

**COMMON COUNCIL PROCEEDINGS**  
**August 3, 2015**

The meeting was called to order at 5:31 PM by Councilman-at-large Rosas followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, 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 Mleczko, Director of Development Neratko, CDBG Administrator Gawronski, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

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

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

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

Motion by Councilman Rivera to accept the minutes as presented. Seconded by Councilman Michalski.

Carried, all voting aye.

**PUBLIC COMMENTS:**

No one spoke.

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

Mayor Dolce announced the 2015 CFA application for New York Main Street has been completed and submitted; eight businesses are interested, the city included their applications with the city's master grant application and advised we are seeking the use of \$500,000.00 for this year and is excited about the possibilities if the grant is successful.

Mayor Dolce advised there is a resolution on tonight's agenda requesting to transfer unused HUD money from previous years projects for street improvements and apologized for Cable Access not being in attendance this evening as he failed to notify them of the date change for tonight's meeting.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Ted Sharon to use Point Gratiot during daylight hours for a video production shoot on August 5<sup>th</sup> through August 7<sup>th</sup>.

Councilwoman Szukala asked will this group preselect the children they wish to use for this production shoot or will they be soliciting children at Point Gratiot.

Mayor Dolce stated he is fairly certain the children participating are preselected as he attend a production several years ago and advised the children who attended the camp participated in the production shoot the last day of camp.

Councilman Michalski moved to approve this petition. Seconded by Councilman Rivera.

Carried, all voting aye.

Petition from Dunkirk Midget Football League to use the corners of Fourth Street and Central Avenue, Central Avenue and Fifth Street and W. Doughty Street near the Fire Hall to conduct a "Tag Day" fundraiser on August 15<sup>th</sup> from 9:00 AM until 3:00 PM.

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 this petition. Seconded by Councilman Michalski.

Carried, all voting aye.

Notice of Claim from Gloria Stolinski for damages to contents in her basement allegedly caused by a blocked city main line.

Notice of Claim from Bernard Patz, Sr. for damages to his vehicle allegedly caused by a manhole cover on Willowbrook Avenue.

Notice of Claim from James DeAngelo for damages to his vehicle allegedly caused by a softball on Warsaw Street and E. Pine Street.

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

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

Carried, all voting aye.

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

Councilman Michalski stated due to the severe rainfall and flooding issues in our area recently, asked does the city have a backup source in the event our Water Filtration Plant fails and does the city have an agreement in place with Fredonia to purchase water should it be needed.

Department of Public Works Director Gugino advised the city currently does not have a backup should the Water Filtration Plant fail as the interconnect between Dunkirk and Fredonia is inoperable and Fredonia is awaiting parts for repairs. Department of Public Works Director Gugino advised upon completion of the repairs this will be a tremendous upgrade to both plants and stated there is an existing agreement with Fredonia should the city need to purchase water.

Councilman Michalski recognized Water Meter Supervisor, Jim Fafinski, who recently retired from the city and thanked him for serving the city for over 30 years.

Councilman Rivera asked Mayor Dolce for an update on Cable Access.

Mayor Dolce advised Chip Riewaldt is waiting to receive several parts and is confident the next common council meeting will be aired live by Cable Access.

Councilman Rivera asked Building/Zoning Officer Zurawski for an update on the two houses that need to be demolished and the status of the Ruggles Street property.

Building/Zoning Officer Zurawski advised a preliminary date of August 17<sup>th</sup> has been set for demolition of the two houses; the contractor has signed the contract and is waiting to receive the property permits required to move forward. Building/Zoning Officer advised he has met with the owner of the Ruggles Street property on three different occasions and as recently as this weekend and stated the individuals are proceeding with the cleanup of that property.

Councilman Rivera asked for an update on the basketball tournament petition that was submitted during the last common council meeting.

City Clerk Joiner stated she has been in constant contact with Darnell Baldwin, advised him pre-filing date for this meeting was last Wednesday and stated she has spoken with Recreational Program Coordinator Gornikiewicz regarding this matter and announced he is willing to assist Mr. Baldwin with this petition.

Councilwoman Szukala asked Department of Public Works Director Gugino for an update on the Wastewater Treatment Plant Consent Order and upon completion of the consent order will additional work that needs to be completed be addressed.

Director of Public Works Director Gugino advised work on the consent order is being completed, as they are closing out the existing contract and as far as any additional work, he is waiting on direction to proceed.

Mayor Dolce advised he has reached out to Mr. Snyder, the city has made formal requests regarding several items and the city is awaiting a response.

Councilwoman Szukala asked for an update on the current Main Street grant.

Department of Development Director Neratko advised work on the current Main Street grant is coming to a close, the city will be meeting tomorrow morning with our consultant for this project (Labella Associates) and final inspection is scheduled for later this week. Department of Development Director Neratko stated \$225,000.00 was spent on this project and all deadlines were met.

Councilwoman Szukala inquired about a manhole cover on Lincoln Avenue and Doughty Street.

Department of Public Works Director Gugino advised the manhole cover has been repaired.

Councilman-at-large Rosas stated the deadline for completion of the Coburn Block Building Project was July 31, 2015 and asked is the city in jeopardy of losing funding.

Department of Development Director Neratko proceeded to explain the Coburn Block Building Project; the city has expended its portion of the grant money prior to the July 31<sup>st</sup> deadline, the city has been working closely with our consultant and our state representative and advised the city is not in jeopardy of losing funding.

Councilman-at-large Rosas advised he has received several complaints regarding the Whispering Giant Indian Statue and asked for an update.

Mayor Dolce advised the area around the statue has been addressed; city employee Ken Sek spent approximately six weeks last year assisting Mr. Toth with the restoration of the statute and stated Mr. Toth left specific instructions with the city as to how to care for the statue. Mayor Dolce further advised there are funds available, (approximately \$13,000.00), to move the statue to another location or construct an enclosure, if necessary.

Councilman-at-large Rosas advised he has concerns regarding the statues current appearance.

Mayor Dolce reiterated the sculptor, Mr. Toth, left specific instructions with the city on how to care for the statute and stated Mr. Toth did not want a sealant or coating placed on it last year, he wanted the statute left unsealed so it could become weathered and advised the city to place a sealant or coating on it in prior to fall of 2015.

Councilman-at-large Rosas asked for an update on the Wright Park grant.

Department of Development Director Neratko advised Mayor Dolce and he have been working closing with the city's representative from the Office of Parks, Recreation and Historical Preservation Department regarding a new source of matching funds, we sent out proposals regarding this last week and are awaiting a response. Department of Development Director Neratko stated due to timeline discrepancies the city could not use Seawall grant money as matching funds as initially intended and stated Consolidating Funding Process is designed to have these projects align so multiple pools of funding can be used on one project, however, this did not happen with this project. Department of Development Director Neratko advised the city still intends on utilizing those funds but is awaiting approval from the Parks Department.

Councilman-at-large Rosas asked will this project be completed this year.

Department of Development Director Neratko stated the initial plan was to have this project completed this year, however, due to recent changes it will not be completed this year; it will become a multi-phase project over two years.

Councilman-at-large Rosas congratulated the organizers from the Conservation Club on their Walleye Fishing Tournament held this past weekend and advised the only complaint he received was regarding the participants having to pay to use our boat launch.

Mayor Dolce advised when the city had control of the boat launch, the boat launch fee was waived for participants of this tournament and other tournaments, however, the boat launch went out to RFP last year and a private operator now runs the boat launch. Mayor Dolce further advised the operator did waive the boat launch fee last year; however, it was his understanding the operator would not waive the fee but would charge the participants a lower rate.

Councilman-at-large Rosas asked for an update on the Wastewater Treatment Plant.

Mayor Dolce advised he attended a meeting last Thursday with City Engineer Woodbury and stated Mr. Woodbury contacted Southern Tier West for a list of firms that specialize in Environmental Facilities Corporation (EFC) funding, specifically for wastewater treatment plants as the city has not been successful in EFC funding in the past.

Councilwoman Szukala asked is this completely different than Article Nine?

Mayor Dolce replied yes.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #61-2015**  
**AUGUST 3, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING AWARD OF 2015 ROAD RECONSTRUCTION BID**  
**(H. Olsen & Sons Construction, Inc.)**

**WHEREAS**, following published Legal Notice, sealed bids for 2015 road reconstruction work in the City of Dunkirk were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on July 24, 2015, with one (1) bid being received; and

**WHEREAS**, upon the review of this bid by Director of Public Works Gugino, it is recommended that the lowest responsible bid of H. Olsen & Sons Construction, Inc. for \$289,660.00 be accepted; now, therefore, be it

**RESOLVED**, that the Mayor be and hereby is authorized and empowered to enter into an agreement, on behalf of the City of Dunkirk, with the lowest responsible bidder, **H. Olsen & Sons Construction, Inc., 1275 Overhiser Road, Forestville NY 14062**, for road reconstruction per the bid plans and specifications and unit cost bid table, in the total amount of Two Hundred Eighty-Nine Thousand Six Hundred Sixty Dollars and Zero Cents (\$289,660.00), in accordance with the bid opened on July 24, 2015, and, be it further

**RESOLVED**, that – after the contractor provides satisfactory insurance certificates to the City Department of Law, and the contractor provides performance bond and payment bonds, which are reviewed and approved, and the contractor shows compliance with the MWBE procedures and CHIPS NYSDOL and HUD USDOL procedures – the Mayor is hereby authorized and directed to execute any and all relevant documents, on behalf of the City of Dunkirk; 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; and, be it finally

**RESOLVED**, that payment for this bid work shall be drawn from the following accounts:

001.5110.5055	Consolidated Highway (CHIPs)	\$ 182,700.00
073.8000.4000.0570	Street Improvements (CDBG)	\$ 106,960.00

Councilwoman Szukala asked what roads are involved.

Department of Public Works Director Gugino advised this resolution is primarily for the reconstruction of East Seventh Street from Central Avenue to Route 60.

Mayor Dolce advised the city is still finalizing this year's street paving list.

Councilwoman Szukala asked is Hoyt Street part of this project

Department of Public Works Director advised Hoyt Street is a separate CDBG project and stated "this is a major project that is enlisted to rebuild that street from drainage, water mains, de-milling of the road and black top, resurfacing and small areas curbing where the budget will allow and the most important part is it pays off two years of the HUD repayment."

Councilman Michalski asked is Resolution #62-2015 part of this project.

Mayor Dolce advised Resolution #62-2015 does not pertain to this project but it is part of the Hoyt Street Project.

Councilman-at-large Rosas asked City Attorney Szot was this bid proposal comprehensive enough to cover all work to be performed.

City Attorney Szot replied yes as this bid was for the reconstruction of the road.

Councilman-at-large Rosas advised he had concerns that the city received only one bid for this project and asked were General Municipal Laws covering bids followed and are we in compliance with the CHIPS and CDBG guidelines.

City Attorney Szot replied yes.

Carried, all voting aye.

**RESOLUTION #62-2015**  
**AUGUST 3, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORING BUDGET REALLOCATIONS – CDBG BUDGET**

**WHEREAS**, certain CDBG program accounts have been completed and/or canceled; and

**WHEREAS**, these certain accounts have unused balances that need to be closed out; and

**WHEREAS**, it is necessary to transfer each of these unused balances to an existing program budget line; now therefore, be it

**RESOLVED**, that the Fiscal Affairs Officers is hereby authorized and directed to make the following CDBG program budgetary changes:

Transfer From	Activity Name	Balance	Transfer To	Activity Name	Amount
068-8002-4000-0503	Chaut. Works	\$ 7,500.00	073-8000-4000-0570	St Improve	\$ 7,500.00
071-8000-4000-0567	Parking Facilities	\$ 736.29	073-8000-4000-0570	St Improve	\$ 736.29
071-8002-4000-0564	Chaut. Works	\$ 4,081.38	073-8000-4000-0570	St Improve	\$ 4,081.38
071-8001-4000-0566	Chaut. Opp.	\$118,315.00	073-8000-4000-0570	St Improve	\$118,315.00
071-8004-4000-0563	Econ Develmt	\$ 48,127.80	073-8000-4000-0570	St Improve	\$ 48,127.80
072-8002-4000-0568	Senior Facilities	\$ 2,000.00	073-8000-4000-0570	St Improve	\$ 2,000.00

Councilman Michalski asked were Chautauqua Opportunities and Chautauqua Works notified that they were in jeopardy of losing their funding.

CDBG Administrator Gawronski advised the agencies affected were notified by the city, stated Chautauqua Works chose not to utilize the funding that was allocated to them for the past several years and a new sub-recipient agreement was reached with Chautauqua Opportunities regarding the home ownership program.

Mayor Dolce advised this still allows Chautauqua Opportunities the opportunity to rehabilitate nine houses this year.

Councilman Rivera inquired about a timeline for the remainder of the funds.

CDBG Administrator Gawronski advised the nine houses are under contract, the original completion date was December 31, 2015, however, we revamped the contract and all the work has to be under contract and partially completed by September 1, 2015 and completed by September 30, 2015.

Councilman-at-large Rosas asked what this money is going to be used for.

CDBG Administrator Gawronski advised this money is going into the 2014 streets budget line and will be used to upgrade waterlines and repaving of streets and stated the Seventh Street Project is being funded primarily by CHIPS money.

Carried, all voting aye.

Councilman-at-large Rosas asked Department of Public Works Director Gugino to look into a pothole issue on W. Green Street.

Department of Public Works Director Gugino advised his department will look into this matter.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Rivera.

Carried, all voting aye.

**Adjourned at 6:07 PM**

**Nicole Joiner, City Clerk**

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