

COMMON COUNCIL PROCEEDINGS
September 4, 2018

The meeting was called to order at 5:30 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

Present: Councilman Williams, Bamonto, Heenan, Civiletto, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, City Assessor Mleczko, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, Temporary Building and Zoning Inspector Warren Kelly, HR Director Campola, Executive Assistant to the Mayor Westling, Director of Development Yanus, Fire Chief Edwards, and Police Lieutenant Polowy.

Certification of the Tuesday, August 21, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, August 21, 2018 Common Council Meeting be Dispensed with.

Councilman Williams made a motion to dispense with the minutes. Seconded by Councilman Bamonto.

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised the Central Avenue Intersection and Paving Project will begin September 10, 2018, each of the four intersections tagged will take approximately three to five days, and asked residents to be patient when using Central Avenue during this construction time. Mayor Rosas also advised the North County Water District board informed the City they should be ready to have the City supplying water to the District within the next thirty days.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Joshua A. Latona on behalf of El Rigby Theater to use Memorial Park on Saturday, September 8th, 15th, and 22nd, 2018 from 3:00 PM to 11:00 PM (Rain dates September 29th and October 6th, 2018) to host "Movies on the Lake". Also requesting trash barrels for the events.

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 Williams made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from “Variety” the Children’s Charity for 4-6 police personnel on Saturday, September 8, 2018 at the Fairgrounds from 1:00 PM until 7:00 PM and the Dunkirk Fire Department to be on standby should there be a firematic emergency.

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 Williams made a motion to approve. Seconded by Councilman Heenan.

Carried, all voting aye.

Request from The Real Moms of Dunkirk Football Committee to use the corners of Central Avenue and Fourth Street, Central Avenue and Fifth Street and West Doughty Street near the Fire Hall to conduct their 2nd Annual Dunkirk Football Tag Day fundraiser on Saturday, September 15, 2018 from 9:00 AM to 3:00 PM.

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 with the CONTINGENCY and understanding that Central Avenue will be under construction during the time of their event so they are not allowed to use any corner that is under construction on the date of their fund raising event.

Councilman Bamonto made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Notice of Claim from Harold Jacob of 107 King Street Upper for minor injuries allegedly received from a city owned gator vehicle on August 19, 2018 at approximately 10:22 AM at the corner of Lakeshore Drive and Central Avenue.

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

Councilman Bamonto made a motion to refer to the Law Department. Seconded by Councilman Williams.

Carried, all voting aye.

Notice of Claim from Judith A. Bohn of 732 Main Street for injuries to left shoulder, face, hands, and knees allegedly received from tripping over a tent stake and rope at the City Pier on August 2nd, 2018 at approximately 8:00 PM.

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

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Civiletto.

Carried, all voting aye.

Loudspeaker application from Joshua Latona on behalf of El Rigby Theater to use speakers from 7:00 PM to 11:00 PM on September 8th, 15th, and 22nd, 2018 (Rain dates September 29th and October 6th, 2018) at Memorial Park for Movies on the Lake.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired from Public Works Director Woodbury on the progress at Cedar Street and the progress on the light at Roberts Road and Second Street.

Public Works Director Woodbury advised the paving crew would be down to Cedar Street when the Mayor's paving program is finished, 80% of the paving is done, the Mayor's Impact team did a lot of weed whacking around that whole corner of Cedar Street, and hot mix with a big roller will be used to do the turnaround down there before the season changes. As for the light on Roberts Road and Second Street the City Electrician is getting trained on the new type of programmer this week, has ordered the parts, and hopes to install the equipment quickly after it arrives.

Councilman Bamonto announced there will be a Personnel Committee Meeting on Tuesday, September 11, 2018 at 4:00 PM in the Mayor's Conference Room and inquired of Public Works Director Woodbury why the trash was picked up late in parts of Ward 2.

Public Works Director Woodbury advised the City had equipment break down so our great crews worked a double in this heat to get the work done because we only had one packer, our mechanics are working at making the packers more reliable, and the crews had the opportunity to show how hard they work.

Councilman Heenan inquired from Public Works Director an update on the work behind Seal Street.

Public Works Director Woodbury advised the water line has been designed, the water line part of that project should start fairly soon, there are no good fire hydrants on that section of the street, we'll do the fire hydrants first, and then we'll pave it.

Councilman Civiletto announced the cancellation of Public Safety Committee Meeting and the CAC Meeting, both meetings were scheduled for next week Wednesday, congratulated Mayor Rosas, Director of Development Yanus, and those who had part in the Grand Opening of the Splash Pad at Wright Park last week, and recognized the Dunkirk-Fredonia Rotary for donating \$20,000 toward the Splash Pad.

Councilman-at-Large Woloszyn advised Public Works Director Woodbury that the sign at Benton Street and Franklin Avenue is still bent, wondered if the Mayor's Impact team could repair the sign, and inquired if there was a report on the sinkhole situation he reported on Friday last week.

Public Works Director Wodbury advised he and Streets Supervisor Porpiglia would look into it, figure out what's causing it, and report back when it's repaired.

PRE-FILED RESOLUTIONS:

No pre-filed Resolutions.

NEW BUSINESS:

RESOLUTION #92-2018
September 4, 2018

BY COUNCILMAN WILLIAMS:

GENERAL CONSTRUCTION CHANGE ORDERS FOR WATER TREATMENT PLANT IMPROVEMENTS

WHEREAS, the City of Dunkirk entered into a 2009 Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies at the City's water treatment plant and water distribution system, and now the Phase 3 items of the Consent Order can be addressed according to the CCDOH schedule; and

WHEREAS, by notification letter received December 17, 2015, the New York State Environmental Facilities Corporation (EFC) granted Dunkirk \$2 million of grant funds and \$7 million in low-interest loan funds to finance Phase 3 reconstruction and new construction improvements to the City's water system pursuant to such Consent Order; and

WHEREAS, the City of Dunkirk received an approved increase of the grant portion of these EFC funds to \$3 million; and

WHEREAS, as part of Phase 3, this valve addition change order is required to fully operate the water systems between the filter plant and the storage tanks, has been approved by EFC subject to review by the New York State Department of Health; and

WHEREAS, it has been found that additional fencing needed to be added along with electrical and manual gates, the magnetic flow meter needed to be replaced, storm piping needed to be replaced to protect the clearwell and with the contractors on site it was reasonable to have the backwash storage tank removed at a change order cost of \$171,123.00 and

WHEREAS, the phase work will remain under budget, DPW recommends quick approval of this change order so the work can be done to avoid delaying the City water system from being fully operational to supply the North County Water District; and

WHEREAS, said change order acceptance is subject to the contractor meeting all NYS DOH and EFC requirements; now, therefore, be it,

RESOLVED, that the Mayor is hereby authorized and directed to execute a change order in the amount not to exceed \$171,123.00 for these additional general construction items with Kandey Company, Inc., contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements.

Councilman-at-Large Woloszyn requested Public Works Director Woodbury to give a brief explanation for the need of this Walk-On Resolution as well as the next two.

Public Works Director Woodbury explained the three Walk-On Resolutions for tonight are related to the cleanup for the consent order we have at the Water Treatment Plant. We would like to take the old water tank that is rusted and falling apart taken down by the contractor that is there to save money for mobilization. These three resolutions get us to the point where we can do a change order to get the contractor that is there to take down the old water tank.

Vote on Resolution:

Carried, all voting aye.

RESOLUTION #93-2018
September 4, 2018

BY COUNCILMAN WILLIAMS:

**AHLSTROM SCHAEFFER ELECTRIC CHANGE ORDERS FOR PUMP STATION
UPGRADES**

WHEREAS, the City of Dunkirk contracted with Ahlstrom Schaeffer Electrical Corporation to handle electrical upgrades at the pumping station; and

WHEREAS, Ahlstrom has notified the City via change order that it will not need to use the full amounts allotted for the Benton Street Pump Allowance and the High Life Pump Station Allowance and

WHEREAS, this will reduce the full contract by \$12,577.00; and

WHEREAS, said change order acceptance is subject to the contractor meeting all NYS DOH and EFC requirements; now, therefore, be it,

RESOLVED, that the Mayor is hereby authorized and directed to execute a change order reducing the contract price by \$12,577.00, contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements.

Carried, all voting aye.

RESOLUTION #94-2018
September 4, 2018

BY COUNCILMAN WILLIAMS:

CALDWELL TANKS, INC. CHANGE ORDER FOR STORAGE TANK

WHEREAS, the City of Dunkirk contracted with Caldwell Tanks, Inc. ("Caldwell") to handle of the new storage tank at the water treatment plant; and

WHEREAS, Caldwell has notified the City via change order that it will is reducing its contract allowance amount and deleting the fencing and grading work included in the original bid; and

WHEREAS, this will reduce the full contract by \$56,696.00; and

WHEREAS, said change order acceptance is subject to the contractor meeting all NYS DOH and EFC requirements; now, therefore, be it,

RESOLVED, that the Mayor is hereby authorized and directed to execute a change order reducing the contract price by \$56,696.00, contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements.

Carried, all voting aye.

ADJOURNMENT:

Councilman Williams moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

Adjourned at 5:45 PM

Edwin C. Ramos, City Clerk
