

**COMMON COUNCIL PROCEEDINGS**  
**December 20, 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, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Executive Assistant to the Mayor Westling and Police Chief Ortolano.

Excused: Building Inspector Zurawski, Fire Chief Edwards & City Treasurer Woods.

Certification of Tuesday, December 6<sup>th</sup>, 2016 Common Council Meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of Tuesday, December 6<sup>th</sup>, 2016 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Roger Orcutt, 745 Park Avenue, thanked the City for their involvement in the trap and release program for feral cats, asked that the City never gets rid of the Zero-Sort Recycling Program and inquired as to if 75% of the square footage in the City is non-taxable.

Councilman-at-large Woloszyn advised Mr. Orcutt that he would speak with him about the tax information after the meeting.

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

Mayor Rosas advised Council that the issue that Mr. Aniszewski wrote them about has been addressed.

Mayor Rosas spoke in regards to the City's Comprehensive Plan which has not been updated since the 1970's, provided details of how he will proceed as well as background on the Plan, advised the City has received \$45,000 in NYS Grant funds to update this Plan, explained that since April 2016 over 69 Businesses have attended his Business Roundtables and that information will be compiled into a matrix for the strategic plan to help improve the Business Climate in the City.

Mayor Rosas wished Council and Residents a Merry Christmas and Happy New Year.

Director of Development Yanus provided an update on 2016 Grants and implementation that the City has received.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Prior Notice from Edmund Aniszewski for a dangerous tree on or near 606 Roosevelt Avenue.

Received and Filed.

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

Councilman Williams advised his next Public Works Committee Meeting will be held Tuesday, December 27<sup>th</sup> at 4:00 PM at the Streets Department on Lucas Avenue, inquired to City Engineer Woodbury for an update on the WEX Cards and wished everyone a Happy Holidays.

City Engineer Woodbury advised that everything has been rolled out with the exception of the Fire Department but that he will get the cards to the Fire Chief.

Councilman Bamonto advised the Youth Co-Ed Basketball League numbers have tripled since last year, thanked Public Works Director Bankoski for addressing the issue on Roosevelt Avenue and wished everyone a safe and Happy Holidays.

Councilman Gonzalez provided details from his Economic Development Meeting held earlier today, thanked Director of Development Yanus for her Grant report and wished everyone a Merry Christmas and Happy New Year.

Councilwoman Szukala inquired to Mayor Rosas for an update on the Hospital location and to City Engineer Woodbury if diesel location issues were addressed for the WEX Cards as well as the 24hr locations.

Mayor Rosas advised that he had reached out last week and as of yet has no update.

City Engineer Woodbury advised that, with the Police Chief's assistance, the City was able to add Kwik Fill and that Country Fair can be used as a 24hour location with diesel access.

Police Chief Ortolano advised that his department was the "guinea pigs" for the program, after a few hiccups he believes the issues have been ironed out and that the program has been working well for his department.

Councilman-at-large Woloszyn advised of issues with the train guardrails due to recent accidents and asked Public Works Director Bankoski to reach out to CSX to possibly repair/replace.

Public Works Director Bankoski advised that he had done some investigating last week about some signage issues and the City does not have any guardrail to replace what is broken so he will be reaching out to CSX tomorrow.

**UNFINISHED BUSINESS:****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 Williams made a motion to remove Resolution #101-2016 from the Table.

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

No: Councilwoman Szukala.

Resolution REMOVED, 4-1

Councilwoman Szukala advised this is a difficult decision for her as these are some of the City's best workers but the budget does not support this contract so she will be voting no.

Councilman Williams advised he is in the favor of the Contract, this will save the City money financially over time and that this is fair to both the City and the workers.

Councilman Bamonto advised he believes this is a fair Contract, congratulated the Mayor and his Staff as well as the Union for putting this long term deal together and will be voting yes.

Councilman Gonzalez advised the workers have been without a contract for a few years and the issues he had have been addressed so he will be voting yes.

Councilman-at-large Woloszyn advised that he believes this is a fair contract with give and take on both ends and while he had some concerns he believes the savings will be seen down the road and will be voting in favor.

Mayor Rosas advised these were hard negotiations handled professionally and believes it to be fair to both the City and the Union.

Councilman-at-large Woloszyn clarified that the Council will be voting on the tentative agreement reached between the Mayor and Union on October 27<sup>th</sup> with modifications that were agreed upon on December 20<sup>th</sup>, 2016.

Vote on Resolution:

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

No: Councilwoman Szukala.

Carried, 4-1.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #111-2016**  
**DECEMBER 20, 2016**

**BY: COUNCILMAN WILLIAMS, COUNCILMAN BAMONTO, COUNCILMAN GONZALEZ**

**AWARDING BID THROUGH MUNICIPAL LEASE/PURCHASE  
OF ONE (1) NEW GARBAGE PACKER TRUCK**

**WHEREAS**, the Department of Public Works has reported that it is in need of a new garbage packer truck, and

**WHEREAS**, The City of Dunkirk Procurement Policy allows the City to make purchases under State or County contracts as allowed by the General Municipal Law, and

**WHEREAS**, the DPW Director has reviewed Onondaga County bid #7823 and the equipment, and recommends the lease of one (1) Heil DP5000-32 CY High Performance Rear Loader for the total cost of Sixty Four Thousand Five Hundred Eleven and Thirty Seven Cents (\$65,511.37), now therefore be it

**RESOLVED**, that the DPW Director obtain bids, according to the City of Dunkirk Procurement Policy, for lease financing for this purchase, and be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute all documents for the acquisition of the above-described Heil DP5000-32 CY High Performance Rear Loader to be ordered under said bid #7823, and be it further

**RESOLVED**, that the appropriations for the purchase shall be posted to Account No. 001.8160.2000 (Equipment).

Councilwoman Szukala advised that this was discussed at the last Public Works Committee Meeting and provided details on how the payment of this vehicle would be covered in the budget.

Councilman-at-large Woloszyn read a series of Amendments for Resolution #111-2016.

Councilman Williams moved to Amend Resolution #111-2016. Seconded by Councilman Bamonto.

Carried, all voting aye. AMENDED.

**RESOLUTION #111-2016**  
**DECEMBER 20, 2016**

**BY: COUNCILMAN WILLIAMS, COUNCILMAN BAMONTO, COUNCILMAN GONZALEZ**

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OF ONE (1) NEW GARBAGE PACKER TRUCK**

**WHEREAS**, the Department of Public Works has reported that it is in need of a new garbage packer truck, and

**WHEREAS**, The City of Dunkirk Procurement Policy allows the City to make purchases under State or County contracts as allowed by the General Municipal Law, and

**WHEREAS**, the DPW Director has reviewed Onondaga County bid #7823 and the equipment, and recommends the purchase of one (1) Heil DP5000-32 CY High Performance Rear Loader for the total cost of Sixty Four Thousand Five Hundred Eleven Dollars and Thirty Seven Cents (\$64,511.37), and

**WHEREAS**, the DPW Director has reviewed Onondaga County bid #7823 and the equipment, and recommends the purchase of one (1) Freightliner Chassis for the total cost of Ninety Five Thousand Six Hundred Two Dollars (\$95,602.00), and

**WHEREAS**, the DPW Director has reviewed Onondaga County bid #7823 and the equipment, and recommends the purchase of an extended warranty for the total cost of Four Thousand Two Hundred Ten Dollars (\$4,210.00), now therefore be it

**RESOLVED**, that the DPW Director obtain bids, according to the City of Dunkirk Procurement Policy, for financing for this purchase, and be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute all documents for the acquisition of the above-described equipment, extended warranty, and financing, and be it further

**RESOLVED**, that the appropriations for the purchase shall be posted to Account No. 001.8160.2000 (Equipment).

Carried, all voting aye.

**RESOLUTION # 112-2016**  
**DECEMBER 20, 2016**

**BY: COUNCILWOMAN SZUKALA**

**CHANGE ORDERS 1 AND 2 FOR CONTRACT FOR FOURTH WARD  
BENTON STREET WATER TANK INTERIOR REPAIR AND PAINTING  
(WATER TREATMENT FACILITIES – Phase 3 – under 2009 Consent Order)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH), to address certain inadequacies related to the City’s water treatment plant and water distribution system that include repairs and corrosion-resistant coating of the interior of the Benton Tank; and

**WHEREAS**, the Common Council, through Resolution #75-2016 (September 20, 2016) accepted the lowest of the three sealed bids that were received on August 5, 2016, in the amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127 for this Fourth Ward Benton Tank work; and

**WHEREAS**, additional work is required under this contract to provide generator power for mechanical work inside the tank, as it was recently discovered that the electrical service inside the Benton Street Pump Station was mis-labeled during its construction in the 1980s and therefore is not sufficient to supply construction electrical power; and

**WHEREAS**, this extra needed electrical power requires the contractor to rent a large generator for the duration of construction, at a cost not to exceed \$23,000, with the City providing diesel fuel through its no-tax State Contract vendor; and

**WHEREAS**, after sand blasting the Benton Street Tank interior in preparation for painting, inspections of the sand blasted surface revealed excessive “pitting” of the tank interior. In order to cover the excessive pitting and maintain the warranty for the project, the Contractor estimates an additional 600 gals of paint will be required at a cost of \$138 per gallon for materials and application. The final change order amount will be adjusted based on actual additional quantities of paint applied at a unit cost of \$138 per gallon, therefore,

**BE IT RESOLVED**, that upon review and recommendation of the Director of Public Works, the following Change Order be accepted and awarded:

<b><u>Contractor</u></b>	<b><u>Item</u></b>	<b><u>Cost</u></b>
Global Contracting P. O. Box 606 Orchard Park, NY 14127	Electric Generator for Consent Order Contract Change Order One	\$23,000
Global Contracting	Estimated additional 600 gallons of paint to	\$82,800

P. O. Box 606 Orchard Park, NY 14127	cover excessive pitting revealed after sand blasting for Consent Order Contract Change Order Two	
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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 contractor, for the described consent order change orders 1 and 2, and be it finally,

**RESOLVED**, that the Fiscal Affairs Officer is authorized and directed to transfer sufficient funds from Consent Order Phase 3 Contingencies (budget of \$682,000, Fund 015.8321.5056) to Consent Order Phase 3 Benton St Painting, Fund 015.8321.5049.8054, to pay for the items required for these Change Orders.

Councilman Gonzalez advised he would be voting against this as he had issues with the way this was done, believes it's too early to be using the contingencies and disagrees with what items they were asking for.

Councilman Williams advised that while he shares the same concerns as Councilman Gonzalez there will be an extra expense to the City if the project were to stop so with regret will be voting to approve.

Councilman-at-large Woloszyn advised this was discussed at the Finance Committee Meeting and that the lines of communication will be tightened up so that there will no longer be surprises with the change orders.

Vote on Resolution:

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

No: Councilman Gonzalez.

Carried, 4-1.

**RESOLUTION # 113-2016**  
**DECEMBER 20, 2016**

**BY: ENTIRE COUNCIL**

**AWARDING BID – 2017 SLUDGE AND GRIT HAULING  
(DUNKIRK WATER POLLUTION CONTROL FACILITY)**

**WHEREAS**, following published legal notice, two sealed bids for 2017 hauling of sludge and grit from the City Water Pollution Control Facility were received, opened and read aloud in the Dunkirk City Clerk's Office at 10:30 a.m. on December 15, 2016; now, therefore, be it

**RESOLVED**, that upon the recommendation of the Director of Public Works, the low aggregate bid of **Bestway Container Service, 202 East Main Street, Fredonia, New York 14063**, be and hereby is accepted for 2017 Sludge & Grit Hauling at the following unit costs:

Item 1 – Sludge Hauled (per bid specifications) to Ellery \$12.79 per ton

Item 2 – Grit Hauled (plastic-lined bid specification) to Ellery \$62.00 per ton

(For a total annual aggregate cost based on anticipated amounts of about \$99,000 compared to the second bid total annual aggregate cost of about \$123,000.)

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 2017 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, and to return bid deposits of unsuccessful bidders.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:01 PM**

**Lillian R. Divine, City Clerk**

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