

COMMON COUNCIL PROCEEDINGS
September 18, 2018

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

Present: Councilmen Williams, Bamonto, Heenan and Civiletto.

Excused: Councilman-at-Large Woloszyn.

Acting Councilman-at-Large Williams stated a motion is needed to appoint him as Acting Councilman-at-Large for the day.

Councilman Bamonto made a motion. Seconded by Councilman Heenan.

Carried, all voting aye.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, City Assessor Mleczo, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, HR Director Campola, Executive Assistant to the Mayor Westling, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, September 4, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the September 4, 2018 Common Council Meeting be Dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Fisher of Revitalize Dunkirk announced that the monthly meeting will be at 214 Central Avenue on Thursday, September 20 at 6:30pm.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

None.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Theresa Muntz for alleged damages to her vehicle caused by a City Vehicle on September 4, 2018.

Councilman-at-Large Williams stated a motion is needed to refer to the law department.

Councilman at Bamonto made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Notice of Claim from Paul Cybart for alleged damages to his Chevy Silverado caused by paint overspray on a City fence.

Councilman-at-Large Williams stated a motion is needed to refer to the law department.

Councilman Bamonto made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Bamonto inquired to Director of Development Yanus for an update on the status of the new hotel.

Director of Development Yanus stated we are currently working on the lease agreement with the developers. This has been obviously a long process and we have had a lot of different inquiries from developers while this process has been going on so we are keeping our options open in the case that this doesn't work with the current developers that we are going thru the lease agreement with. We have been doing our due diligence on this site and we conducted a phase 1 environmental site assessment and finished that and we received a grant thru the EPA to do a phase 2 site assessment and we also have the site within our BOA so it's a really great site on the water front, other developers are very interested so we are taking note of this and working thru the lease agreements in hopes to get this site developed but we are just continuing to move forward.

Councilman Heenan inquired to Director of Development Yanus do we have any commitment to them and are we able to entertain other offers as they come along, is that correct. My concern is that how we move forward with this is that we do have some type of performance bond and have a start by date so this doesn't linger on as long as it has been. I believe it has been a year plus working with this company. Do we have a date for a DLDC meeting. Also inquired to City Attorney Morrisroe I know that we are pursuing putting in a driveway and parking lot at the dog park. Do we know 100% that we still have rights to this property if it is sold. I hate to see us put money into it if we don't know this for sure. Do we have to renew that agreement with the purchaser. I didn't know if the present owner made sure he covered himself in case he did sell it in the future to leave that option for himself and was that clause inserted into the contract lease agreement with us.

Director of Development Yanus stated that the next DLDC meeting will be in October

Mayor Rosas stated that the bottom line is, until we have a signed agreement in the form of a contract we are free to continue to pursue other developers. We do have 2 separate developers that have reached out to us and are interested in that parcel and building a hotel there so we will be pursuing those opportunities, however we do have a very good relationship with the current developers; Erie Land Development and the attorney is also working with their attorney at this point. So yes we are free to work with other developers and that is what we are going to be doing.

City Attorney Morrisroe stated that under the current lease any change in the lease would have to be renegotiated so there is no automatic kick, if we are doing an investment in driveway space we may have to do an addendum to that lease to make sure we are covered on that as well. That is something we may want to revisit with the owner and his attorney. The lease would carry over and if you wanted to change the lease at all we would have to sit down and talk. There is no automatic sort of kill switch so to say so if the property sells the lease runs with the land.

Councilman Civileto announced there is a Public Safety Committee meeting in the Mayors Conference room on October 10th at 4:00pm in the and inquired to DPW Director Woodbury about Nevins Street being paved.

DPW Director Woodbury stated that it will be shared services. The County pavers will be available either starting Friday or all of next week.

Councilman Williams inquired to DPW Director Woodbury for an update on the light at Second Street and Roberts Road and stated there will be a DPW Committee Meeting next Wednesday, September 26 at 4:00pm.

DPW Director Woodbury stated the controller has not arrived yet.

UNFINISHED BUSINESS:

NONE

PREFILED RESOLUTIONS:

RESOLUTION #95-2018
September 18, 2018

BY COUNCILMAN WILLIAMS:

**ENGINEERING SERVICES TO FURNISH AND INSTALL SCADA SYSTEM/ MODIFY
ADD TO SCADA SYSTEM AS NEEDED FOR CITY OF DUNKIRK WASTEWATER
AND WATER TREATMENT PLANTS**

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, the Department of Public Works requested proposals from professional engineering firms to both furnish and install a Supervisory

Control and Data Acquisition (SCADA) system, and to provide modifications and additions to the SCADA system as needed; and

WHEREAS, Greenman-Pederson Inc. (GPI) has submitted winning bids for both related projects, priced at \$240,000 and \$117,500, respectively, 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 accept both bids and execute the two contracts with GPI for furnishing and installing the SCADA system, and for modifying and adding to the system as needed, contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements.

Carried, all voting aye.

RESOLUTION #96-2018
September 18, 2018

BY: THE ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE
CHAUTAUQUA COUNTY AGREEMENT AMENDMENT
(SNOW REMOVAL AND ICE CONTROL)**

WHEREAS, the City is seasonally reimbursed by Chautauqua County for snow removal and ice control on County routes within the City, and

WHEREAS, the current agreement for said services has expired and the County has since requested an extension and payment amendment to the original agreement; now, therefore, be it hereby

RESOLVED, upon the recommendation of Director of Public Works Woodbury, that the Mayor be, and hereby is, authorized and directed to execute an agreement amendment on behalf of the City of Dunkirk, with Chautauqua County, for provision of snow removal and ice control services for snow seasons through April 30, 2021 at the following annual reimbursements:

2018/2019 Season	\$5,583.00 per centerline mile
2019/2020 Season	\$5,750.00 per centerline mile
2020/2021 Season	\$5,923.00 per centerline mile.

Carried, all voting aye.

RESOLUTION # 97-2018
September 18, 2018

BY COUNCILMAN CIVILETTO:

AUTHORIZING THE RETAINER AGREEMENT WITH COLUCCI & GALLAHER P.C. FOR THE VACANT PROPERTY INITIATIVE

WHEREAS, the City of Dunkirk Planning and Development Department has secured grant funding for an initiative to address vacant and abandoned properties in the City; and

WHEREAS, this initiative has already resulted in a survey of all residential properties in the City and an accompanying report prepared by outside experts; and

WHEREAS, remaining grant funding exists to pursue strategies identified in this report; and

WHEREAS, additional legal assistance was identified as the most effective use of these remaining funds to address both bank foreclosure zombie properties via litigation using the new NYS zombie property law, and estate zombie properties, where the title holder has passed away and no estate has been established to be able to sell the property; and

WHEREAS, City staff prepared an RFQ for legal assistance with the ongoing vacant property initiative; and

WHEREAS, Colucci & Gallaher, P.C., a law firm with extensive experience working with communities on vacant property matters, submitted the most outstanding proposal; and

WHEREAS, the City wishes to engage Colluci & Gallaher for legal assistance with the ongoing vacant property initiative; now, therefore, be it

RESOLVED, the Common Council hereby authorizes the Mayor to sign and enter into a retainer agreement with Colucci & Gallaher to provide legal assistance to the City's ongoing vacant property initiative.

Carried, all voting aye.

RESOLUTION # 98 -2018

September 18, 2018

BY ENTIRE COUNCIL:

AUTHORIZING BUDGET LINE MODIFICATIONS

For Fiscal Year 2018

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2018, ending December 31, 2018; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2018 budget:

Fund 1 - General Fund

Account Number Department	Line	Change
001.0001.2705.7060 Revenue	Donations-Police	\$ 335.00
001.3120.44242 Police Restricted K-9		\$ 335.00

TOTAL		\$ -
(Donation for K-9)		

Account Number Department	Line	Change
001.0001.1081.0813 Revenue	PILOT-Host Fee	\$(35,000.00)
001.0001.1170 Revenue	Franchise Tax/Cable	\$ 10,000.00
001.0001.2017 Revenue	Tim Horton's Lease	\$ 1,758.72
001.0001.2018 Revenue	Emergency Med	\$ 25,000.00
001.0001.2010 Revenue	Recreation Center	\$ 240.00
001.0001.2530 Revenue	Bell Jar	\$ 25.00
001.0001.2550 Revenue	Cert of Occupancy	\$ 70.00
001.0001.2555 Revenue	Building/Alterations	\$ 1,780.55
001.0001.3330 Revenue	Court O & M	\$ 5,271.66
001.1210.4002 Mayor	Supplies	\$ 50.00
001.1620.1001 City Hall	Overtime	\$ 349.30
001.1620.4004 City Hall	Supplies	\$ 200.00
001.1620.4021 City Hall	R & M	\$ 5,271.66
001.1640.4002 Central Garage	Supplies	\$ 500.00
001.1900.1910 General Services	Unallocated Ins	\$ (21,500.00)
001.1900.1990 General Services	Contingencies	\$ 8,635.00
001.3120.4023 Police	R & M Vehicles	\$ 1,724.63
001.5010.1001 Streets Admin	Overtime	\$ 687.14
001.5110.1001 Maintenance Streets	Overtime	\$ 938.61
001.5110.4001 Maintenance Streets	Travel & Training	\$ 474.77
001.5110.4003 Maintenance Streets	Other Supplies	\$ 2,000.00
001.5110.4054 Maintenance Streets	Sidewalk/Intersections	\$ 1,572.76
001.6772.4021 Senior Citizens	Building Maintenance	\$ 2,458.41
001.7110.1001 Parks	Overtime	\$ 438.86
001.7110.4001 Parks	Travel & Training	\$ 774.77
001.7140.1001 Recreation	Overtime	\$ 1,301.62
001.7140.4002 Recreation	Supplies	\$ 190.19
001.7140.4003 Recreation	Supplies/Maint-Rec	\$ 240.95
001.7140.4036 Recreation	Program/Maint	\$ 621.54
001.7310.4002 Youth Programing	Supplies	\$ 17.99
001.8020.4002 Dept of Development	Supplies	\$ 73.25
001.8120.4025 Sanitary Sewer	Sewer Repair	\$ 312.00
001.8170.4023 Street Cleaning	Repair/Maint	\$ 1,802.03
001.8560.4036 Tree Trimming	Repair to Equip	\$ 10.45

TOTAL		\$ -
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FUND 2 – WATER FUND

Account Number Department	Line	Change
002.0002.2144.1441 Revenue	Water Service-SC	\$ 260.00
002.0002.2665 Revenue	Sales of Equip	\$ 1,132.55

002.1900.1910	General Services	Unallocated Ins	\$ (15,982.68)
002.1900.1990	General Services	Contingencies	\$ 2,985.01
002.8320.1001	Water Purification	Overtime	\$ 10,889.05
002.8320.4023	Water Purification	R/M-Vehicles	\$ 450.00
002.8330.1001	Water Laboratory	Overtime	\$ 386.05
002.8330.2005	Water Laboratory	Equipment-Non Cap	\$ 22.55
002.8330.4036	Water Laboratory	Contracted Services	\$ 1,752.00
002.8340.1001	Water Distribution	Overtime	\$ 350.57
002.8340.4023	Water Distribution	R & M-Vehicles	\$ 540.00
TOTAL			\$ -

FUND 3 – WASTEWATER

Account Number	Department	Line	Change
003.0003.2120.2121	Revenue	Sewer Rents-Resident	\$ (170,000.00)
003.0003.2610.2131	Revenue	Fines-Sewer Violations	\$ 188,876.73
003.1900.1910	General Services	Unallocated Ins	\$ (15,982.68)
003.1900.1990	General Services	Contingencies	\$ 30,226.19
003.8131.1001	Laboratory	Overtime	\$ 1,487.93
003.8131.4002	Laboratory	Supplies	\$ 3,145.29
TOTAL			\$ -
(Budget Adjustments)			

Carried, all voting aye.

RESOLUTION #99 -2018
September 18, 2018

BY COUNCILMAN WILLIAMS:

ACCEPTING ELECTRICAL CONTRACT FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS

WHEREAS, the City of Dunkirk (Dunkirk) has recognized it must address inadequacies at the City’s wastewater treatment plant that urgently require repair and/or replacement; and

WHEREAS, the New York State Environmental Facilities Corporation (NYS EFC) granted the City of Dunkirk’s application for funding in the amounts of \$2,543,750 in grant funds and \$7,602,250 in zero-interest loan funds for these replacements and repairs at the Wastewater Treatment Plant; and

WHEREAS, the two bids received on June 26, 2018, for electrical contract 18-1E were rejected and a re-bid was requested; and

WHEREAS, following public advertisement, one sealed bid was received; and

WHEREAS, the bid of \$383,775.00 by BECC Electric LLC of 1007 Central Avenue Dunkirk NY 14048 has been deemed responsible by DPW and by the City's Consulting Engineer, who recommend quickly accepting this bid so the work can be done to avoid delay; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a contract for these additional electrical system improvements with BECC Electric LLC of 1007 Central Avenue Dunkirk NY 14048, contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements for this work, and that payment for such work will come from City Fund #21.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION # 100-2018
SEPTEMBER 18, 2018

BY COUNCILMAN HEENAN AND COUNCILMAN CIVILETTO:

AUTHORIZING AGREEMENT FOR SOLE-SOURCE DIRECTIONAL DRILLING SERVICES FOR SEEL STREET CDBG WATERLINE PROJECT

WHEREAS, the City of Dunkirk has targeted the area of Seel Street for CDBG waterline and road reconstruction, and unique directional drilling services are required for 900 feet of the waterline portion of this reconstruction; and

WHEREAS, the unique (and HUD-designated sole-source) directional drilling services that are required for the timely completion of such work can be performed according to the proposal received and recommended for approval by the Department of Public Works based on successful similar work performed by this firm in the City of Dunkirk, from S. St. George Enterprises, Inc., 3689 Webster Road, Fredonia NY 14063 in the proposal amount of \$41,100; now therefore be it

RESOLVED, that the Mayor be and hereby is, authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, for this sole-source directional drilling services for Seel Street's new waterline with S. St. George Enterprises, Inc., 3689 Webster Road, Fredonia NY 14063 in the proposal amount of \$41,100, with said fees paid by City CDBG funds and all work and processes documented to follow HUD requirements.

Carried, all voting aye.

RESOLUTION #101-2018
September 18, 2018

BY: COUNCILMEMBERS BAMONTO AND CIVILETTO

AUTHORIZATION FOR CITY TO EXECUTE WATER LINE EASEMENT WITH TOWN OF DUNKIRK FOR NORTH COUNTY WATER DISTRICT

WHEREAS, the City of Dunkirk wishes to expedite the construction of the necessary water lines in the Town of Dunkirk to connect the City of Dunkirk to the North County Water District; and

WHEREAS, the City will supply water service to the North County Water District; and

WHEREAS, the Town of Dunkirk needs a permanent easement that will pass over the parcel on Tenney Street identified as tax lot 79.20-4-13 to build, construct, maintain, use, operate, repair and reconstruct as needed the necessary water mains and pipelines; and

WHEREAS, the City Department of Public Works has approved said easement; now, therefore be it

RESOLVED, that the Mayor is authorized and directed to execute an easement for the Town of Dunkirk and its contractors to meet the above-described requirement between the City of Dunkirk and Town to complete water lines for the North County Water District.

Carried, all voting aye.

ADJOURNMENT:

Councilman Bamonto moved to adjourn. Seconded by Councilman Heenan.

Carried, all voting aye.

Adjourned at 5:45 PM

Edwin C. Ramos, City Clerk
