

**PUBLIC HEARING
November 15, 2016**

The public hearing was called to order at 5:27 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 Intro No. 1 to Local Law No 2-2016 City of Dunkirk A Local Law to amend the Dunkirk City Code, Chapter 31, Article III, Section 31-19 entitled "Rate Structure"

PUBLIC COMMENTS:

No one spoke.

Public Hearing closed at 5:29 PM

Lillian R. Divine, City Clerk

**COMMON COUNCIL PROCEEDINGS
November 15, 2016**

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

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

Also present: Mayor Rosas, City Attorney 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, November 01, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, November 01, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Valerie Pawlak, 10 Ruggles Street, Dunkirk, inquired as to why there was an increase in the water rates, advised that Revitalize Dunkirk group is now listed as a 501c3, she believes nothing should be built between the Clarion and Tim Hortons as there is enough available apartments in the area, explained that she thinks that the City and SUNY Fredonia almost lost the Athenex Project and that she is working on getting grants to bring a Train Station back and running through the City.

Councilwoman Szukala advised the rates need to be raised due to work that has to be completed from a 2009 Consent Order.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas congratulated the Dunkirk Marauders Football Team for their recent wins, provided details of a Youth Basketball Program that Recreation Program Coordinator Hall is starting and advised that the City has received a \$1,000 donation from National Grid for Small Business Saturday.

Mayor Rosas advised that he had attended a couple Veterans Day events with the event held at Applebee's presenting him with a coin where he was also told that he is the first Mayor in Dunkirk who has attended this event and that he will be traveling to Albany along with Director of Development Yanus to attend a Local Governance Conference scheduled for the remainder of the week.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Prior Notice from Ronald Rzepkowski for a dead/dying tree in front of the vacant lot located between 326 and 332 Lord Street.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams explained to Ms. Pawlak that the Athenex problems she is referring to were on the State level, not local and advised that the next Public Works Committee Meeting is scheduled for Tuesday, November 29th, at 4:00 PM in the Mayor's Conference Room.

Councilman Bamonto advised that the next Personnel Committee Meeting is scheduled for Monday, November 21st at 4:30 PM in the Mayor's Conference Room and congratulated the Dunkirk High School Football Team on their recent wins.

Councilman Gonzalez advised that he will be motioning to Table Resolution #101-2016 on the Local 912 Contract as there are a couple budget issues he would like addressed and asked Director of Development Yanus to speak about Small Business Saturday.

Director of Development Yanus provided details for Small Business Saturday.

Councilwoman Szukala inquired to City Treasurer Woods for an update on the KVS upgrade and to Public Works Director Bankoski for updates on the Leaf pickup, Christmas Lights being put up along Central Avenue and the paving of Hoyt Street.

City Treasurer Woods advised that he will try his best before the end of the year but as of right now there is no available time to begin the KVS update.

Public Works Director Bankoski advised that the Christmas lights were placed a week early as to adjust to the timing of Small Business Saturday Tree Lighting Ceremony with no overtime taking place, leaf pickup will begin Monday in the First Ward weather permitting and that Hoyt Street will have a spot patch as it is so late in the season and that in the spring it will be paved.

Councilman-at-large Woloszyn spoke in regards to an article that was in the Observer stating the only thing standing in the way of development between Tim Hortons and Clarion is a Feasibility study and advised that that couldn't be further from the truth with a lot having to happen before anything were to be developed.

Councilman-at-large Woloszyn inquired to Public Works Director Bankoski about a down fire hydrant by School 3 and advised of a lack of street lights on the 600 Block of Swan Street and to Building Inspector Zurawski about the rules regarding porches being held up by construction material.

Councilman-at-large Woloszyn advised that the next Finance Committee Meeting is scheduled for Thursday, November 17th at 4:00 PM in the Mayor's Conference Room.

Steve Zatorski from the Water Maintenance Department who was present in the audience advised that the fire hydrant in question was dug up today.

Building Inspector Zurawski advised of the policy for porches being held up with wooden boards seeing as the landlord does not reside in Chautauqua County.

Councilman-at-large Woloszyn advised that while he is not against the Local 912 Contract as a whole and thinks it is fair for the City as well as the Employees he would like to see everyone involved sit down and review affordability factors during the next 3 weeks before the December 6th Council Meeting and reminded Council that if a motion to Table a Resolution is brought forth and approved no discussion can be held on that Resolution once Tabled.

UNFINISHED BUSINESS:

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]

QUARTERLY

	<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

**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, 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]

MONTHLY

	<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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$1,800.00	\$3,150.00
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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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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.

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4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$ 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.

Councilman Williams made a motion to remove Resolution #93-2016 from the Table. Seconded by Councilman Gonzalez.

Carried, all voting aye. REMOVED.

Vote on Resolution:

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

**RESOLUTION #95-2016
NOVEMBER 15, 2016**

BY: THE ENTIRE COUNCIL

**AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT
(Gabriel Taylor)**

WHEREAS, it would be in the best interests of the City to maintain the local access programming opportunities on the City’s local cable access channel; and

WHEREAS, Gabriel Taylor has agreed to provide the primary production oversight and operational management for the City’s local access channel; and

WHEREAS, it would be in the best interest of the City to contract for such program director services; and

WHEREAS, there is a need on occasion for the on-site production of access programming; and

WHEREAS, Gabriel Taylor is ready, willing and able to provide such services to and on behalf of the City, in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of Gabriel Taylor to provide primary production oversight and operational management for the City’s local access channel for the period November 1, 2016 through October 31, 2017, at the cost not to exceed Four Hundred Twenty-Five Dollars and Zero Cents (\$425.00) per month, *pro rata*, for any access channel-related services; and, be it further

RESOLVED, that the Mayor is directed and authorized to engage such individuals as may be trained and qualified, to provide on-site production of access programming at the cost of Twenty Dollars and Zero Cents (\$20.00) per event, on an as-needed basis; and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

Councilman Williams advised Mr. Taylor has been doing a fine job the last few weeks he has been working.

Councilwoman Szukala advised that she has nothing personal against Mr. Taylor and thinks the sports programming has been great but she will not be supporting this Resolution as she believes the \$425/month could be used elsewhere.

Carried, 4-1.

RESOLUTION #96-2016
NOVEMBER 15, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING SHARED SERVICES AGREEMENT EXTENSION
(POLICE SERVICES – TOWN OF DUNKIRK)**

WHEREAS, the City of Dunkirk (City), by Resolution No. 101-2014 (December 16, 2014), and the Town of Dunkirk (Town), entered into a shared services agreement for certain police services, which was extended through December 31, 2016; and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement for calendar year 2017; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Town of Dunkirk, for police services, from January 1, 2017 through December 31, 2017, at a cost of One Thousand Seven Hundred Fifty Dollars and Zero Cents (\$1,750.00) per month for January, 2017 through December, 2017, with the City providing not less than twelve (12) hours per week of patrol in the Town.

Carried, all voting aye.

RESOLUTION #97-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

ADOPTION OF FY 2017 BUDGET

WHEREAS, Mayor Rosas submitted the proposed FY 2017 Budget to the Common Council on October 14, 2016, and was received and filed at the October 18, 2016 Common Council meeting; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2017 Budget and desires to make amendments to such Budget as herein below detailed; now therefore, be it

RESOLVED, that Mayor Rosas’s proposed FY 2017 Budget, be amended as follows:

GENERAL FUND

Appropriations

001-1900-1990	Contingencies Allowance	\$ 13,800
001-5010-1001	Overtime-Streets Administration	\$ (2,000)
001-5110-1001	Overtime-Maintenance of Streets	\$ 2,000
001-5110-4052	Repair to Improved Streets	\$ 500
001-5110-4056	Infrastructure Repairs	\$ (500)
001-7450-4036	Historical Society Contracted Services	\$ 2,500

GENERAL FUND

Revenues

001-0001-2300	Transportation Fuel- School	\$ 23,500
001-0001-2389	Transportation Fuel- Housing Authority	\$ 2,800
001-0001-2410-4111	Rental of Real Property-Marina et al	\$ (10,000)
001-0001-2770-7701	Unclassified Revenue-Miscellaneous	\$ (13,000)
001-0001-2770-7702	Reimbursement-NYS Retirement-Library	\$ 13,000

and it is further

RESOLVED, that Mayor Rosas’s proposed FY 2017 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2017 Budget.

<u>Totals by Fund:</u>	<u>Revenues</u>	<u>Expenditures</u>
General	\$ 14,562,641	\$ 14,562,641
Water	\$ 3,634,506	\$ 3,634,506
Waste Water Treatment	\$ 3,720,804	\$ 3,720,804

Councilwoman Szukala made a motion to table Resolution #97-2016 for a Public Hearing to be held on Tuesday, December 6th at 5:20 PM. Seconded by Councilman Gonzalez.

Carried, all voting aye. TABLED.

RESOLUTION # 98-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL
AUTHORIZING BOARDWALK LEASE AGREEMENT
(BLIND TIGER, INC.)

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the “Boardwalk”) located at 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 **BLIND TIGER, INC.**, to lease a portion of the Boardwalk for retail sales of domestic, craft and imported beers and beer-related novelty items, gourmet sauces, condiments and snacks to the general public; now, therefore, be it

RESOLVED, that Mayor, Wilfred Rosas, is hereby authorized to execute a lease agreement with **BLIND TIGER, INC.**, P.O. Box 907, Dunkirk, New York 14048, for rental of **12 Central Avenue**, Dunkirk, New York 14048, for a two (2) year period (May 1, 2016 through April 30, 2018) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00) for the first year and Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the second year.

Carried, all voting aye.

RESOLUTION #99-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

AUTHORIZING BOARDWALK LEASE AGREEMENT
(Wendy Rodriguez d/b/a Water’s Edge Gifts)

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the “Boardwalk”) located at 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 **Wendy Rodriguez d/b/a Water’s Edge Gifts**, to lease a portion of the Boardwalk for retail sales of locally-made products (soups, sauces, hand-crafted jewelry, candles, soaps, etc.), and art pieces (paintings, wood pieces), and Life Is Good products to the general public; now, therefore, be it

RESOLVED, that Mayor, Wilfred Rosas, is hereby authorized to execute a lease agreement with **Wendy Rodriguez d/b/a Water’s Edge Gifts**, 10177 Patterson Lane Fredonia, New York 14063, for rental of 14 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (May 1, 2016 through April 30, 2018) at an annual rental of Four Thousand Two Hundred Dollars and Zero Cents (\$4,200.00) for the first year and Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the second year.

Carried, all voting aye.

RESOLUTION #100-2016
NOVEMBER 15, 2016

BY: COUNCILMAN WILLIAMS

AUTHORIZING IMMEDIATE PURCHASE OF BAR SCREEN FOR WASTEWATER TREATMENT PLANT

WHEREAS, it was identified that the bar screen at the wastewater treatment plant has partially failed with a large hole in the screen and is no longer functioning as intended; and

WHEREAS, the potential exists for complete failure of the screen, causing rags, screenings and other debris to enter into the plant and cause significant damage to downstream treatment processes; and

WHEREAS, the City’s contracted engineers, Wendel, have submitted a memorandum to the City in which they give the opinion that the failing bar screen constitutes a danger to the health, safety and property of City residents; and

WHEREAS, the bar screen failure constitutes a public emergency as that term is defined by GML §103-4 requiring immediate action that could not await competitive bidding procedures; now, therefore, be it

RESOLVED, that the Director of Public Works is hereby authorized to replace the bar screen on an emergency basis pursuant to General Municipal Law §103-4.

Councilwoman Szukala advised this was discussed at the Workshop but asked Fiscal Affairs Officer Halas to explain the reason behind this particular Resolution.

Fiscal Affairs Officer Halas advised that this is in conjunction with the Bond Resolution passed earlier in the year and that this Resolution keeps in compliance with the paperwork needed.

Carried, all voting aye.

RESOLUTION # 101-2016
NOVEMBER 15, 2016

BY: ENTIRE COUNCIL

**RATIFICATION OF AGREEMENT BETWEEN THE
CITY OF DUNKIRK AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
AFL-CIO LOCAL 912 FOR
JANUARY 1, 2012 TO DECEMBER 31, 2020**

WHEREAS, the City of Dunkirk and the American Federation of State, County and Municipal Employees AFL-CIO Local 912 (“AFSCME Local 912”) have been involved in labor negotiations to reach an agreement on a new Collective Bargaining Agreement to replace the previous Collective Bargaining Agreement between the parties which expired on December 31, 2011; and

WHEREAS, after negotiations, the City and AFSCME Local 912 have signed a Memorandum of Agreement regarding said proposed contract; and

WHEREAS, the Civil Service Law requires that this Common Council review and vote upon the issue of ratification of the proposed Collective Bargaining Agreement, now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said Collective Bargaining Agreement and directs the Mayor to execute said agreement between AFSCME Local 912, on behalf of the City of Dunkirk for the years 2012 through 2020.

Councilman Gonzalez made a motion to Table Resolution #101-2016. Seconded by Councilwoman Szukala.

Vote to Table Resolution #101-2016:

Ayes: Councilman Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

No: Councilman Williams.

Carried, 4-1. TABLED.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:03 PM

Lillian R. Divine, City Clerk
