

**PUBLIC HEARING
December 16, 2014**

The public hearing was called to order at 5:16 PM by Councilman-at-large Rosas.

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

Also present: City Attorney Szot, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Gugino, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden and Police Chief Ortolano.

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

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Local Law #3-2014 amending Chapter 31, Article III, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled "Rate Structure."

PUBLIC COMMENTS:

Greg Sek, 14 Armadillo Street, advised he would like the City to find a way to lower rates by cutting expenses instead of increasing as the older residents are on a fixed income.

Public Hearing closed at 5:18 PM

Nicole Joiner, City Clerk

**COMMON COUNCIL PROCEEDINGS
December 16, 2014**

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

Councilman-at-large Rosas excused Mayor Dolce from tonight's meeting.

Certification of Tuesday December 02, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, December 02, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Mike Civiletto, 436 Swan Street, Dunkirk, spoke in regards to the lack of local businesses on main streets taking responsibility for sidewalk snow removal. Mr. Civiletto then reminded Council that a Landmark Preservation Committee has not yet been formed and that buildings need help and will continue to deteriorate without any action.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from Mayor Dolce appointing Leonard Schrantz to the DLDC effective December 17, 2014.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Brian Madurski on behalf of the Northern Chautauqua County Youth Hockey Association to use the boat launch at the Pier on February 21st for a Polar Bear swim fundraiser.

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

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

Carried, all voting aye.

Request from Michael Sarratori, Dunkirk City School District Athletic Director, requesting police supervision for the Boys' Basketball game vs. Fredonia High School on Thursday, February 5th from 5:45 to 9:15 PM.

Councilwoman Szukala inquired, with Police Chief Ortolano confirming yes, that the school will pay for the PBA services.

Councilman-at-large Rosas advised this will be referred to the PBA.

Carried, all voting aye.

Request from The Great Lakes Experience, Inc. to use Memorial Park on Saturday, June 13th from 9:00 AM to 7:00 PM for a US Fish & Wildlife Service Event.

Councilwoman Szukala inquired to Director of Development Neratko if dates had been finalized for city events.

Director of Development Neratko advised that dates for city events are not yet finalized and his office has been working with this organization so that there would be no conflict.

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

Councilwoman Szukala made a motion to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski had nothing to report at this time.

Councilman Rivera advised that at his next Public Safety Meeting he hopes to get everyone together for the presentation on the Fire Hall building study that was recently completed.

Councilman Rivera thanked CDBG Administrator Nicole Waite and Cable Access Director Bill Smock for their work with the City as both will be resigning from their positions soon and informed Mr. Civiletto that he is also interested in forming the Preservation Board and will be in touch once he meets with Mayor Dolce.

Councilman Rivera expressed his happiness in the progress with the Land Bank properties and inquired to Development Director Neratko as to the process for someone who is interested in acquiring a property.

Director of Development Neratko explained the processes involved for interested individuals to acquire a Land Bank Property.

Councilman Rivera asked Building Inspector Zurawski for an update on the process to demolish the four Land Bank properties.

Building Inspector Zurawski advised they were delayed due to the winter storm but asbestos samples are currently at the lab and the city is waiting for those results in order to continue with abatement.

Councilman Gonzalez provided details from his Personnel Meeting held the previous day and discussed the sidewalk concern of Mr. Civiletto as he would also like to see that more enforced.

Councilwoman Szukala inquired to Public Works Director Gugino for an update on the sink hole repair on Central Avenue, status on removal of leaves and if the city has been contacted in regards to railroad violations.

Public Works Director Gugino advised that the city received a free service from a vendor in the area with a sewer camera, explained what the images discovered and that with the blacktop plants currently closed for the season a temporary fix will be eventually done to even out the road. Public Works Director Gugino then advised that the workers have just finished the 4th Ward and are now moving on to the 1st Ward in regards to the leaves and that he has not been contacted about the railroad violations.

Councilwoman Szukala wished everyone a Merry Christmas and a safe and Happy New Year, reminded residents that wrapping paper and boxes are all able to be recycled and advised Mr. Civiletto that she will be sending a memo to Mayor Dolce in regards to the formation of the Landmark Preservation Committee.

Councilman-at-large Rosas advised that a temporary structure is up and that the work for a permanent fixture to protect the Whispering Giant will begin in the spring.

UNFINISHED BUSINESS:**RESOLUTION #93-2014**
DECEMBER 2, 2014**BY: THE ENTIRE COUNCIL****INTRO NO. 1 TO LOCAL LAW #3-2014**
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]

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

DELETE**EFFECTIVE JANUARY 1, 2013**

[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

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

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$33.75	\$59.07

DELETE

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2013): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$11.25	\$19.69

DELETE**EFFECTIVE JANUARY 1, 2014**

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

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$45.00	\$78.75

DELETE

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2014): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$15.00	\$26.25

ADD**EFFECTIVE JANUARY 1, 2015**

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2015):

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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Minimum up to 5,000 gallons	\$57.00	\$99.75
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ADD

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2015):

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$19.00	\$33.25

Section 3 Effective Date.

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

Councilman-at-large Rosas advised a motion was needed to remove Local Law No. 3-2014 from the Table.

Councilwoman Szukala moved to remove Local Law No. 3-2014 from the Table. Seconded by Councilman Michalski.

Vote to remove Resolution from table:

Carried, all voting aye.

Vote on Resolution:

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #101-2014
DECEMBER 16, 2014

BY: THE ENTIRE COUNCIL

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

WHEREAS, the City of Dunkirk, by Resolution No. 68-2012 (August 6, 2012), and the Town of Dunkirk, entered into a shared services agreement for certain police services, which was extended through December 31, 2014; and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement for calendar year 2015; 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, 2014 through December 31, 2015, at a cost of One Thousand Seven Hundred Fifty Dollars and Zero Cents (\$1,750.00) per month for January, 2015 through December, 2015.

Councilman Michalski inquired to Police Chief Ortolano for comments about this Agreement Extension.

Police Chief Ortolano advised that he is constantly in contact with the town, everyone is happy with the services provided and that it is good for the area.

Councilman Rivera inquired to Police Chief Ortolano as to the level of service provided.

Police Chief Ortolano explained the assistance provided to the Town.

Councilman-at-large Rosas advised that he has spoken to a couple of businesses within the town and they are happy with the services.

Carried, all voting aye.

RESOLUTION #102-2014
DECEMBER 16, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(December 2014)

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 2014, ending December 31, 2014; now, therefore be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

FUND 1

Description: Senior Citizens Center - Equipment Line Item - purchase snow blower.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.6772.2005	Senior Citizens Program	Equipment	\$ 780.00
001.6772.4102	Senior Citizens Program	Recreational Activities	\$ (780.00)
		TOTAL	\$ -

FUND 1

Description: Senior Citizens Center - Maintenance of Center performed in house.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.6772.1000	Senior Citizens Program	Personnel	\$ 4,500.00
001.6772.4036	Senior Citizens Program	Contracted Services	\$ (4,500.00)
		TOTAL	\$ -

FUND 1

Description: Fiscal Affairs - Internship of paid FSU student through transfer from contracted services.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1310.1000	Fiscal Affairs	Personnel	\$ 3,000.00
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (3,000.00)
		TOTAL	\$ -

FUND 1

Description: Fiscal Affairs - Equipment line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1310.2000	Fiscal Affairs	Equipment	\$ 475.00
001.1310.4002	Fiscal Affairs	Supplies	\$ (173.60)
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (301.40)
		TOTAL	\$ -

FUND 1

Description: Public Works Administration – Equipment line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1490.2000	Public Works Admin	Equipment	\$ 1,000.00
001.1620.1000	Building City Hall	Personnel	\$ (1,000.00)
		TOTAL	\$ -

FUND 1

Description: Maintenance of Streets – Salt line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.5142.4007	Maintenance of Streets	Salt	\$33,000.00
001.8160.1000	Refuse & Garbage Coll	Personnel	\$(33,000.00)
		TOTAL	\$ -

FUND 1

Description: Tree Trimming – Contracted Services line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.8560.4036	Tree Trimming	Contracted Services	\$ 1,900.00
001.5110.4036	Maintenance of Streets	Contracted Services	\$ (1,900.00)
		TOTAL	\$ -

FUND 1

Description: Police – Asset forfeiture reimbursement necessitated by accounting timing entry.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3120.4240	Police	Restricted Drug Purchase	\$ 9,000.00

001.1900.1990	General Services	Contingencies Allowance	\$ (8,000.00)
001.3120.4036	Police	Contracted Services	\$ (1,000.00)
		TOTAL	\$ -

FUND 1

Description: Public Works Administration – Contracted Services line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1490.4036	Public Works Admin	Contracted Services	\$ 3,000.00
001.1620.1000	Building City Hall	Personnel	\$ (3,000.00)
		TOTAL	\$ -

Carried, all voting aye.

RESOLUTION #103-2014
DECEMBER 16, 2014

BY: COUNCILMAN RIVERA

**AWARDING BID – 2015 SLUDGE AND GRIT HAULING
(DUNKIRK WATER POLLUTION CONTROL FACILITY)**

WHEREAS, following published legal notice, one (1) sealed bid for 2015 hauling of sludge and grit from the City Water Pollution Control Facility was received, opened and read aloud in the Dunkirk City Clerk's Office at 1:30 p.m. on December 10, 2014, now, therefore, be it

RESOLVED, that upon the recommendation of the Director of Public Works, the low bid of **Bestway Container Service, 202 East Main Street, Fredonia, New York 14063**, be and hereby is accepted for 2015 Sludge & Grit Hauling at the following unit costs:

Item 1 – Sludge Hauled to Ellery \$11.99 per ton

Item 2 – Grit Hauled to Ellery \$ 41.39 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 2015 Sludge and Grit Hauling, and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposit of the bidder, following contract execution, in accordance with the contract specifications.

Carried, all voting aye.

RESOLUTION #104-2014
DECEMBER 16, 2014

BY: COUNCILMAN RIVERA

**AWARDING BID - 2015 TREATMENT CHEMICALS
(WATER POLLUTION CONTROL FACILITY AND WATER TREATMENT PLANT)**

WHEREAS, following published Legal Notice, sealed bids for the furnishing of wastewater treatment plant and water treatment plant chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 1:30 p.m. on December 10, 2014; and

WHEREAS, the bids were reviewed by the Department of Public Works and the Department of Public Works recommends that the lowest responsible bidder(s) be awarded bids for such 2015 wastewater treatment plant and water treatment plant chemicals; now, therefore, be it hereby

RESOLVED, that upon review and recommendation of the Director of Public Works, the following lowest responsible bids be accepted and awarded for furnishing wastewater treatment plant and water treatment plant chemicals for 2015:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Chemical Distributors, Incorporated NH ₄ OH 80 Metcalfe Street Buffalo, NY 14206	Aqua Ammonia Solution	\$0.22 per pound
	Phosphoric Acid	\$0.57 per pound
Amrex Chemical Co., Inc. 117 East Frederick Street PO Box 642 Binghamton, NY 13902	Sulfur Dioxide	\$1.10 per gross pound
Kemira Water Solutions 4321 West Sixth Street Lawrence, KS 66049	Ferric Chloride	\$424.90 per dry ton
	Poly-Aluminum Chloride	\$864.91 per dry ton
JCI Jones Chemicals, Inc. 100 Sunny Sol Blvd. Caledonia, NY 14423	Liquid Chlorine	\$333.00 per ton
Mercer Lime Company 560 Branchton Road Slippery Rock, PA 16057	Hydrated Lime	\$187.23 per dry 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, with the above-named vendors, for the purchase of such treatment chemicals, 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.

Carried, all voting aye.

ADDITIONAL COMMENTS:

Police Chief Ortolano advised that Route 5 by School #7 will be getting a reduced speed school zone for the hours 7:00 AM thru 9:00 AM and 2:00 PM until 4:00 PM on school days.

Councilman-at-large Rosas inquired to Police Chief Ortolano about the progress of getting a stop sign put up on Lincoln Avenue and Millennium Parkway.

Police Chief Ortolano advised that he has sent a letter to the County Department of Public Facilities as well as the County Engineer on the project and is currently awaiting a response.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:05 PM

Nicole Joiner, City Clerk
