b>
Next 15,000 gallons	<b>\$ 3.14</b> per 1,000 gal.	<b>\$ 5.50</b> per 1,000 gal.
Next 180,000 gallons	<b>\$ 2.44</b> per 1,000 gal.	<b>\$ 4.27</b> per 1,000 gal.
Next 11,800,000 gallons	<b>\$ 2.27</b> per 1,000 gal.	<b>\$ 3.97</b> per 1,000 gal.
All over 12,000,000 gallons	<b>\$ 1.27</b> per 1,000 gal.	<b>\$ 2.22</b> per 1,000 gal.

and **DELETE**

<b>MONTHLY</b>
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	<b><u>CITY RATE</u></b>	<b><u>SUBURBAN RATE</u></b>
Minimum up to 2,000 gallons	<b>\$ 7.50</b>	<b>\$13.13</b>

Next 5,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 60,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
Next 3,933,000 gallons	\$ 2.27 per 1,000 gal.	\$ 3.97 per 1,000 gal.
All over 4,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

**ADD****EFFECTIVE JANUARY 1, 2013**

**FOR ACCOUNTS BILLED QUARTERLY** (fully-reflected in the three-month billing cycle ending March 31, 2013):

<b>QUARTERLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	<b>\$33.75</b>	<b>\$59.07</b>
Next 15,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

**and ADD**

**FOR ACCOUNTS BILLED MONTHLY** (fully-reflected in the one-month billing cycle ending January 31, 2013):

<b>MONTHLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	<b>\$11.25</b>	<b>\$19.69</b>
Next 5,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

**EFFECTIVE JANUARY 1, 2014**

**FOR ACCOUNTS BILLED QUARTERLY** (fully-reflected in the three-month billing cycle ending March 31, 2014):

<b>QUARTERLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	<b>\$45.00</b>	<b>\$78.75</b>
Next 15,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

and ADD

**FOR ACCOUNTS BILLED MONTHLY** (fully-reflected in the one-month billing cycle ending January 31, 2014):

<b>MONTHLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	<b>\$15.00</b>	<b>\$26.25</b>
Next 5,000 gallons	\$ 3.14 per 1,000 gal.	\$ 5.50 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.44 per 1,000 gal.	\$ 4.27 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.27 per 1,000 gal.	\$ 2.22 per 1,000 gal.

**Section 3      Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilwoman-at-large Kiyak advised she needs a motion to remove this Resolution from the table.

Councilwoman Szukala moved to remove Local Law #1-2012 from the table. Seconded by Councilman Rivera.

Carried, all voting aye.

Vote on resolution: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #88-2012**  
**NOVEMBER 5, 2012**

**BY:      COUNCILMAN MICHALSKI**

**AWARDING BIDS FOR YEAR 2013 REQUIREMENTS OF TREATMENT  
CHEMICALS FOR THE  
WATER POLLUTION CONTROL AND WATER TREATMENT FACILITIES**

**WHEREAS**, sealed bids for the furnishing of water and wastewater treatment chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on October 23, 2012, now, therefore, be it hereby

**RESOLVED**, that the following bids be accepted for furnishing 2013 water and wastewater treatment chemicals:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Kemira Water Solutions, Inc.  3211 Clinton Parkway Court Lawrence, Kansas 66047	Ferric Chloride Solution	\$397.0 0 per dry ton
Univar USA, Inc.  328 Bunola River Road	Liquid Chlorine (WPCF)	\$424.0 0 per ton
P.O. Box 303 Bunola, PA 15020	Liquid Chlorine (WTP)	\$424.0 0 per ton
Mercer Lime and Stone Company net dry ton 560 Branchton Road Slippery Rock, PA. 16057	Hydrated Lime (Bulk)	\$187.23 per
JCI Jones Chemicals, Inc. per gross pound 100 Sunny Sol Blvd. Caledonia, NY 14423	Sulfur Dioxide (150# cylinders)	\$1.00

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 each of the above-named vendors, for the purchase of such

treatment chemicals for the Water Pollution Control and Water Treatment Facilities, and that the City Clerk is hereby authorized to return the bid deposits of the bidders, in accordance with the contract specifications, and, be it finally

**RESOLVED**, that the bids for poly-aluminum chloride, aqua ammonia and phosphoric acid be rejected and that the Public Works Department is authorized to re-bid those chemicals.

Carried, all voting aye.

**RESOLUTION #89-2012**  
**NOVEMBER 5, 2012**

**BY: COUNCILMAN MICHALSKI**

**AWARDING 2013 SLUDGE AND GRIT HAULING FOR THE  
DUNKIRK WATER POLLUTION CONTROL FACILITY**

**WHEREAS**, sealed bids for 2013 hauling of sludge and grit from the City Water Pollution Control Facility, were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on October 23, 2012, with two (2) bids being received, now, therefore, be it

**RESOLVED**, that the low bid of Bestway Container Service, 202 East Main Street, Fredonia, New York 14063, be accepted for 2013 Sludge & Grit Hauling at the following unit costs:

Item 1 – Sludge Hauled to Ellery \$ 10.98 per ton

Item 2 – Grit Hauled to Ellery \$ 32.00 per ton

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, for the Year 2013 Sludge and Grit Hauling, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

Carried, all voting aye.

**RESOLUTION #90-2012**  
**NOVEMBER 5, 2012**

**BY: COUNCILWOMAN SZUKALA:**

**AUTHORIZING MAYOR TO SIGN AGREEMENT  
BETWEEN THE UNIFIED COURT SYSTEM AND THE CITY OF DUNKIRK**

**FOR COURT CLEANING AND MINOR REPAIRS  
(CONTRACT #300226)  
(APRIL 1, 2012 TO MARCH 31, 2013)**

**WHEREAS**, the State of New York Unified Court System reimburses the City for expenses associated with the maintenance and operation of the court facilities which includes, but is not limited to cleaning, building and grounds maintenance and capital improvements requested by the Court, through a maintenance agreement, and

**WHEREAS**, the State 2012-2013 fiscal year (April 1, 2012 - March 31, 2013) reimbursement amount under the operations and maintenance agreement budget is estimated to be \$29,836, now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute a contract renewal for maintenance and operations of City court facilities for State fiscal year 2012 – 2013 with an estimated reimbursement in the amount of \$29,836, which said funds to be allocated to revenue account #001-0001-3330 - Court Operations & Maintenance, for reimbursement of funds expended with respect to this agreement.

Councilwoman-at-large Kiyak inquired if this figure is a standard amount the city receives from the court.

Department of Public Works Director Guginio proceeded to explain how this figure is determined and stated this is a very fair, equitable system approved by the State Court System and Auditors.

Carried, all voting aye.

**RESOLUTION #91-2012  
NOVEMBER 5, 2012**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BOARDWALK LEASE AGREEMENT  
(Stephen Millett and Mary Millett d/b/a Brown Bean)**

**WHEREAS**, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

**WHEREAS**, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **Stephen Millett and Mary Millett d/b/a Brown Bean**, to lease a portion of the Boardwalk for retail sales of specialty coffees to the general public; now, therefore, be it

**RESOLVED**, that the Mayor, Anthony J. Dolce, is hereby authorized to execute a lease agreement with **Stephen Millett and Mary Millett d/b/a Brown Bean**, 7762 Cummings Road, Stockton, New York 14784 for rental of **20 Central Avenue**, Dunkirk, New York 14048, for a two (2) year period (December 1, 2012 through November 30,

2014) at an annual rental of Three Thousand Nine Hundred Dollars and Zero Cents (\$3,900.00).

Carried, all voting aye.

**RESOLUTION #92-2012**  
**NOVEMBER 5, 2012**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING CHANGE ORDER – WEST END WATER PROJECT**

**WHEREAS**, by Resolution No. 35-2012, certain improvements to the City of Dunkirk's water distribution system, specifically in the area of Lake Shore Drive West (the "West End Water Project"), were authorized; and

**WHEREAS**, the City's project engineers, Nussbaumer & Clarke, Inc., have requested a proposed amendment required to address the absence of as-built records or recent survey and mapping along the project length, and also to address the City's request that the project scope include: adjustment, repair or removal/replacement of water service components, sideline valves and boxes and fire hydrants, branch valves and boxes; and

**WHEREAS**, the estimated cost of such change orders is \$8,800.00 for Planning & Preliminary Engineering and \$10,500.00 for Design; and

**WHEREAS**, the proposed change order has been reviewed and recommended by the Director of Public Works; now, therefore, be it

**RESOLVED**, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to approve Amendment No. 1 for the "West End Water Project" to provide an additional \$8,800.00 for Planning & Preliminary Engineering and in the amount of \$10,500.00 for Design, to the City's project engineers, Nussbaumer & Clarke, Inc.

Councilwoman Szukala asked Department of Public Works Director Gugino if the figure increased from \$8,800.00 to \$10,500.00 or is it an addition to both.

Department of Public Works Director Gugino advised these two totals are independent of each other with a cumulative total of approximately \$18,000.00 and proceeded to explain the process the engineering company used to determine the scope of this project.

Councilwoman Szukala stated there was grant money attached to this project and asked if this figure is encumbered in the grant money or will additional money have to come out of the budget.

DPW Director Gugino advised there is a grant of \$250,000.00, the city would have to bond \$250,000.00 to \$300,000.00 per the consent order for the remaining

balance and there will be no additional money coming from the city's budget to fund this project.

Councilman Rivera asked DPW Director Gugino when was the last time a project of this scope was completed on the West side of the city, is this project part of a consent order and what is the future vision of a project such as this.

DPW Gugino stated never, those are original waterlines which are 40-60 years old, this is part of a 2009 consent order and stated the city is poised to provide regional water service in the future if needed. DPW Director Gugino advised the life expectancy of these upgrades is 30 years.

Carried, all voting aye.

**RESOLUTION #93-2012**  
**NOVEMBER 5, 2012**

**BY: ENTIRE COUNCIL**

**DESIGNATING DUNKIRK LOCAL DEVELOPMENT CORPORATION  
AS FESTIVAL COORDINATOR**

**WHEREAS**, the City of Dunkirk (the "City") from time-to-time has undertaken to present various festivals and other community-related events (including, but not limited to the annual Fourth of July Celebration, Beach Bash, Wreck-n-Roll and Thursday Music on the Pier); and

**WHEREAS**, the Dunkirk Local Development Corporation (the "DLDC") is ready, willing and able to provide oversight and planning for such events on behalf of the City in order to provide such events for the benefit of the Dunkirk community; now, therefore, be it

**RESOLVED**, that the City hereby designates the Dunkirk Local Development Corporation, as the coordinator for various festivals and community-related events (including, but not limited to the annual Fourth of July Celebration, Beach Bash, Wreck-n-Roll and Thursday Music on the Pier), with the DLDC and its administrative staff, and their assigns, to be responsible for the direct oversight and administration of the planning, organizing and operation of such community events, contingent upon the DLDC forming an advisory group for such festivals and events which group shall include City Council and community representatives, and further contingent upon the DLDC provide regular reports of such events on no less than a monthly basis to the Dunkirk City Clerk.

Carried, all voting aye.

**RESOLUTION #94-2012**  
**NOVEMBER 5, 2012**

**BY: COUNCILWOMAN SZUKALA AND COUNCILMAN MICHALSKI**

**AUTHORIZING CHANGE ORDERS #2 AND #3 RELATING TO  
THE FIRST WARD WATERLINE CONTRACT**

**WHEREAS**, S. St. George Enterprises, Inc., was awarded the contract for the First Ward Waterline Replacement Project on December 20, 2011, of which the contract work has been substantially completed with the exception of minor restoration items which will be resolved in the upcoming spring, and

**WHEREAS**, in an effort to close out the project with respect to changes to the work found different during construction and to adjust final project costs, now, therefore, be it hereby

**RESOLVED**, that the Mayor is hereby authorized to execute contract change orders #2 and #3 with S. St. George Enterprises, Inc., for the First Ward Waterline Replacement Project which are further described as follows:

Change Order #2 – Increase contract cost in the amount of \$7,845.26 for costs associated with upgrading fitting bolts, corporation stops and curb stops and the removal of several concrete foundation walls on North Beagle and Ermine Street which were found during construction.

Change Order #3 – Adjusting contract quantities and costs to reflect an adjustment in the original bid cost of \$1,270,180 to the final project cost of \$1,254,735.68.

Councilwoman Szukala asked if these change orders are part of the actual bonding per the consent order or will additional money need to come from the budget.

Department of Public Works Director Gugino advised this is part of the consent order bonding and no additional money will come from Fund II.

Councilwoman-at-large Kiyak advised there is a decrease in the projected cost and asked DPW Director Gugino if these figures are correct.

DPW Director Gugino advised the final cost of the project came in under budget.

Carried, all voting aye.

**RESOLUTION #95-2012**

**NOVEMBER 5, 2012**

**BY: THE ENTIRE COUNCIL**

**PROCLAIMING NOVEMBER VETERANS' REMEMBRANCE MONTH**

**WHEREAS,** many men and women who have served in the Armed Forces of the United States of America have made the supreme sacrifice by giving their lives in services to our Country, and

**WHEREAS,** many more have become permanently disabled while preserving and protecting our Nation's freedom, and

**WHEREAS,** recent world events continue to vividly demonstrate the sacrifices our military personnel are prepared to make; now, therefore, be it

**RESOLVED,** that the Dunkirk Common Council hereby greatly expresses its appreciation, on behalf of the entire City, to the brave men and women who have served in the Armed Forces and to those who continue to serve, and that this Common Council hereby

**PROCLAIMS** the month of November, 2012, as "**VETERANS' REMEMBRANCE MONTH**" in the City of Dunkirk, and respectfully urges all citizens to acknowledge and be mindful of the sacrifices our members of the Armed Forces have made, and continue to make, to protect and to preserve our liberty.

Carried, all voting aye.

**RESOLUTION #96-2012**  
**NOVEMBER 5, 2012**

**BY: ENTIRE COUNCIL**

**REAPPOINTMENT OF COMMISSIONERS OF DEEDS  
FOR THE CITY OF DUNKIRK**

**RESOLVED** that the following be reappointed as Commissioners of Deeds for the City of Dunkirk, New York, beginning January 1, 2013 and expiring December 31, 2014:

- |                   |                    |         |
|-------------------|--------------------|---------|
| Mark A. Woods     | 47 W. Third Street | Dunkirk |
| Robert R. Mazurek | 147 Fizell Avenue  | Dunkirk |

Mark E. Polowy	58 W. Fourth Street	Dunkirk
Christine McGraw	3754 Wildwood Drive	Dunkirk
Leonard Catalano	731 Washington Avenue	Dunkirk

Carried, all voting aye.

**RESOLUTION #97-2012**  
**NOVEMBER 5, 2012**

**BY: ENTIRE COUNCIL**

**RESCIND RESOLUTION #73-2012 and APPROVE REVISED FY 2012 CDBG  
ANNUAL ACTION PLAN TO HUD**

**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 an annual *Action Plan* each year which identifies and describes the City’s anticipated allocation of CDBG funds to various programs and activities for the next fiscal year; and

**WHEREAS**, the City, through Council Resolution No. 73-2012, had rescinded Council Resolution No. 22-2012 and approved submission of a revised FY2012 *Action Plan*; and,

**WHEREAS**, the City’s CDBG consultant has cautioned and suggested that such revised FY2012 *Action Plan* be amended to re-title and relocate to a new category the “homeownership training” allocation in order to more properly conform to HUD guidelines; now, therefore, be it

**RESOLVED**, that Council Resolution No. 73-2012 (September 4, 2012) is hereby rescinded and, be it further

**RESOLVED**, that the following activities are approved for the City’s 2012 Annual Action Plan submitted to the public pursuant to the City’s Citizen Participation Plan and are to be submitted to HUD for its approval.

<b>ADMINISTRATION</b>	Administration	\$ 90,000.00	\$ 90,000.00
<b>PUBLIC FACILITY</b>	Parking Facilities - Sr. Ctr.	\$ 2,500.00	\$ 46,500.00
	Streets Improvement	\$ 24,000.00	
	Sidewalk Improvement	\$ 20,000.00	

<b>PUBLIC SERVICE</b>	Employment Training	\$ 10,000.00	\$ 32,500.00
	Senior Services	\$ 7,500.00	
	Youth Services	\$ 15,000.00	
<b>ECO DEVEL</b>	DLDC/Eco Development	\$ 122,500.00	\$ 122,500.00
<b>HOUSING</b>	Owner-occupied Rehab	\$ 100,000.00	\$ 118,315.00
	Direct Homeownership Assistance	\$ 18,315.00	
<b>OTHER</b>	Code Enforcement	\$ 20,000.00	\$ 50,000.00
	Demolition	\$ 30,000.00	
		\$ 459,815.00	

Carried, all voting aye.

**RESOLUTION #98-2012**  
**NOVEMBER 5, 2012**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING THE INSTALLATION OF STREET LIGHTS  
EAST CHESTNUT STREET**

**WHEREAS**, the street lighting in the area of the Lakeshore Humane Society building on East Chestnut Street is in need of improvement; and

**WHEREAS**, it would be in the best interests of the community for additional street lighting to be installed on East Chestnut Street; now, therefore, and be it

**RESOLVED**, that the Common Council hereby authorizes Niagara Mohawk Power Corporation (d/b/a National Grid) to make the following changes to the street lighting system in the City of Dunkirk and hereby directs the Mayor to execute any necessary documents to effect such changes:

Install: Two (2) 100-w high pressure sodium Roadway lights on existing distribution poles No. 8 and No. 9 East Chestnut Street, with the additional charges for the streetlight facilities to be added to existing streetlight reference Account No. 11938-79105, with the total increase in annual charge for the two (2) lights to be Two Hundred Eight Dollars and Forty-Three Cents (\$208.43).

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Rivera moved to adjourn. Seconded by Councilwoman Szukala.

Carried, all voting aye.

**Adjourned at 6:10 PM**

**Lacy L. Lawrence, City Clerk**

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