

**COMMON COUNCIL PROCEEDINGS**  
**May 5, 2015**

The meeting was called to order at 5:34 PM by Councilman-at-large Rosas followed by the Pledge of Allegiance.

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

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 Mleczo, Director of Development Neratko, Recreational Program Coordinator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

Certification of April 21, 2015 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, April 21, 2015 be dispensed with.

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

Carried, all voting aye (3-0).

Councilmen Michalski and Rivera arrived at 5:36 PM.

**PUBLIC COMMENTS:**

Janice Dekoff, 431 Mullet Street, Dunkirk, New York, spoke on behalf of the Dunkirk Free Library in regard to the school district library initiative where the library is trying to become a school district public library, petitions are available for anyone interested on becoming a board member and stated this is being done so the library can continue to be sustainable and would ensure the viability of the library as funding has been reduced the past four years. Ms. Dekoff proceeded to explain how the library had to cut staffing positions, services, classes and hours under the current setup and stated if the library remains under its current setup more cuts would be forth coming; however, if residents vote to change the library to a school district library funding would increase, which would lead to services, staffing and hours being restored and increased. Ms. Dekoff stated there is a need in our community for a library and advised the election will be at the held at the library on June 23th from 12:00 PM until 9:00 PM.

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

Mayor Dolce advised HUD money had been set aside to address the Pangolin Street Field and Washington Park; the city has just ordered benches, trash cans, and recyclable receptacles to improve those areas and as part of the New York Main Street Grant the city is looking to address the first two blocks on Central Avenue.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Ryan Corbett on behalf of the Dunkirk Historical Society and Infinity Dance Company to hold a Classic Car Cruise in Washington Park on June 12<sup>th</sup> from 4:00 PM

until 8:00 PM. Also, requesting permission to have a tent, trash cans, vendors, and the closing Washington Avenue between Fifth and Sixth Streets.

Councilman Rivera thanked Ryan Corbett for his work on this event.

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

Councilman Michalski moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from Dunkirk Midget Football League to use the Fourth Street property for practices from August through October. Also requesting the city to provide port-a-potties.

Councilman Gonzalez asked is there a conflict with this field with the soccer league.

Councilman-at-large Rosas asked how is it determined which groups use what fields.

Recreational Program Coordinator Gornikiewicz advised the soccer league will be using the Holy Trinity Field this year as it is larger and suits their needs better.

Councilwoman Szukala inquired who will be paying for the port-a-potties as the city does not provide port-a-potties.

Recreational Program Coordinator Gornikiewicz advised the group is aware the city does not provide port-a-potties and they will be responsible for the port-a-potties.

Councilman Michalski asked for clarity on the group's responsibility on the port-a-potties as their petition indicates they want the city to provide the port-a-potties.

Recreational Program Coordinator Gornikiewicz reiterated the group is aware they are responsible for providing their own port-a-potties.

Councilman-at-large Rosas advised he is familiar with this program and asked how many teams will be involved.

Recreational Program Coordinator Gornikiewicz advised there three teams along with their cheerleaders and this field is sufficient for their needs.

Councilman Rivera advised this is a central location, as many children have to walk, and is happy this field is being utilized.

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

Councilman Rivera moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Christ Chapel Wesleyan Church to have a bounce house at the large pavilion at Point Gratiot on August 16<sup>th</sup> for their annual family picnic and requesting permission to hold Sunday worship services.

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

Councilman Rivera moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from the Kosciuszko Polish Home Association requesting to close traffic between E. Doughty Street and Courtney Street on Friday, June 26<sup>th</sup> and Saturday, June 27<sup>th</sup> from 5:00 PM until 12:30 AM for their "Annual Street Dance." Also, requesting the support of the City Parks Department, Police Department, Streets Department and Fire Department.

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

Councilwoman Szukala moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Request from Cynthia Karnes to use Promenschenkle Stadium and Koch's Field on Saturday July 11<sup>th</sup> from 8:00 AM until 10:00 PM, also requesting permission for a food vendor and alcohol sales for the annual "Joe Karnes Memorial Co-Ed Softball Tournament."

Councilwoman Szukala asked is this date available for use.

Councilman Rivera inquired about the sale of liquor at this event.

Recreational Program Coordinator Gornikiewicz and City Clerk Joiner both advised the date is available for use, they have requested liquor sales in the past and City Clerk Joiner advised liquor will be provided through Coughlin's Pub.

Councilman Gonzalez inquired about alcohol consumption at the ball fields.

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

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

Vote on Petition:

Ayes: Councilman Michalski, Councilman Rivera, Councilwoman Szukala,  
Councilman-at-large Rosas.

No: Councilman Gonzalez.

Carried, 4-1.

Petition from Special Olympics New York and The Law Enforcement Torch Run to use city streets on May 20<sup>th</sup> between 9:00 AM and 9:30 AM.

Councilman Michalski inquired about the non-closure of city streets for this event.

Police Chief Ortolano advised this event was held last year with no problems.

City Clerk Joiner advised there is an error in the original request regarding the date of the event, the correct date for this event is May 28<sup>th</sup> not May 20<sup>th</sup> as listed in their petition.

Councilwoman Szukala clarified the correct date for this event is May 28<sup>th</sup>, not May 20<sup>th</sup> as listed in the original petition.

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

Councilman Gonzalez moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Claim from Michael Granata for damages to his water lines.

Notice of Claim from Alphonse and Sadie Kwiej for personal injuries allegedly sustained at a parking lot located at 252 Nevins Street.

Councilman-at-large Rosas advised a motion to refer to these notices to the Law Department was needed.

Councilwoman Szukala moved to refer these notices to the Law Department. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Loudspeaker application from Ryan Corbett on behalf of the Dunkirk Historical Society to have a DJ in Washington Park on June 12<sup>th</sup> from 4:00 PM until 8:00 PM.

Loudspeaker application from the Dunkirk Lighthouse to use a loudspeaker on May 25<sup>th</sup> from 8:00 AM until 10:00 AM for Memorial Day Services.

Loudspeaker application from the Alzheimer's Association of Western New York to have a DJ and to use speakers, soundboard and microphone at the large pavilion at Point Gratiot on September 12<sup>th</sup> from 8:30 AM until 12:30 PM.

Loudspeaker application from Christ Chapel Wesleyan Church to use a speaker at the large pavilion at Point Gratiot on August 23<sup>rd</sup> from 10:30 AM until 2:30 PM.

Loudspeaker application from Kosciuszko Polish Home Association to use microphones, amplifiers and speakers on June 26<sup>th</sup> and June 27<sup>th</sup> from 7:00 PM until 11:00 PM for their "Annual Street Dance."

Loudspeaker application from Duane Gilbert on behalf of the Dunkirk Elks Lodge #922 for amplifiers, speakers and microphones at the Dunkirk Lighthouse on Sunday, June 14<sup>th</sup> from 3:00 PM until 6:00 PM.

Councilman-at-large Rosas advised a motion to approve these loudspeaker applications was needed.

Councilwoman Szukala moved to approve these loudspeaker applications. Seconded by Councilman Rivera.

Carried, all voting aye.

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

Councilman Michalski asked what avenue is the city pursuing regarding the demolition process of the fire damaged house on Lake Shore Drive and has the city been in contact with the property owner.

Building and Zoning Officer Zurawski advised the city is proceeding according to Chapter 56 of the City Code and the city has been in contact with the homeowner.

Councilman Rivera asked Building and Zoning Officer Zurawski for an update on the Swan Street property and Land Bank property.

Building and Zoning Officer Zurawski advised asbestos abatement has been completed on the Land Bank properties, the city is awaiting final air monitoring reports, demolition bids are due May 15<sup>th</sup> and a resolution should be presented at the next common council meeting.

Councilman Rivera advised he intends on holding a Public Safety Committee Meeting in May and will announce a date and time in the near future.

Councilman Gonzalez wanted to clarify his position regarding the use of Promenschenkle Stadium petition earlier in this meeting and advised he is not against them using the field he is concerned with the consumption of alcohol.

Councilman Gonzalez announced the next Personnel Committee Meeting will be held on May 11<sup>th</sup> at 6:00 PM in the Mayor's Conference Room.

Councilwoman Szukala announced the next Public Works Committee Meeting will be held on May 18<sup>th</sup> at 1:00 PM in the Mayor's Conference Room, and asked Police Chief Ortolano for an update on the Millennium Parkway stop signs.

Police Chief Ortolano advised it has been a painstaking process to get county engineers to meet with the city; he recently met with the Mayor, City Attorney and Director of Public Works, a traffic study has been completed and it has been decided per his power under the City Charter he is authorizing two additional stop signs to be installed at the corner of Lincoln Avenue and Talcott Street, turning that corner into a four-way stop. Police Chief Ortolano also advised the

intersections will be restriped for cross-walks which should improve the safety for the children and the signs will be installed as soon as the Department of Public Works creates them.

Councilwoman Szukala asked for a timeframe for the placement of the signs and will a press release be issued by the city notifying residents of the change to that corner.

Department of Public Works Director Gugino advised the purchase order for the materials was approved yesterday and the signs will be installed once the city receives the materials needed to create the signs.

Police Chief Ortolano advised the Police Department and Public Works Department will issue a press release once the work has been completed.

Councilwoman Szukala also inquired about the signs on Lark Street.

Department of Public Works Gugino and Police Chief Ortolano advised they are aware of the issues in that area and the city is waiting to receive the materials needed for those signs.

Councilwoman Szukala inquired when a street paving list will be available.

Department of Public Works Gugino advised most of this year's CHIPS money is dedicated to the Seventh Street Water Line Street Reconstruction Project and will be used to pay off the finalization amount owed to HUD. Department of Public Works Director Gugino advised the city will use CHIPS money, repair and improve streets utilization money in the city budget line and CDBG money for this year's street paving project.

Councilwoman Szukala asked has the city sent a letter to the owner of the fire damaged house on Lake Shore Drive, could this property be considered a Land Bank property and is there a timeframe for the demolition of this house.

Building and Zoning Officer Zurawski advised the city sent a letter, the house has been posted for no occupancy and the owner has responded to the city. Building and Zoning Officer Zurawski advised there are several factors to consider regarding this property being a Land Bank property, there is no timeframe for the demolition of this property and he no longer has money in his budget line to demolish houses.

Councilman Gonzalez asked Department of Public Works Director Gugino about a sign replacement on Lafayette Street and Central Avenue, and asked Building and Zoning Officer Zurawski about the house on Maple Avenue that was hit by a car and is anyone residing in that house.

Department of Public Works Director Gugino advised he will address the Lafayette and Central Avenue signs.

Building and Zoning Officer Zurawski advised they are awaiting a transfer which is scheduled to take place May 11<sup>th</sup> and no one is to be living in that house however, they have until May 11<sup>th</sup> to remove their property.

Councilman-at-large Rosas advised the Senior Citizen Center is in need of a new roof; CDBG funds are available and believes this project is eligible for the use of those funds.

Mayor Dolce advised several bids were received within the past few years regarding the roof; one contractor stated the building only needed a portion of the roof repaired, not a complete roof replacement and that portion of the roof was repaired. Mayor Dolce further advised a substantial amount of HUD funds have been used to repair the parking lot and approximately \$50,000.00 of HUD money has been awarded to them the past several years.

Department of Development Director Neratko advised the application process begins December 1<sup>st</sup> and ends January 1<sup>st</sup>; a plan is then put into place for that year with the applications received during that timeframe and this year's plan is already in place. Department of Development Director Neratko advised they did not submit an application this year and he will speak with them advising them of the application process and will assist them in obtaining funds for next year.

Councilman-at-large Rosas asked for an update on the seawall behind the Water Treatment Plant and asked is it considered an emergency to have it repaired.

Mayor Dolce advised Senior Engineer Woodbury has been working with the Army Corps of Engineer on finalizing design specs. for the seawall to seek bid proposals; the wall has been secured with braces, there is an emergency pump on hand in the event the wall fails and the city will be seeking proposals as quickly as possible. Mayor Dolce further advised the city is seeking technical, material and financial support for this project.

Department of Public Works Director Gugino advised the wall directly behind the Water Plant has been declared an emergency and proceeded to explain the scope of the project to repair that portion of the wall.

Councilman-at-large Rosas asked Department of Development Director Neratko what grants is the city currently pursuing.

Department of Development Director Neratko advised the city is constantly pursuing grants, the Consolidated Funding Applications for State grants system became available this past Friday, is 90 percent of the grant programs the city will be eligible for and stated the city is seeking grant money to repair the seawall from the Pier to Bart's Cove, as well as funds for dredging, bed tax, festivals and other projects.

**UNFINISHED BUSINESS:**

**RESOLUTON #28-2015**

**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**AWARDING BID FOR WATER TREATMENT PLANT SEDIMENTATION  
BASIN SLUDGE COLLECTION SYSTEMS  
(WATER TREATMENT FACILITY – Phase 1 and 2 Continuation)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) and has received subsequent deficiency reports from CCDOH to address inadequacies related to the City's water systems; and

**WHEREAS**, the Common Council, through Resolutions authorized bonding for Phase 1 and Phase 2 of the reconstruction of and construction of improvements to the City's water system with the stated specific purpose to reconstruct and construct improvements to the City water system including, but not limited to, improvements to the water treatment plant and all preliminary work and necessary equipment, materials and site work; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of portions of this work were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on April 13, 2015; and

**WHEREAS**, the bids were reviewed by the Department of Public Works which recommends that the Sedimentation Basin Sludge Collection Systems lowest responsible bidder be awarded work for such sludge collection system; now, therefore, be it hereby

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

<u>Bidder</u>	<u>Item and Funding Line</u>	<u>Cost</u>
H & K Services 1205 Leon Road Leon, NY 14751	Sedimentation Basin Sludge Collection Systems Fund 015-8320-5043-8069	\$674,600.00

and, be it further

**RESOLVED**, that – after contractors provide satisfactory insurance certificates to the City Law Department, and contractors provide performance bonds and payment bonds reviewed and approved by the design engineer, and having contractors show compliance with Contract Requirements of the New York State Revolving Fund, including but not limited to MWBE procedures – the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor(s), for the Sedimentation Basin Sludge Collection Systems 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.

Councilman-at-large Rosas advised a motion to remove this Resolution from the table was needed.

Councilwoman Szukala motioned to remove Resolution #28-2015 from the table. Seconded by Councilman Michalski.

Carried, all voting aye. Removed.

Councilman Rivera asked Department of Public Works Director Gugino to explain this Resolution for the public.

Department of Public Works Director Gugino stated "we had a meeting yesterday morning that we had hoped that more people would have attended to address all these

issues. I think I'll just defer to the mayor on this one because these answers were all put forward yesterday to those that were in attendance."

Mayor Dolce advised this is part of Phase II of the Consent Order.

Councilman Michalski asked what the difference is between the first resolution and what is under consideration tonight and what has changed within the past two weeks.

Mayor Dolce stated it is an increase of \$215,000.00 between the two resolutions.

Fiscal Affairs Officer Halas advised the city recently received grant money of \$250,000.00 from the West End Waterline Project and those funds were transferred yesterday to Fund 15 to fund this project.

Vote on Resolution:

Carried, all voting aye.

**RESOLUTION #29-2015**  
**APRIL 21, 2015**

**BY: THE ENTIRE COUNCIL**

**AWARDING BID FOR BENTON WATER TANK REPAIRS  
(WATER TREATMENT FACILITY – Phase 1 and 2 Continuation)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) and has received subsequent deficiency reports from CCDOH to address inadequacies related to the City's water systems; and

**WHEREAS**, the Common Council, through Resolutions authorized bonding for Phase 1 and Phase 2 of the reconstruction of and construction of improvements to the City's water system with the stated specific purpose to reconstruct and construct improvements to the City water system including, but not limited to, improvements to the water treatment plant and all preliminary work and necessary equipment, materials and site work; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of portions of this work were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on April 13, 2015; and

**WHEREAS**, the bids were reviewed by the Department of Public Works which recommends that the Benton Tank lowest responsible bidder for work be awarded for such Benton Tank work so the work can be started quickly, so the tank can be internally inspected for the required internal corrosion-resistant coating by subsequent bid and fully improved and repaired to correctly operate in tandem with the new Willowbrook Tank and resume providing fullest fire protection for the Fourth Ward and for many large industries served and protected by the Willowbrook-Benton-Sheridan operationally-linked network of elevated tanks; now, therefore, be it hereby

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

<u>Bidder</u>	<u>Item and Funding Line</u>	<u>Cost</u>
H & K Services 1205 Leon Road Leon, NY 14751	Benton Water Tank Repairs Fund 015-8320-5043-8068	\$388,700.00

and, be it further

**RESOLVED**, that – after contractors provide satisfactory insurance certificates to the City Law Department, and contractors provide performance bonds and payment bonds reviewed and approved by the design engineer, and having contractors show compliance with Contract Requirements of the New York State Revolving Fund, including but not limited to MWBE procedures – the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor(s), for the Benton Water Tank Repairs, 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.

Councilman-at-large Rosas advised a motion to remove this Resolution from the table was needed.

Councilwoman Szukala motioned to remove Resolution #29-2015 from the table. Seconded by Councilman Rivera.

Carried, all voting aye. Removed.

Councilman Rivera asked is this a second vote on the same project and what was the delay that caused the city to miss the 60 day deadline.

Director of Public Works Director Gugino advised it is, original bids were opened December 30, 2014, there was a lot of internal discussion, questions and so forth, by the time everything was decided we were at day 63 and the bid needed to be awarded within 60 days; the low bidder decided to exercise his jurisprudence and his right to not stick with his low bid since it was after 60 days. Department of Public Works Director Gugino stated the earlier bids were lower however; the second bid numbers were a little higher but still within range and did not have an answer to the delay.

Mayor Dolce stated "I think Tony answered that question, there was a lot of internal discussion, a lot of stuff that we needed to get clarified."

Councilman-at-large Rosas asked Fiscal Affairs Officer Halas to explain the projects' cost difference.

Fiscal Affairs Officer Halas advised there are two parts to this project, the Water Treatment Plant Sludge which cost approximately \$62,600.00 and the Benton Street Tank project which cost \$172,000.00.

Councilman-at-large Rosas had cost questions between the first and second bids.

City Attorney Szot advised the Benton Street Tank had addition work put in the second bid.

Councilman Rivera advised he would like city officials to notify councilmembers now and in the future of deadlines on projects so they can be addressed within the proper timeframe and stated "I realize there might have been more work added but we have to be wary of there's a timeline for things to make sure this stuff gets done or we're going end up bottom-line paying more for maybe a little bit more work, pretty much the same stuff or ending up paying more, to me that's just bottom-line irresponsible."

Councilman-at-large Rosas stated "if council had known there was a 60 day deadline we could have called a meeting to meet that deadline, so that's another lesson hopefully we all learned."

Vote on Resolution:

Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #30-2015**  
**MAY 5, 2015**

**BY: THE ENTIRE COUNCIL**

**ENACT BRUSH AND YARD WASTE POLICY**

**WHEREAS**, the City of Dunkirk has, from time-to-time, made available one or more locations for the off-site disposal of brush and yard waste, as a supplement to curbside pick-up for City residents; and

**WHEREAS**, it would be in the best interests of the City to initiate a policy whereby commercial providers of brush and yard services or other, whether "for hire" or otherwise, who provide such brush and yard waste disposal services would be offered an annual permit for such disposal; now, therefore, be it

**RESOLVED**, that the City hereby enacts a brush and yard waste policy whereby the City will allow contractors or others, whether "for hire" or otherwise, to dispose of reasonable quantities of brush and yard waste at the location(s) designated for such purpose by the City, and upon the terms and conditions as promulgated by the City in its own discretion upon obtaining an annual permit; and, be it further

**RESOLVED**, that such annual permit shall be a non-exclusive, revocable license and shall not be transferrable to any other individual, partnership, corporation or other entity and any licensees shall comply with each and every term and condition as detailed by the City and such permit shall be revocable by the City at any time; and, be it finally

**RESOLVED**, that the annual fee, payable in full and in advance, for 2015 shall be Two Hundred Dollars and Zero Cents (\$200.00).

Councilwoman Szukala asked how the city plans on enacting this policy, will this year's fee will be prorated and are proper permits in place.

Mayor Dolce advised there will be trial and error process regarding this policy especially within the first year; he has spoken with Streets Supervisor Porpiglia regarding proper procedures and permits, stated "we're not out here to get people but we do need to encourage contractors to adhere to this" and stated this fee will be based on a per season basis, not yearly basis. Mayor Dolce reiterated the city is encouraging local contractors to seek the permit to have the right to use our facility as this waste is an additional expense to the city. Mayor Dolce advised the proper policies are in place; however, the city is currently working on the permits.

Councilwoman Szukala inquired about a start date and will this be posted to the city's website and newspaper.

Mayor Dolce advised the City Attorney is working on this matter and this will be posted to the city's website and newspaper.

Councilman Michalski stated the city could see an increase in waste disposal due to this policy and asked for an update on the Al Tech property which is located in that area.

Department of Public Works Director Gugino advised the DEC has recently spoken with the city, they intend on seeking bids by early summer, their contractors could conceivably begin by summer or fall and they will give the city 30 days' notice upon awarding the bid.

Councilman-at-large Rosas asked is the fine for this \$250.00.

Mayor Dolce advised fines could be assessed up to \$250.00.

Carried, all voting aye.

**RESOLUTION #31-2015**  
**MAY 5, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZE AMENDMENT TO AGREEMENT FOR INDEPENDENT CONTRACTOR  
(L. Gawronski) (Community Development Block Grant Program)**

**WHEREAS**, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City's participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

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

**WHEREAS**, Lauri Gawronski ("Gawronski"), 77 East Seventh Street, Dunkirk, New York 14048, by Resolution #3-2015, was engaged to provide such services as an independent contractor for the City in a good and workmanlike manner through the end of 2015 for up to twenty-five (25) hours per week; and

**WHEREAS**, there is a need to expand the time expended for such services to the City in order to appropriately address the requirements of the CDBG program; now, therefore, be it

**RESOLVED**, that the Mayor is directed and authorized to execute any and all agreements necessary to amend the agreement between the City and **Lauri Gawronski**, 77 East Seventh Street, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City's Community Development Block Grant program, to reflect services at Twenty Dollars and Zero Cents (\$20.00) per hour for up to thirty-five (35) hours per week, as services may be needed by the City, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

Councilwoman Szukala clarified with Personnel Administrator Heyden that no health insurance coverage is required to be offered to her regardless of the number of her work hours.

Personnel Administrator Heyden advised under the Affordable Health Care Act an individual becomes eligible for health insurance if they work 35 hours a week or 130 hours a month; Ms. Gawronski is an independent contractor therefore, the city is not required to provide health insurance.

Councilman Michalski asked is the rate of pay the same that was offered to Nicole Waite.

Personnel Administrator Heyden replied yes.

Councilman-at-large Rosas asked how many hours per week (minimum and maximum) did Nicole Waite work?

Department of Development Director Neratko advised Nicole Waite was a salaried independent contractor, who was paid on a weekly basis and worked a minimum of 30 hours or however long it took to get the work completed.

Carried, all voting aye.

**RESOLUTION #32-2015**  
**MAY 5, 2015**

**BY: THE ENTIRE COUNCIL**

**INTRO NO. 1 TO LOCAL LAW #2-2015**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW TO AMEND CHAPTER 15, ARTICLE II, SECTIONS 15-12 ENTITLED "FEES", AND 15-20(C) ENTITLED "ISSUANCE AND CONTENTS OF CERTIFICATE", AND ADD CHAPTER 31, ARTICLE IX ENTITLED "BUILDING CONSTRUCTION FEES" OF THE DUNKIRK CITY CODE**

BE IT ENACTED by the Common 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 15, Article II, Sections 15-12 and 15-20(C), and add Chapter 31, Article IX, to modify and to update various building construction fees.

**Section 2     Amendment of City Code**

Chapter 15, Article II, Sections 15-12 and 15-20(C) of the Dunkirk City Code, is hereby amended as follows:

**AMEND:**

**§ 15-12.        Fees. [Amended 05- \_\_-2015 by LL #2-2015 (see Chapter 31, Article IX for Fees.)]**

Upon the filing of an application for a permit, the Building Inspector shall determine from the application the appropriate fee and shall enter the same on the application. Such fee is nonrefundable and shall be immediately due and payable in the office of the City Clerk. No permit shall be issued until the fee has been paid.

**DELETE:**

**§ 15-12.        Fees.**

A.     Permit fees shall be based upon the following: [Amended 2-6-1990]

(1)     New buildings and additions.

- (a)     For residences, garages and room additions: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to one thousand five hundred (1,500) square feet, plus one cent (\$0.01) per square foot in excess of one thousand five hundred (1,500) square feet. Floor space shall not include cellars, nonhabitable attic, crawl space or carport, but shall include an accessory garage, detached or nondetached. The minimum fee shall be Ten Dollars (\$10.00).
- (b)     For commercial, business, professional, institutional, educational, fraternal, religious, recreational, hotels, motels, nursing homes, hospitals, convalescent and rest home

buildings and other uses and occupancies not within Subsection A(1)(a) and (c): a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to ten thousand (10,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess of ten thousand (10,000) square feet. Floor space shall include garage space, occupied basements and storage areas and heating equipment structures. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).

- (c) Industrial buildings, including floors used for manufacturing, processing, storing, shipping, offices and restroom: a fee of two cents (\$0.02) per square foot of floor area, outside measure, of all floors up to twenty thousand (20,000) square feet, plus five-tenths cent (\$0.005) per square foot in excess of twenty thousand (20,000) square feet. The minimum fee shall be Fifty Dollars (\$50.00), and the maximum fee shall be One Thousand Dollars (\$1,000.00).
- (2) Alterations (other than additions).
- (a) Conversions of existing residence buildings to apartment uses: Fifteen Dollars (\$15.00) for each added housing occupancy.
  - (b) Conversions of existing residence buildings to office, business or commercial use: Twenty-Five Dollars (\$25.00).
  - (c) Fees for general remodeling shall be determined by the estimated cost of the proposed improvement. Such cost shall exclude the cost of any item where a specific fee is provided herein: up to Three Thousand Dollars (\$3,000.00), a fee of Ten Dollars (\$10.00), plus Two Dollars (\$2.00) per thousand dollars or fraction in excess of Three Thousand Dollars (\$3,000.00). The minimum fee shall be Ten Dollars (\$10.00) for residential, Fifty Dollars (\$50.00) commercial and Fifty Dollars (\$50.00) for industrial.
- (3) Miscellaneous.
- (a) Used car sale lots: a fee of Twenty-Five Dollars (\$25.00), plus two cents (\$0.02) per square foot of floor area, outside measure, of all accessory buildings or structures.
  - (b) Open porches and patios, with or without roof, carports with two (2) sides only, swimming pools, tool sheds, play sheds: a fee of Ten Dollars (\$10.00).

- (c) Demolition: a fee of Ten Dollars (\$10.00) per story for residential and a minimum fee of Fifty Dollars (\$50.00) for industrial for demolition of all buildings or structures.
- B. The permit fee for a building occupied in part for residential use and in part for nonresidential use shall be the sum of the two (2) occupancy fees calculated separately.
- C. In any case where construction has commenced prior to the submission of an application for a permit required by this code, the fee specified shall be double the amount otherwise payable, but the payment of such double fee shall not relieve any person from fully complying with this code, nor from any penalties prescribed herein.
- D. For the purpose of determining the fee to be charged, the use or occupancy classification of a building shall be determined in accordance with the use classification provided in the New York State Uniform Fire Prevention and Building Code. [Amended 3-20-1984; 2-6-1990]

**AMEND:****§ 15-20. Issuance and contents of certificate.**

- C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put. **The fee shall be Thirty Dollars (\$30.00).** [Amended 05-\_\_\_-2015 by LL #2-2015 to remove fee; Amended 2-6-1990]

**ADD:**

**CHAPTER 31  
ARTICLE IX**

**Building Permits and Fees  
[Adopted 05-\_\_-2015 as L.L. #2-2015]**

**§ 31-52. Intent.**

Upon the filing of an application for a permit, the Building Inspector shall determine from the application the appropriate fee and shall enter the same on the application. Such fee is nonrefundable and shall be immediately due and payable in the office of the City Clerk. No permit shall be issued until the fee has been paid.

**§ 31-53. Permits and Fees.****A. New Residential**

Up to 1,200 sf	\$125.00
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1,201 – 1,800 sf	\$175.00
Over 1,800 sf	\$225.00
Multiple Dwelling	\$200.00 plus \$50.00 for each additional unit

### Residential Renovations

Under \$20,000	\$50.00
Over \$20,000 (Including residential additions and alterations; new accessory structures – i.e. garages, storage sheds, swimming pools; decks, porches, carports, patios, siding, etc.)	\$75.00 plus \$2.00 per thousand thereafter

### B. New Commercial/New Industrial

Up to 3,500 sf	\$ 150.00 plus 15¢ per sf
3,500 – 10,000 sf	\$ 250.00 plus 15¢ per sf
10,001 – 35,000 sf	\$ 350.00 plus 15¢ per sf
35,001 sf and over	\$1,000.00 plus 15¢ per sf

### Additions to Existing Commercial/Industrial

Up to 35,000 sf	\$ 150.00 plus 15¢ per sf
3,500 – 10,000 sf	\$ 250.00 plus 15¢ per sf
10,001 – 35,000 sf	\$ 350.00 plus 15¢ per sf
35,001 sf and over	\$1,000.00 plus 15¢ per sf

### Renovations/Alterations to existing Commercial/Industrial Structures

\$100.00 plus 15¢ per sf

### C. Existing Commercial/Industrial Re-roofing

\$100.00

### Residential Re-roofing

\$ 25.00

### D. Demolition Permit Fees

Residential Structure	\$100.00
Residential Accessory Structure	
Under 600 sf	\$ 25.00
Over 600 sf	\$ 50.00
Commercial/Industrial Structures	\$200.00

### E. Sign Permit

\$ 50.00

- F. **Certificate of Occupancy** \$ 30.00
- G. **Zoning Board of Appeals** \$150.00
- H. **Property Maintenance Board Appeal** \$ 50.00
- I. **Site Plan Review – Planning Board**
  - New Construction \$100.00
  - Signs \$ 25.00

J. In any case where construction has commenced prior to the submission of an application for a permit required by this code, the fee specified shall be double the amount otherwise payable, but the payment of such double fee shall not relieve any person from fully complying with this code, nor from any penalties prescribed herein. **[Formally part of Chapter 15, § 15-12(C)]**

K. For the purpose of determining the fee to be charged, the use or occupancy classification of a building shall be determined in accordance with the use classification provided in the New York State Uniform Fire Prevention and Building Code. **[Formally part of Chapter 15, § 15-12(D), Amended 3-20-1984; 2-6-1990]**

**Section 3      Effective Date**

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

Councilman-at-large Rosas advised he needed a motion to table this Resolution with a Public Hearing to be held on May 19<sup>th</sup> at 5:15 PM.

Councilwoman Szukala motioned to table Local Law #2-2015 with a Public Hearing to be held on May 19<sup>th</sup> at 5:15 PM. Seconded by Councilman Michalski.

Carried, all voting aye. Tabled.

Director of Public Works Gugino announced St. George Construction has resumed work on the Seawall Project.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:30 PM**

**Nicole Joiner, City Clerk**

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