

**PUBLIC HEARING  
November 01, 2016**

The public hearing was called to order at 5:28 PM by Councilman-at-large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Mayor Rosas’s Proposed 2017 City Budget.

**PUBLIC COMMENTS:**

No one spoke.

**Public Hearing closed at 5:29 PM**

**Lillian R. Divine, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
November 01, 2016**

The meeting was called to order at 5:32 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 Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, October 18, 2016 meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of the minutes of Tuesday, October 18, 2016 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Tom Taylor, 223 Temple, Dunkirk, inquired as to why Resolution #95-2016 was not put out to bid.

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

Mayor Rosas advised that his next Business Roundtable will be held on Wednesday, November 9<sup>th</sup> at 8:30 AM with the Social Clubs in the City and provided details on the \$500,000 SAM Grant the City will receive for improvements with Point Gratiot.

Mayor Rosas informed that he as well as Councilman Gonzalez attended an Awards Dinner at the Lighthouse where the City received a plaque of recognition for the City's assistance during the recent filming of a movie production and informed that he met with Tim Clark of the Buffalo/Niagara Film Commission who was impressed with the City and would like to bring more filming opportunities to Dunkirk.

Director of Development Yanus advised that through CRIC and CDBG the City had 8 first time homebuyer Participants who received \$3,000 each, provided details on the "Small Business Saturday" to be held on Saturday, November 26<sup>th</sup> from 9:00 AM until 5:00 PM and encouraged everyone to attend and support the local businesses.

Communication from Mayor appointing/re-appointing members to the Greater Dunkirk Area Harbor Commission, Housing Authority and Planning Board.

Received and filed.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Lakeshore Humane Society to hold the annual Pat McGee Memorial Dog Walk on Saturday, June 17<sup>th</sup>, 2017 (rain date Sunday, June 18<sup>th</sup>, 2017) at the Koch's Pavilion at Point Gratiot.

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 moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Request from Samantha Vacanti to host the first annual Pitching for Paws Co-Ed Softball Tournament from approximately 8:00 AM until 9:00 PM on Saturday, June 24<sup>th</sup>, 2017 (rain date of Sunday, June 25<sup>th</sup>, 2017) at Promenschenkle Stadium and Koch's Field.

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 Bamonto moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Loudspeaker application from Samantha Vacanti for DJ, microphone and speakers from 12:00 PM until 4:00 PM on Saturday, June 24<sup>th</sup>, 2017 (rain date Sunday, June 25<sup>th</sup>, 2017) at Promenschenkle Stadium for the Pitching for Paws Softball Tournament.

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

Carried, all voting aye.

Notice of Summons from Susan Marsh as Public Administrator for and on behalf of the Estate of Bryan A Willis.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

#### **NEW COMMUNICATION:**

Memorandum of Understanding between City of Dunkirk and Erie Land Development LLC for a Feasibility Study.

Councilwoman Szukala advised that the Feasibility Study comes at no cost to the City.

Councilman Gonzalez moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

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

Councilman Williams inquired to Public Works Director Bankoski for an update on the WEX Card implementation and about some confusion with the City Recycling and to Director of Development Yanus on the possibility of attracting a train stop in the City.

Director of Development Yanus advised that she has also had phone calls from individuals looking to attract a train stop in the City and is looking into funding to help support it.

Public Works Director Bankoski advised that the City Recycling usually runs every other Monday, is not sure why this past Monday was skipped on the calendar but has made note for next years, the final paperwork has been signed to start the WEX System and that himself as well as County Legislator Muldowney met with individuals and discussed details on a possible train run that starts at Canalside which would pass through Dunkirk eventually going all the way to the Lucy Museum in Jamestown.

Councilman Bamonto inquired to Public Works Director Bankoski for an update on brush/leaf pick up as well as the National Fuel project near the Woodrow/5<sup>th</sup> Street area, congratulated the Dunkirk High School Football Team and encouraged everyone to get out and vote next Tuesday.

Public Works Director Bankoski advised that the last brush pickup ended about a week ago, residents can always bring their brush to the City Barns themselves, Leaf pickup is not yet

scheduled as it depends on when they start to fall and that he has not yet talked to anyone at National Fuel but quite a mess has been made to the water lines in that area.

Councilman Gonzalez advised that his next Economic Development Meeting is scheduled for Tuesday, November 15<sup>th</sup> at 4:00 PM and encouraged everyone to vote on Tuesday.

Councilwoman Szukala inquired to Director of Development Yanus for an update on the playground equipment, Public Works Director Bankoski for an update on the Hoyt Street project, to Police Chief Ortolano about the changes in the Alternate Parking Regulations and to Mayor Rosas for an update on the possible Hospital location.

Director of Development Yanus advised that the PO has been given to City Engineer and that the equipment should be received by the end of the year.

Public Works Director Bankoski advised the process on Hoyt Street has slowed down some due to training that will be taking place and that the blacktop plant is closing Friday so a blacktop cap will be applied until something more permanent can be done after the winter months.

Police Chief Ortolano advised that the alternate/overnight parking regulations for the winter season will start on Sunday, November 6<sup>th</sup> and that a media release is ready to go out tomorrow or Thursday.

Mayor Rosas advised that there has been no decision on the location of the hospital but that he is hopeful.

Councilman-at-large Woloszyn reiterated that the brush pickup has been completed, leaf pickup is not yet scheduled as it has a rolling date, a Budget Prep. Meeting will be held on Wednesday, November 2<sup>nd</sup> at 6:00 PM and that the next Finance Committee Meeting will be held on Thursday, November 17<sup>th</sup> at 4:00 PM.

**UNFINISHED BUSINESS:**

**RESOLUTION # 87-2016**  
**October 4, 2016**

**BY THE ENTIRE COUNCIL:**

**INTRO NO. 1 TO LOCAL LAW NO. 1-2016**  
**CITY OF DUNKIRK**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT**  
**ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c**

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

**Section 1 Purpose.** It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Dunkirk, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and to allow the City of Dunkirk, County of Chautauqua, to adopt a budget for general city purposes and any other special or improvement district governed by the Common Council for the fiscal

year 2017 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.

**Section 2 Authority.** This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Common Council to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty percent (60%) of the Common Council, adopted prior to the adoption of the budget by the Common Council.

**Section 3 Override.** The Common Council of the City of Dunkirk, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the City of Dunkirk, for which the Common Council is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.

**Section 4 Severability.** If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.

**Section 5 Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

No action taken on Resolution #87-2016. Resolution dies on the Table.

**PRE-FILED RESOLUTIONS:**

Councilman-at-large Woloszyn advised that Resolution #91-2016 titled “Consent to formation of Dog Park Advisory Committee” has been pulled during the workshop and that the remaining Resolutions will be re-numbered accordingly.

**RESOLUTION # 91 - 2016**  
**NOVEMBER 1, 2016**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING RENEWAL AGREEMENT WITH  
NYS UNIFIED COURT SYSTEM  
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200495)  
(APRIL 1, 2016 TO MARCH 31, 2017)**

**WHEREAS,** the City of Dunkirk’s five-year contract with the New York State Unified Court System (the “Court System”) which reimburses the City for security services in City Court was renewed in 2014, for a five-year period; and

**WHEREAS**, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2016, and terminates on March 31, 2017, and during which reimbursement has been allocated to not exceed Two Hundred Thirty-Nine Thousand Dollars and Zero Cents (\$239,000.00); and now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2016 to March 31, 2017) for which reimbursement shall be in an amount not to exceed Two Hundred Thirty-Nine Thousand Dollars and Zero Cents (\$239,000.00) to compensate the Police Department for City Court security services.

Carried, all voting aye.

**RESOLUTION #92-2016**  
**November 1, 2016**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING STREET LIGHT INSTALLATION AT  
PLOVER STREET NEAR THE HIGH SCHOOL PARKING LOT**

**WHEREAS**, it has been recommended by Police Chief Ortolano that a street light be installed at Plover Street near the High School Parking Lot to increase illumination and security in the area; now, therefore, be it

**RESOLVED**, that National Grid is hereby authorized to install one utility pole at the above referenced location with the City's portion to be paid out of the CHIPS fund; and, be it further

**RESOLVED** that National Grid is hereby authorized to install one street light at the above referenced location at an approximate annual cost of \$107.12 to be paid out of the annual street lighting fund; and, be it finally

**RESOLVED**, that the Mayor is hereby authorized to execute any and all necessary documents, and that the Public Works Department is directed to notify Niagara Mohawk Power Corporation of this change.

Councilman Gonzalez inquired as to why a Resolution would be presented to Council for a street light as he has never seen one like this brought forth before.

Police Chief Ortolano advised he believes it to be more to do with the install of the light pole itself as Chips money will be used as well as shared service with the School District.

Carried, all voting aye.

**RESOLUTION # 93-2016**  
**NOVEMBER 1, 2016**

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #2-2016  
CITY OF DUNKIRK, NEW YORK

A LOCAL LAW TO AMEND THE DUNKIRK CITY CODE, CHAPTER 31, ARTICLE III,  
SECTION 31-19 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 Dunkirk City Code Chapter 31, Article III, Section 31-19 "Rate Structure", to amend the Quarterly and Monthly Water Rates, in order to generate additional required 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.**

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

**ARTICLE III**

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

§ 31-19.     **Rate structure. [Amended 10-27-1993 as L.L. #11 (Intro No.15) 1993; Amended 6-6-1995 as L.L. #16-1995; Amended 10-28-1996 as L.L. #17 (Intro No. 17) 1996; Amended 12-3-2002 as L.L. #4-2002; Amended 12-12-2006 as L.L. #12-2006; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009; Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended 11-17-2015 as L.L. #3 (Intro No. 3) 2015; Amended \_\_\_\_\_ as L.L. #2 (Intro No. ) 2016]**

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

**DELETE**

**EFFECTIVE JANUARY 1, 2016**

**FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2016: [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]**

<b>QUARTERLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

**METER RATES** [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<b><u>MAXIMUM METER CHARGE PER CUSTOMER</u></b>	<b>\$1,800.00</b>	<b>\$3,150.00</b>
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**FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2016):** [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]

<b>MONTHLY</b>
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	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$20.00	\$35.00
Next 5,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

**METER RATES** [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

**ADD****EFFECTIVE JANUARY 1, 2017**

**FOR ACCOUNTS BILLED QUARTERLY** (fully-reflected in the three-month billing cycle ending March 31, 2017): **[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended \_\_\_\_\_ as L.L. #3 (Intro No. 1) 2015]**

**QUARTERLY**

	<b><u>CITY RATE</u></b>	<b><u>SUBURBAN RATE</u></b>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 4.33 per 1,000 gal.	\$ 7.58 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.96 per 1,000 gal.	\$ 5.18 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.54 per 1,000 gal.	\$ 2.70 per 1,000 gal.

**METER RATES** [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

**MAXIMUM METER CHARGE  
PER CUSTOMER**

\$1,800.00

\$3,150.00

**FOR ACCOUNTS BILLED MONTHLY** (fully-reflected in the one-month billing cycle ending January 31, 2017): **[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended \_\_\_\_\_ as L.L. #3 (Intro No. 1) 2015]**

**MONTHLY**

	<b><u>CITY RATE</u></b>	<b><u>SUBURBAN RATE</u></b>
Minimum up to 2,000 gallons	\$20.00	\$35.00
Next 5,000 gallons	\$ 4.33 per 1,000 gal.	\$ 7.58 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.96 per 1,000 gal.	\$ 5.18 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.54 per 1,000 gal.	\$ 2.70 per 1,000 gal.

**METER RATES [Amended 12-3-2002 as L.L. #4-2002]**

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

**MAXIMUM METER CHARGE  
PER CUSTOMER**

\$ 600.00	\$1,050.00
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**Section 3      Effective Date.**

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

Councilwoman Szukala made a motion to Table Resolution #93-2016 for a Public Hearing to be held on Tuesday, November 15<sup>th</sup> at 5:20 PM. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

**RESOLUTION # 94-2016**  
**November 1, 2016**

**BY: COUNCILMAN ANDREW GONZALEZ**

**AUTHORIZING AGREEMENT FOR ARCHITECTURE AND ENGINEERING SERVICES  
POINT GARTIOT PARK  
(LABELLA ASSOCIATES)**

**WHEREAS**, the City of Dunkirk owns and operates Point Gratiot Park, that contains approximately 48 acres of park land, beaches, pavilions, restrooms, and playgrounds. Due to age and wear the 6 pavilions are in need of repairs and renovations, the restrooms are outdated and non-ADA compliant, and the electrical system creates a safety hazard for the public; and

**WHEREAS**, professional engineering and architecture services are required for immediate replacement of these key components, and LaBella Associates, are ready, willing and able to provide such services for the City in a good and workmanlike manner as determined by the Director of Planning and Development under her responsibility and authority by the City Code, and with the further consideration that LaBella Associates of New York has over 30 years of architecture and engineering experience, and comes highly recommended from the nearby communities that have designed, repaired, and replaced similar equipment; now, therefore be it

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with LaBella Associates, Olympic Tower, 300 Pearl St # 325, Buffalo, NY, to design, provide engineering, architecture, and

construction administration, and to meet New York State Minority & Women Business Enterprises requirements with a cost not to exceed a total of forty-two thousand five hundred dollars (\$42,500); and be it further

**RESOLVED**, that the revenue, and appropriations for this project be set up by Fiscal Affairs as an income and expense in a separate City Fund, and that any and all engineering/architecture and construction contract administration services be paid from the engineering/architecture expense line of said Fund.

Councilman Williams inquired as to why this did not go out to bid.

Director of Development Yanus advised that engineering services are a specialized service so are excluded by law from the bidding process and that this is a local company that is used regularly.

Fiscal Affairs Officer Halas advised that the City is very fortunate to get all three services for this price and that LaBella is very active in the community.

Carried, all voting aye.

Councilman-at-large Woloszyn invited forward Mayor Rosas and Festivals and Special Events Coordinator Rosas to present a check to Gary Haase on behalf of the Dunkirk Little League.

Festivals and Special Events Coordinator Rosas advised how the extra funding came about to be able to make this donation, presented along with Mayor Rosas a check for \$350 to Mr. Haase and wished good luck to the Dunkirk High School Football Team.

Mayor Rosas invited Coach Michael Sarratori forward, advised that he is proud of him and his team for what they have accomplished and the positive attention this has brought to the City.

Mayor Rosas read then presented to Coach Serratori a proclamation making Saturday, November 5<sup>th</sup> "Dunkirk Marauder Football Day"

Coach Michael Sarratori thanked Mayor Rosas, Common Council and the City of Dunkirk, advised that he has a great group of kids, the donations and support made to help the team have been overwhelming, the team will play their hearts out and that win or lose they will make the City proud.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:10 PM**

**Lillian R. Divine, City Clerk**

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