

COMMON COUNCIL PROCEEDINGS
February 4, 2014

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

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Director of Development Neratko, Personnel Administrator Heyden, Recreational Program Coordinator Gornikiewicz, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of January 21, 2014 meeting was read by City Clerk Joiner.

RESOLVED: That the reading of the minutes of Tuesday, January 21, 2014 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Mary Rees, 433 Dove Street, Dunkirk, NY spoke in regard to her opposition of hydrofracking and read the following statement:

"I've lived in Dunkirk for 32 years and owned a home on Dove Street for the past 26 and I am here to express concern about the potential threat to the health of Dunkirk and its residents from waste products of high-volume horizontal hydraulic fracturing.

Since 2008, our state has had a moratorium on this controversial drilling practice; however, many people may not know that hundreds of thousands of tons of other states' fracking wastes, containing chemical and radioactive contaminants are transported each year over New York State roads and disposed of in at least five upstate New York landfills. There is concern that some of this material goes through municipal wastewater treatment plants that are not designed to safely process it, resulting in toxic effluent being discharged into lakes and rivers. Also, flow-back brine from fracking wells, containing many chemicals much more dangerous than salt, is used in what is seen as a cost-effective way to de-ice some New York State roads and ends up in our groundwater.

It is within your power to take steps now to protect our valuable freshwater resources from these immediate threats. Tonight I ask the Common Council to join over 160 municipalities in New York State, including Pomfret, that have passed resolutions to prohibit the transportation, treatment and disposal of fracking waste within their boundaries. Some have also preemptively banned any future fracking of the type currently under state moratorium.

I'll leave, for your consideration, a sample resolution that encourages action at the county level, as well. I disagree with County Executive Vince Horrigan's who was quoted in yesterday's

Observer as saying "before we do anything at the county level, we must see what the state has found and what their policy is going to be."

Reams of data from university and governmental agency studies exist that document serious damage done to many communities in the 30 states where this drilling practice has been on-going for a decade. We have the priceless opportunity to learn from their experiences and avoid making disastrous mistakes ourselves.

I am also disturbed by State Representative Andrew Goodell's comment in the same article yesterday that "without fracking there wouldn't be any natural gas wells in Chautauqua County," he either ignores or fails to understand the difference between the more than 5,500 conventionally fracked, existing gas wells in our county and the exponentially larger, more polluting, high-volume, horizontally drilled type that is currently banned.

Because of the latter's potential to cause irreparable, widespread harm, I believe all elected officials owe it to their constituents to become educated about all its aspects and not to accept at face value, assurances in advertising paid for by the gas industry, that the economic benefits outweigh the risks to our environment, health and quality of life.

A good place to start, if you haven't already, would be by watching "Fracking 101," an hour long recording you previously received at a presentation last October by Glenn Wahl, a retired High School teacher, current instructor of geology at JCC Olean and member of the Cattaraugus-Chautauqua for Safe Water. He will speak again on Tuesday, February 25th at the JCC North County Building.

Thank you for listening and I hope you will consider passing a resolution to safeguard Dunkirk and its residents from the harmful effects associated with high-volume horizontal hydrofracking and its wastes."

Jay Warren, 5182 Woodlands Drive, Dunkirk, New York, advised he was representing The Chamber of Commerce and the Local Economic Development Group and spoke in regard to the petition on tonight's agenda concerning The Great Lakes Experience. Mr. Warren advised this festival supports wildlife, natural resource and environmental education for our youth and was well attended last year.

Mr. Warren also spoke in regard to the Local Waterfront Revitalization Project, stated the project costs \$135,000.00, the State has awarded them a grant for \$65,000.00 and the remaining \$65,000.00 was raised from local municipalities. Mr. Warren advised this is a regional project covering lakefront property from Hanover to Ripley.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from Mayor Dolce appointing Tim Gornikiewicz, Marty Bamonto, Peter Rodriguez, John Sliwa, Joe Gould, Ryan Corbett and Doug Lockett to the Youth Board effective February 5, 2014 and expiring February 5, 2017; Jonelle Anderson, Ron McWillson, Abbey Yerico, Edward "EJ" Hayes, Middle School Student-TBD, High School Student-TBD to the Youth Board effective February 5, 2014 and expiring February 5, 2015. Also, appointing Mike Rosing to the Greater Dunkirk Area Harbor Commission effective February 5, 2014 and expiring February 1, 2016.

Received and filed.

Mayor Dolce spoke in regard to the communication on tonight's agenda concerning the Youth Board, advised he is excited about the start-up of the Youth Board and providing recreation opportunities for our youth and stated one of the first tasks the board will be pursuing will be to combine the Youth Board with the Recreation Board.

Mayor Dolce advised he will be meeting with our County Legislators this Thursday to discuss the dredging of our harbor.

Mayor Dolce spoke in regard to the Resolution on tonight's agenda about the feasibility study of our fire halls and stated "our original intend was to find someone independent of the city, to do an honest, fair assessment of our three fire halls and plan out what they feel would be the best course of action for the city going forward."

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Great Lakes Experience Inc., to use Memorial Park on Saturday, June 21st from 9:00 AM until 7:00 PM for a US Fish and Wildlife Service event.

Councilman Michalski thanked Jay Warren and The Great Lakes Experience Organization for holding this event in Memorial Park, this event is well organized and brings people to the City.

Councilwoman-at-large Kiyak also thanked the group for holding this event in Dunkirk as this enhances tourism in the City and their program in educating our youth.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, pending approval of a loudspeaker permit (if necessary) and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Michalski moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Brian Madurski on behalf of the Northern Chautauqua County Youth Association to use the boat launch at the Pier on March 1st for a Polar Bear swim fundraiser.

Councilwoman Szukala inquired how many police and fire personnel will be needed for this event.

Fire Chief Ahlstrom advised several firemen are active members of this organization and will be donating and volunteer their time for this event.

Police Chief Ortolano advised there will be general police supervision of this event.

Councilman Rivera advised this is the first time an event like this is being held in the City.

Councilwoman-at-large Kiyak advised a motion to approve 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 was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Sandy George on behalf of the Nathan George Foundation requesting to use the Little League Field and the Stadium for the Sixth Annual Nathan George co-ed slo-pitch tournament on Saturday, August 9th (Rain date August 10th).

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of a loudspeaker permit and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Keith Ossman on behalf of the Lake Shore Street Rod Association for partial use of the Point Gratiot parking lot, permission for vendors, bandstands, extra trash barrels and trash pick-up for their Annual Harbor Cruise on Sunday, July 6th.

Councilwoman Szukala advised this event is well organized and well attended and inquired why the group is requesting only partial use of the parking lot.

Mayor Dolce advised he did not know why they requested only partial use of the parking lot.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, pending approval of a loudspeaker permit and that all city property is left in the same condition as prior to the event and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of Claim from Travelers Insurance Company as Suborgee for Barbara Vandette for damages to her vehicle allegedly caused by a city packer.

Notice of Claim from David Mleczko for damages to his mailbox allegedly caused by a city salt truck.

Councilwoman-at-large Kiyak advised a motion to refer to these to the City Attorney was needed.

Councilwoman Szukala moved to refer these to the City Attorney. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from Sandy George on behalf of the Nathan George for loudspeakers on August 9th (Rain date August 10th) from 12:00 PM until 4:00 PM for their Annual Softball Tournament at the Stadium.

Loudspeaker application from Lake Shore Street Rod Association for a live band and disc jockey at the large pavilion at Point Gratiot on July 6th from 1:00 PM until 5:00 PM.

Councilwoman-at-large Kiyak advised a motion to approve these applications was needed.

Councilman Michalski moved to approve these applications. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Michalski spoke in regards to the street paving project this past fall and asked who will be responsible for repairing the potholes on those streets.

Department of Public Works Director Gugino advised the Hot in Place Street Paving Project was a two phase project with the top coat to be applied in the spring; the contractor completed their portion of the project and stated the city will repair the potholes on those streets before the top coat is applied. Department of Public Works Gugino stated the streets paved last fall will be addressed first will be paid for thru CHIPS funding and will begin as soon as weather permits.

Councilman Rivera advised a Public Safety Meeting will be held on Thursday, February 20th at 10:00 AM.

Councilman Rivera advised Diane Andrasik recently retired from the Dunkirk Historical Society, thanked her for all her work and reminded residents the Historical Society will be holding a membership drive this Thursday from 6:30 PM – 8:00 PM at 513 Washington Avenue.

Councilman Rivera advised two high school basketball games were televised this past week on ACCESS 12 and thanked Chip Riewaldt and Bill Smock for their work and announced Friday's basketball game between Dunkirk High School and Southwestern High School will be televised on ACCESS 12 beginning at 6:00 PM.

Councilman Rivera asked Department of Development Director Neratko to explain later in this meeting the Brownfield Grant that has been awarded to the city.

Councilman Rivera thanked Department of Public Works Director Gugino, Jim Meyer, Jim Ganey, Jim Fafinski, Mike Porpiglia and Russ Tenamore for their work repairing the recent waterline breaks in the city.

Councilman Gonzalez also thanked the Department of Public Works for all their work repairing the waterline breaks, especially in such cold conditions.

Councilman Gonzalez advised the next Personnel Meeting will be held on Monday, February 10th at 3:00 PM.

Councilwoman Szukala advised the next Public Works Meeting will be held on February 27th at 1:30 PM in the Conference Room and they will be discussing the Waste Water Treatment Plant.

Councilwoman Szukala asked Building and Zoning Officer Zurawski for an update on the Community Christmas Building on Ruggles Street and asked if the owners have purchased building permits on that property.

Building and Zoning Officer Zurawski advised his office recently sent a letter to the owners on what they need to do to the building, the owners have responded to previous requests by his office, building permits will be issued after design plans are approved and his office will continue to follow-up on this property.

Councilwoman Szukala also asked Building and Zoning Officer Zurawski for an update on the RFP process for grass cutting and emergency enclosures in the City that run through his department.

Building and Zoning Officer Zurawski advised he is working on it, is researching how other municipalities handle this process (cost wise) and should have more information for Council soon.

Councilwoman Szukala asked Mayor Dolce for an update on the status of Union Contract negotiations and status of Cable ACCESS 12.

Mayor Dolce advised proposals and counter proposals have been offered to the Union's and in regard to ACCESS 12 we are basically at square one. Mayor Dolce advised Councilman Rivera has been working with Bill Smock from the High School; Councilwoman-at-large Kiyak has been working with Mr. Walker and he will meet with Councilman Rivera and Councilwoman-at-large Kiyak this week to discuss this matter.

Councilwoman Szukala asked Department of Public Works Director Gugino for a budget status update for his department especially since the city had several unexpected waterline breaks this past week.

Department of Public Works Director Gugino advised the water main maintenance budget line was increased \$10,000.00 this year, as of today his department is fine and reminded Council the city is reimbursed for any work his department provides to other municipalities.

Councilwoman-at-large Kiyak advised the next Economic and Development Meeting will be held on Thursday, February 13th at 11:00 AM in the Conference Room and asked Department of Public Works Director Gugino for an update on the Water Treatment Plant and filter bed six.

Department of Public Works Director Gugino proceeded to explain the progress, advised eight bids were received, bids were lower than we expected, completion time expected is six months and filter bed six was a success.

Department of Development Director Neratko advised the city has received our BOA Brownfield Step 2 Grant for the AI-Tech sight; Council approved and accepted this grant last year, grant amount is \$300,000.00 and is to be used for planning for the future use of the sight. Once the planning phase is complete there is implementation dollars to clean the sight for future development and is not limited to the AI-Tech sight but also the surrounding property.

Department of Development Director Neratko also advised the Chautauqua Health Network presented the city with conceptual drawings regarding the Complete Streets Program during the last Revitalization Dunkirk Meeting; these drawings are in his office, show what some complete streets applications could look like and will be place in the Stearn's Court windows as soon as written dialogue for those drawings is received.

Councilwoman-at-large Kiayak asked if this will be posted on the website.

Department of Development Director Neratko advised this will be posted on the website.

PRE-FILED RESOLUTIONS:

RESOLUTION #17-2014
FEBRUARY 4, 2014

BY: THE ENTIRE COUNCIL

**APPOINTING CBRDC AS LGE GRANT ADMINISTRATOR AND
AUTHORIZING PAYMENTS TO CBRDC FOR SUCH ADMINISTRATION
(Efficiency Implementation Grant)**

WHEREAS, the New York State Department of State has made funding available for 2013 Local Government Efficiency Grant Programs to assist applicants in implementing plans to improve local government efficiency and cost savings; and

WHEREAS, the City of Dunkirk Common Council, by Resolution 13-2013 (February 19, 2013): Confirmed that the City of Dunkirk act as lead applicant for an Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the NYS Department of State for the purposes of the Chadwick Bay Regional Water System Development;

Directed that the City of Dunkirk shall not be responsible for any portion of the local share whether directly or through an assessment to the Chadwick Bay Region of Communities (CDRC) or Chadwick Bay Regional Development Corporation (CBRDC);

Authorized and directed the Mayor to execute all necessary Grant Application Documents for submission to the Department of State Local Government Efficiency Grant Program; and

Confirmed that the City of Dunkirk assume the role of Lead Applicant and nominated Steve Neratko, City Director of Planning & Development, to act as the Lead Applicant Contact Person; and

WHEREAS, the City has been advised that the City must receive any such grant funds and be utilized to reimburse the CDRDC for lead consultant costs for such grant work; now, therefore be it

RESOLVED, that the City of Dunkirk hereby appoints the Chadwick Bay Regional Development Corporation as the entity to administer the Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the NYS Department of State for the purposes of the Chadwick Bay Regional Water System Development at no cost or expense to the City of Dunkirk whatsoever; and, it is further

RESOLVED, that the City of Dunkirk, to the extent allowable by law and within the parameters of any applicable rules or regulations of the Local Government Efficiency Grant Program, shall authorize payments to the Chadwick Bay Regional Development Corporation from any Local Government Efficiency Grant monies or reimbursements received by the City for all appropriate and authorized contractual work associated with the "grant work plan" (as documented in NYS Department of State-approved reimbursement requests by the Chadwick Bay Regional Development Corporation on behalf of the Local Government Efficiency Grant approved by the City as lead applicant), at no cost or expense to the City of Dunkirk whatsoever; and, it is further

RESOLVED, that the Mayor is hereby authorized and directed to execute all necessary documents to effect the above; and, it is further

RESOLVED, that the Fiscal Affairs Officer and Treasurer are authorized and directed to create any necessary account to accommodate the receipt and reimbursement of such monies or reimbursements; and, it is finally

RESOLVED, that the City of Dunkirk reiterates and restates Resolution No. 13-2013 which terms and conditions shall continue in full force and effect.

Councilwoman Szukala asked Department of Development Director Neratko to explain this Resolution.

Department of Development Director Neratko advised the City along with Chadwick Bay received a grant to continue to work on this project and stated "we will along with them administer the grant but basically a municipality had to represent the group and at a meeting last year, council did approve to do that."

Councilwoman Szukala inquired if the money coming in will be going to the City, then reimbursed to the CBRDC and ask if an extra fund will be created.

Department of Development Director Neratko advised the City will be acting as a pass through and stated "once funds are expended by the group, they will ask for reimbursements, we will then ask for a reimbursement from the State, the State will give us the money and we will just basically be a pass through." The City will not hold any funds.

Carried, all voting aye.

RESOLUTION #18-2014
FEBRUARY 4, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZE FEASIBILITY STUDY – FIRE HALLS
(Pacheco Ross Architects, PC)

WHEREAS, it is in the best interests of the City to undertake a comprehensive and professional analysis of the existing Fire Department buildings to identify possible needed renovations, along with cost estimates and the viability of any such renovations, to include current and future space requirements for the City's Fire Department and to analyze the condition of the City's various Fire Stations; and

WHEREAS, it is appropriate to engage the services of an independent firm to undertake such requisite review and analysis, and to assess and to advise as to the current and future space requirements for the City's Fire Department, and as to the condition of the City's various Fire Stations; and

WHEREAS, the City requested and received proposals from various independent firms to conduct such review and analysis; and

WHEREAS, after reviewing such proposals, it has been determined that **Pacheco Ross Architects, PC**, has the requisite knowledge, training and expertise to provide such services in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a contract with **Pacheco Ross Architects, PC**, 72 Voorheesville Ave., P.O. Box 558, Voorheesville, NY 12186, to provide analysis of the existing Fire Department buildings, to identify possible needed renovations, along with cost estimates and the viability of any such renovations, in an amount not to exceed Twenty-Nine Thousand Nine Hundred Dollars and Zero Cents (\$29,900.00).

Councilwoman-at-large Kiyak thanked Fire Chief Ahlstrom for his research and providing Council with detailed information regarding this Resolution.

Carried, all voting aye.

RESOLUTON #19-2014
FEBRUARY 4, 2014

BY: COUNCILWOMAN SZUKALA

AWARDING BID FOR CONSTRUCTION WORK
(WATER TREATMENT FACILITY – 2013 – Phase 2-A – 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 No. 07-2013 (February 5, 2013) authorized \$4,400,000.00 in bonding for the 2013 Phase of the reconstruction of and construction of improvements to the City's water system pursuant to such Consent Order; and

WHEREAS, the 2013 Phase 2-A project includes, per bid specifications:

- Renovation of seven (7) filters at Water Treatment Plant and related work
- Filter and chemical building renovations and upgrades
- Valve and piping replacements; and

WHEREAS, following published Legal Notice, sealed bids for the furnishing of construction services for these items, as specified in the bid contract documents, were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on January 24, 2014; and

WHEREAS, the bids were received and reviewed by the Department of Public Works, and the Department of Public Works recommends that the lowest responsible bidder be awarded bids for such 2013 Phase 2-A construction; 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:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
STC Construction, Inc. 63 Zoar Valley Road Springville, NY 14141	Base Bid primary construction, and Alternate Bid Items, A1-A7, for piping and valves and accessories for the base work	\$1,625,500

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 vendor, for the purchase of such construction work, and that the City Clerk is hereby authorized to return the bid deposits of the bidders, after contract execution or non-awarded bid, with retention of accepted-bid performance bonds, in accordance with the contract specifications, and that the City Clerk shall return unaccepted and unopened, any and all bids, received after the date and time of the published bid opening.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Rivera.

Carried, all voting aye.

Adjourned at 6:05 PM

Nicole Joiner, City Clerk
