

**COMMON COUNCIL PROCEEDINGS**  
**February 2, 2016**

The meeting was called to order at 5:31 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 Brautigam, Public Works Director Bennice, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Beard, CDBG Administrator Gawronski, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

Certification of January 19, 2016 meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of the minutes of Tuesday, January 19, 2016 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Harriet Lane Tower, 438 Swan Street, Dunkirk, New York spoke on behalf of the Coalition to Solarize Chautauqua County and read the following statement:

“Dear Mayor Rosas and Common Council Members,

I come before you as a volunteer with the Coalition to Solarize Chautauqua County. We intend to follow the successful model of Tompkins County and other campaigns across Western New York to jump start residential solar installations in the area by lowering barriers to going solar. We will work with vendors to offer attractive installation packages, facilitate financing and educate the public. We seek tonight the endorsement of the city administration as we move ahead on the effort to launch our campaign on March 12, 2016 at JCC Conference Center on Bennett Road.

Other communities in Northern Chautauqua have already expressed support: namely the Town of Portland, the Village of Brocton, the Town of Pomfret, and Village of Fredonia. A variety of 15 other leading community groups have signed on to support the campaign. SUNY Fredonia is involved and will be offering assistance with website development and management. We believe that it is in the interest of the city to support and encourage sustainable energy and be on the record as an innovative community interested in energy savings, job creation, a carbon neutral region and the well-being of the planet.

Given the current mothballing of NRG we wish to engage this company which has been a huge part of our community for half a century or more. We want to invite NRG to remain involved with our community thru the installment of wind and solar which NRG promotes actively in other parts of our nation. This can be done beyond the effort currently underway to use the cleaner conversion to gas which is now held up in the courts. Solar Chautauqua in no way

diminished the role of NRG. Rather it is an invitation to them to enhance their role here and bring in more job creation and individual and business energy savings.

Solarize campaigns are locally organized community outreach efforts aimed at getting area homes and businesses to install solar. Solar Chautauqua will bring together competitive installers with limited time offer for cost savings selections to purchase, lease or share in a community solar energy garden. If unable to purchase or lease at private sites, customers can participate in a new shared renewable initiative. New Yorkers can participate even if they don't own their homes, or live in an apartment.

Our board consists of Mary Croxton, Diane Hofner, Scott Mackay, Mary Jane Wagner and Julia Wilson. Minda Rae Amira, Board member of the League of Women Voters is an off board consultant. Harriet Tower and Jeffery W. Barr are volunteer outreach coordinators for the City of Dunkirk.

In our effort to entice new companies to come into Dunkirk and young people to stay we have to be on the forefront of thinking related to what is valued and attractive for economic rejuvenation and sustainability. Discussion at the Paris Convention on climate change confirmed that 50-80% of adaptations must occur at the state and local level. Cities supporting the green economies are those that are thriving in the US and Canada. The Pacific coast collaborative attributes record growth in the job creation to green initiatives. They have seen a 19% growth in clean energy and over 70,000 people working in green jobs. California will have 33% of their energy needs met by solar within 4 years. Vancouver has pledged to have 100% renewable energy by 2020 and attributes their astounding growth and new job creation to this effort. Our Governor wants NYS in the forefront of US energy initiatives. We hope you will review this request and consider a formal letter of support and commitment to Solarize Chautauqua."

Diane Hofner, 7554 Prospect Station Road, Mayville, New York spoke on behalf of the Coalition to Solarize Chautauqua County and stated she spoke with the prior common council members in October regarding the prospects of this program. Ms. Hofner advised Solarize Chautauqua received a grant for \$2,000.00 which will be used to launch their campaign and invited everyone to a luncheon on Saturday, March 12, 2016 from 10:00 AM until Noon at the Jamestown Community College North Conference Center on Bennett Road. Ms. Hofner further advised they are awaiting an announcement from the Governor regarding a NYSERTA grant; their group is comprised of volunteers as no one gets compensated for their work and there are tax credits and incentives available for residents if they switch to solar.

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

Mayor Rosas stated the Department of Development has been advised by HUD that for the first time in four years the City of Dunkirk has achieve compliance with the timeliness standard on its HUD CDBG line of credit and advised Development Director Beard gives credit for this achievement to CDBG Administrator Lauri Gawronski.

Mayor Rosas advised the city received good news regarding our Fire Department and asked Fire Chief Edwards to explain.

Fire Chief Edwards advised the city recently received a survey from the ISO; the ISO is an organization that evaluates each community in the United States for its ability for fire suppression and there are many components to this survey. The city held a Class 3 rating,

regressed to Class 4 and moved back to a Class 3. Fire Chief Edwards credited his department for maintaining a Class 3 rating especially with the cutbacks his department has endured during the past few years.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from the Dunkirk City School District to use Promenschenkel Stadium beginning in early April until mid-June for games and practices for their High School softball program.

Councilman Bamonto stated this is a great idea that the city and school district are working together on shared services and requested the city receive a schedule from the school regarding their practice times and games to avoid any potential conflicts with the city's schedule.

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 Williams.

Carried, all voting aye.

Notice of Claim from James Kuras for damages to a swing set allegedly caused by a tree on city property.

Councilman-at-large Woloszyn advised a motion to refer to this to the Law Department was needed.

Carried, all voting aye.

Loudspeaker application from Clarion Hotel for live bands from May 1, 2016 thru October 1, 2016.

Councilman Williams motioned to approve this application. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from the Harbor Commission requesting to approve Commercial Bait Fishing application to Rickey Miller d/b/a Jerome Miller's Bait Store.

Councilman-at-large Woloszyn advised a motion to approve this application was needed and referred this to the appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilwoman Szukala moved to approve this bait application. Seconded by Councilman Bamonto.

Carried, all voting aye.

Communication from Harriet Lane Tower on behalf of the Coalition to Solarize Chautauqua County.

Received and filed.

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

Councilman Williams asked for clarity regarding the Brush and Yard Waste Policy for contractors.

Councilwoman Szukala advised payment to dispose of brush is based a yearly basis, any individual purchasing a sticker for brush disposal are paying for the 2016 calendar year. This policy was adopted mid-year last year, so anyone who purchased a sticker last year to dispose brush paid to dispose for last year only, they have to come in this year and purchase a new sticker if they want to dispose their brush this year.

Councilman Bamonto advised he and Mayor Rosas meet with the Dunkirk City School District Superintendent last Tuesday regarding the usage of the High School and Middle School gyms for the city's recreational basketball league; the city received approval to use the gyms and is hoping to have a meeting with the league so they can begin their season.

Councilman Gonzalez advised the Economic and Development Committee Meeting held their meeting prior to tonight's council meeting; the city received good news regarding CDBG funds and thanked Lauri Gawronski for her work. Councilman Gonzalez further advised Department of Development Director Beard is pursuing a grant to help protect the seawall; the city is still working on the Wright Park Amenities Grant and is hopeful the city is successful in obtaining those funds.

Councilwoman Szukala asked Fiscal Affairs Officer Halas for an update on the Troy & Banks, Inc. regarding utility bills and savings.

Fiscal Affairs Officer Halas advised he spoke with Keith Tyson from Troy & Banks, Inc. recently, they resubmitted the contract to proceed however, the city has not had the opportunity to review the contract. Fiscal Affairs Officer Halas further advised the Street Light Audit has been completed, the results will be forwarded to NRG and NRG will then advise if they agree with the results.

Councilwoman Szukala asked has the city received payment for the Marina and/or the Boat Launch and if a payment has not been received has the city reached out to Mr. Gambino via telephone or certified letter requesting payment.

City Attorney Brautigam advised the city has not received payment, and he has held discussions with the Mayor regarding this matter and hopes to propose a solution to the council in the near future.

Councilwoman Szukala asked for an update on the 2015 Bed Tax Funding and the cost overage on the Seawall Project.

Mayor Rosas advised the county submitted the Bed Tax paperwork to the city, however, the contract was never signed and returned to the county by the prior administration, therefore, paperwork needs to be revised showing the new administration. There is a resolution later in this

meeting regarding the seawall funding, once approved by the council, the city and county can proceed, and the city should receive the funds (\$100,000.00) within 30 days of the signed contract.

Mayor Rosas advised he has held discussions with the contractors regarding the overage on the seawall, has nothing new to report at this time, but plans on having discussions with the council before the city moves forward regarding this matter.

Councilwoman Szukala advised the next Public Safety Committee Meeting will be held on February 9, 2016 at 3:00 PM in the Mayor's Conference Room and this meeting is open to the public.

Councilman-at-large Woloszyn advised the next Finance Committee Meeting will be held on Thursday, February 18, 2016 at 3:00 PM and this meeting is open to the public.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #19-2016**  
**FEBRUARY 2, 2016**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT FOR FINANCIAL ADVISORY SERVICES**  
**(Municipal Solutions, Inc.)**

**WHEREAS**, the City of Dunkirk and its departments have, on a regular basis, the need for professional financial advisory services; and

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

**WHEREAS**, the City has been engaged in using the financial advisory services of **Municipal Solutions, Inc.** for Bonds, Bond Anticipation Notes (BAN's), Notes, etc., for a number of years, and would like to continue to utilize such services; and

**WHEREAS**, **Municipal Solutions, Inc.** is ready, willing and able to continue to provide such services to and on behalf of the City, in a good and workmanlike manner, and is being recommended for approval; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **Municipal Solutions, Inc.**, 62 Main Street, LeRoy, New York 14482, to provide financial advisory services for the City for the period of two (2) years from date of signature, (February 3, 2016 through February 2, 2018); and, be it finally

**RESOLVED**, that the payments for such services be made from Account No. 001-1325-4036 (Fiscal Agents Fees).

Carried, all voting aye.

**RESOLUTION #20-2016**  
**FEBRUARY 2, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT WITH CHAUTAUQUA COUNTY  
(DUNKIRK HARBOR SEA WALL ON LAKE ERIE)**

**WHEREAS**, the structural failure of Dunkirk Harbor's Sea Wall posed an imminent threat to important municipal infrastructure; and

**WHEREAS**, the City of Dunkirk (CITY) completed the work necessary to rehabilitate the Sea Wall; and

**WHEREAS**, the County of Chautauqua (COUNTY), pursuant to COUNTY Resolutions 253-09, 109-11, and 129-15, the Legislature authorized the use of funds in the 2% Occupancy Tax Lakes and Waterways Reserve Fund to support the rehabilitation of the Dunkirk Sea Wall; now, therefore, be it

**RESOLVED**, the COUNTY shall reimburse the CITY for work done by the CITY to rehabilitate the Dunkirk Harbor Sea Wall; and, be it further

**RESOLVED**, the maximum amount payable to the CITY shall not exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), and, be it further

**RESOLVED**, the COUNTY shall pay the CITY upon receipt of properly executed, itemized, and certified County claim vouchers in the form and content approved by the County's Director of Planning and Economic Development, or duly authorized subordinate and accompanied by such fiscal records and documentation as the Director may reasonably request; and, be it finally

**RESOLVED**, that Mayor, Wilfred Rosas, is hereby authorized and directed to execute any and all agreements with the COUNTY, to receive an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the 2% Occupancy Tax Lakes and Waterways Reserve Fund.

Carried, all voting aye.

**RESOLUTON #21-2016**  
**FEBRUARY 2, 2016**

**BY: ENTIRE COUNCIL**

**CHANGE ORDER 1 FOR CONTRACT  
FOR ELECTRICAL WORK AT WATER FILTER PLANT  
(WATER TREATMENT FACILITY – Phase 2 – 2013 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; and

**WHEREAS**, the Common Council, through Resolution #07-2013 (February 5, 2013) authorized bonding for the 2013 Phase of the reconstruction of, and construction of improvements to, the City's water system through city funding account 015 established for this such Consent Order work; and

**WHEREAS**, the 2013 Phase 2 includes, among other items:

- Electrical work to support ongoing consent order contract work at the filter plant; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of electrical work for consent order work at the filter plant were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on May 9, 2014, and a contract with the lowest responsible bidder, BECC Electrical of Dunkirk NY, was authorized by City Resolution #50-2014 on June 3, 2014; and

**WHEREAS**, additional work is required under this contract to complete wiring discovered to be needed for the new sludge collection systems for sedimentation basins No. 1 and No. 2; and

**WHEREAS**, quotes for this extra needed electrical work were solicited from three vendors and BECC Electrical was the lowest cost at Thirty-Four Thousand Five Hundred Seventy Dollars and Zero Cents (\$34,570.00); now, therefore, be it hereby

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

<u>Bidder/Contractor</u>	<u>Item</u>	<u>Cost</u>
BECC Electrical 1007 Central Ave., Dunkirk, NY 14048	Electrical Work for Consent Order Work Change Order One	\$34,570

and, be it finally

**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 order work paid through said funding account 015.

Councilwoman Szukala asked Department of Public Works Director Bennice to explain this resolution.

Department of Public Works Director Bennice advised the city received two bids for the additional work needed, BECC Electric was the lowest bidder and this work will complete Phase II of the Consent Order.

Carried, all voting aye.

**RESOLUTION #22-2016**  
**FEBRUARY 2, 2016**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING VEHICLE USAGE BY THE DIRECTOR OF PUBLIC WORKS**

**WHEREAS**, the Mayor of the City of Dunkirk, has appointed Gregory Bennice as his Director of Public Works, to manage and direct that department; and

**WHEREAS**, the City of Dunkirk owns, insures, and maintains a vehicle for use by the Director of Public Works to assist the Director of Public Works in the course of his duties; now, therefore, be it

**RESOLVED**, that the Director of Public Works, Gregory Bennice, is hereby authorized to use the vehicle owned by the CITY at all times while employed by the city, including times that the Director of Public Works is not within the CITY. Such usage is limited to those tasks reasonably related to the Director's duties as the Director of Public Works.

Carried, all voting aye.

**RESOLUTION #23-2016**  
**FEBRUARY 2, 2016**

**BY: COUNCILMAN GONZALEZ**

**AUTHORIZING BROWNFIELD OPPORTUNITY AREA (BOA) GRANT –  
PHASE II –  
CONSULTANT EVALUATION/RECOMMENDATION**

**WHEREAS**, the City of Dunkirk submitted an application for a grant to the NYS Department of State for a Brownfield Opportunity Areas Grant (BOA) regarding the Dunkirk AI Tech Area Project; and

**WHEREAS**, by Resolution #85-2012 on October 16, 2012, the BOA grant was approved and awarded to the City of Dunkirk; and

**WHEREAS**, the BOA has recommended Barton & Loguidice the contract for Phase II of the BOA program; now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute any and all documents to proceed with the process of awarding Barton & Loguidice the contract for Phase II of the BOA program.

Carried, all voting aye.



Councilman-at-large Woloszyn motioned to go into Executive Session to discuss personnel and contractual obligations.

Councilman Williams motioned to go into Executive Session. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Executive Session called to order at 5:58 PM.

Councilwoman Szukala moved to adjourn the Executive Session at 6:38 PM and reconvene to the regular Council Meeting. Seconded by Councilman Gonzalez.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:39 PM**

**Lillian R. Divine, City Clerk**

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