

COMMON COUNCIL PROCEEDINGS
November 6, 2017

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

Present: Councilman Bamonto, Councilman Williams, Councilman Gonzalez, Councilwoman Szukala, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Clerk, City Engineer Woodbury, Building Inspector Zurawski, Fiscal Affairs Officer Beach, Personnel Administrator Heyden, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, October 17, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, October 17, 2017 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS: None

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas announced that the Ground breaking ceremony for Point Gratiot Park will take place on Monday, November 13th at 11:00am. The City of Dunkirk was awarded \$500,000 to upgrade Point Gratiot Park. These upgrades will include new metal roofs on all of the Pavilions, ADA compliant restrooms at the main pavilion and small park rest rooms, electrical upgrades in order to support more events and music at The Point and upgrades to the main Pavilion. In the competitive bidding process Perry Construction was awarded the project and will work on the upgrades thru this fall and finish in the spring of 2018. Mayor Rosas asked DPW Director Woodbury to give an update on the Howard Street project, DPW Director Woodbury stated the equipment has arrived to demolish this structure and as soon as National Fuel removes their 2 live gas lines across the old structure, then H&K who has the contract will remove the old structure and install the new. The new structure is already built and was tested in Buffalo. The contractor is scheduled to have that open to Fire trucks and other traffic by November 28th. Mayor Rosas asked Planning Director Yanus to give updates on CDBG 2018 applications and the Farmers Market. Planning Director Yanus stated that CDBG applications for the 2018 funding term are now available in the Planning and Development Department, all interested individuals, groups and organizations may come and get an application and all questions can be directed to the Community Development Director Matthew Bourke. We are holding a Farmers Market Dinner to support our Farmers Market and tickets are still available. We will be utilizing our local farmers produce to create this meal for this fundraising dinner. It will be November 17th at 6:30pm at the Dunkirk Senior Center for \$35. Tickets may be purchased at the Dunkirk Senior Center and in the Planning and Development Department. Proceeds will go to support the Dunkirk Farmers Market 2018 season, the event will be catered by Diana Scott and Studio D.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

1. Notice of Claim from Wayne Moore for alleged damages to vehicle when a City truck backed into his car.

Councilman-at-large Woloszyn advised a motion is needed to refer to the Law Department.

Councilman Williams made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.
2. Notice of Claim from Anne M. Jozwiak for alleged damages to her property caused by a tree that fell on her fence and house.

Councilman-at-large Woloszyn advised a motion is needed to refer to the Law Department.

Councilman Williams made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.
3. Notice of Claim from Mercury Casualty Company on behalf of Luis Santiago for alleged damages to his home caused by a tree that fell on it.

Councilman-at-large Woloszyn advised a motion is needed to refer to the Law Department.

Councilwoman Szukala made a motion. Seconded by Councilman Bamonto.

Carried, all voting aye.
4. Notice of Claim from John Emery for alleged damages to his vehicle when a garbage can was thrown by a trash man and hit the roof of his car.

Councilman-at-large Woloszyn advised a motion is needed to refer to the Law Department.

Councilwoman Szukala made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.
5. Request from The Juneteenth 2018 Celebration Committee to use Memorial Park on June 16 & 17th 2018 for the Annual Juneteenth Celebration.

Councilman-at-large Woloszyn advised a motion is needed to refer to the appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion. Seconded by Councilman Williams

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams thanked Mayor Rosas and DPW Woodbury for the update on the Howard Street project. Tomorrow is Election Day, get out and vote.

Councilman Bamonto inquired to DPW Director Woodbury for an update on Bataan Street. DPW Director Woodbury stated that in order to upgrade the Natural Gas service for all of the residence in that area National Fuel has reconstructed the entire gas service from Bataan, around the corner and to the former entrance of the steel plant. The street will be repaired by National Fuel. Also, the mens flag football league will have their championship game at the Dunkirk High School field Sunday morning at 10am. Thank you to Dunkirk High School for letting us use the field. Councilman Bamonto asked City Clerk Ramos for an update on donations for Puerto Rico relief. City Clerk Ramos thanked the owners of 338 Central Avenue for allowing us to use their building as a donation site, he also stated that we will be collecting household goods from 12:00pm-2:00pm on weekdays. We will have collection hours on the weekends which will be announced in the near future. Councilman Bamonto encourages everyone to get out and vote tomorrow.

Councilman Gonzalez stated that the Economic Development Meeting will be November 20th at 4:00pm and that it is your privilege to vote, so go out and vote.

Councilwoman Szukala stated that she was asked to look into a Control Board for the City and what the difference is between the Financial Restructuring Board that we currently have and a Control Board. The City of Dunkirk does not qualify for a Control Board. The eligibility requirements for a New York State Control Board to take over a municipality includes: The tax rate must be in top 33% of the cities in the state, Dunkirk does not meet that criteria as we are number 27 out of 74 Cities with a tax rate of \$42.09 per \$1,000 and the municipalities fund balance must be less than 5% of the total budget. The City's fund balance is as follows: General Fund balance 35.6%, Water Fund balance 3.16%, Waste Water Treatment Fund .02%. This information can also be found on ny.gov. If this does not answer your questions please feel free to call me.

Councilman-at-large Woloszyn asked Chief Ortolano to speak about parking. Chief Ortolano stated that we have changed from weekly to daily parking. The reason for changing is for snow removal, everyone's cooperation is appreciated.

UNFINISHED BUSINESS:

REVISED RESOLUTION #96-2017

October 3, 2017

BY: COUNCILMAN BAMONTO

**CONSENT TO INITIATE CHARTER REVISION:
CREATION OF HUMAN RESOURCES DIRECTOR POSITION**

WHEREAS, Section 15.00 of the City Charter provides that there shall be a Human Resources Office, which shall be staffed as may be determined by the Mayor and Common Council; and,

WHEREAS, the current Mayor has expressed a strong interest in re-engineering the structure of Dunkirk's City government to adjust to the changes in municipal government administration over the past several decades to make Dunkirk more efficient, responsive and equipped to handle the changes that have occurred and the changes to come; and,

WHEREAS, under Section 15.01 of the City Charter, the Human Resources Office is supposed to handle myriad issues, including but not limited to, Civil Service work with the County Civil Service Office; negotiating collective bargaining agreements; handling recruiting, interviewing, and training new employees; handling NYS retirement issues; and other duties not listed but that fall under the catch-all "similar and related duties as assigned by the Mayor," such as drafting and implementing HR policies and procedures, such use of technology, sexual harassment and bullying; and

WHEREAS, under Section 2.03 of the City Charter, there does not currently exist a cabinet-level Human Resources Director position that is noncompetitive at will appointee of the Mayor, who has the responsibility of answering to the Mayor, the Common Council and the citizens of Dunkirk for the work of the Human Resources Department; and

RESOLVED, that this Council authorize the charter revision process to begin so that the new position of Human Resources Director can be created, an at-will position appointed by the Mayor per Section 2.03 of the City Charter that will be a full-time position paying \$60,000.00 plus full benefits package for a six to seven (6-7) term of employment unless removed for cause; and, be it

RESOLVED, that Step 1 of the process will be a public hearing to be scheduled within 30 days of this Council Meeting; followed by

RESOLVED, Step 2, a vote at the next regularly scheduled Council Meeting in November to create the position; which is then followed by

RESOLVED, Step 3, a hiring search begin over the next 30 days post vote, headed by an *ad-hoc* advisory hiring committee that includes the Mayor, a representative of the Common Council chosen by its members, and the current Personnel Administrator that will advise the Mayor on said hiring decision.

Councilman-at-large Woloszyn stated that a motion is needed to take this off the table.

Councilman Williams made a motion. Seconded by Councilman Gonzalez.

Ayes: Councilman Williams, Councilman Bamonto, Councilman Gonzalez.

No: Councilman-at-large Woloszyn, Councilwoman Szukala.

Carried 3-2.

Resolution REMOVED from TABLE.

Councilman Williams stated he believes that a good HR Office will help the City run more efficiently than it is. This should help alleviate some problems that are in the system already. In the long run I believe a well working HR Department will save the city money. Mayor Rosas already has this position in the 2018 budget. Also, the 2018 budget so far is proposed without a tax increase.

Councilman Gonzalez stated that it is very important that we get the right personnel person in the city. We are in the position where we are dealing with a lot of different things with our unions and not having the proper personnel to deal with trainings and so on with our different unions, we are in violations with statutes regarding that we have to train our people in different requisites by the state and that hasn't

been done for a long time. A lot of people are getting away with things because they rely on the fact that they were never instructed what not to do or what to do and I think it's very important we open the position. We don't have a person to put in that position yet. It is up to the Mayor to go and get the right qualified person to fit this position.

Councilman Bamonto stated that he will be voting for this. I took for granted that policies and procedures were in place and I am finding out they are not. We need to get these policies in place; we have to get that taken care of.

Council-at-large Woloszyn stated that he will be voting against this. The reason I am voting against it is because I think the timing of it is not proper because of the fiscal stress that we are feeling and the cuts. I did vote for it in the budget because we did have previous discussion and I knew where everyone stood on it so I knew it was going to pass. So if I didn't pass the money in the budget it would be fiscally irresponsible of myself, especially as finance chair.

Mayor Rosas stated that we currently have one full time person in that department, that person happens to be the secretary, we do have a part-time Personnel Administrator who does a pretty good job considering his job description does not include contract negotiations with unions, policies, protocols and procedures, investigating complaints and things of that nature. One of the biggest issues that I see here which will continue long after I am gone if we don't change it now, not in 2 years is that we don't have an HR Director, we don't have an HR Department. We have a part time Personnel Administrator who is supervising a full time secretary. I want to make it clear to council is that we will be doing a complete search, this is not a position that is guaranteed to anyone. We encourage council at least one member to be part of the interviewing team. I would like involvement in this. This will be an important position to fill for the city in the future there are going to be changes; we need some protocols and policies to be followed. Currently I am told we do not have that in place. We have had issues recently that have come up in the form of formal complaints that would leave the city in a very liable position. We don't have anyone with any form of expertise to handle that, we are using a contracted attorney to handle these type of issues. This a position that will save the City money

Vote on Resolution:

Ayes: Councilman Williams, Councilman Bamonto, Councilman Gonzalez.

No: Councilwoman Szukala, Councilman-at-large Woloszyn

Carried 3-2.

RESOLUTION #97-2017

October 3, 2017

BY: COUNCILMAN BAMONTO

**CHANGE PERSONNEL ADMINISTRATOR JOB DUTIES
TO REFLECT ACTUAL COMPENSATION & BENEFITS FOCUS**

WHEREAS, Section 15.00 of the City Charter provides that there shall be a Human Resources Office, which shall be staffed as may be determined by the Mayor and Common Council; and

WHEREAS, the current Mayor has expressed a strong interest in re-engineering the structure of Dunkirk's City government to adjust to the changes in municipal government administration over the past several decades to make Dunkirk more

efficient, responsive and equipped to handle the changes that have occurred and the changes to come; and,

WHEREAS, the current position of Personnel Administrator, Civil Service competitive class, non-union position, does not cover the full gamut of duties that encompass a fully operational and efficient modern municipal human resources office, hence, the proposed Resolution #96 initiating the Charter revision process to create a cabinet-level Human Resources Director position; and

WHEREAS, the current Personnel Administrator is knowledgeable and has experience dealing with compensation and benefits issues, but has expressed discomfort with issues beyond his skill set and *a prior* knowledge base; and he has acknowledged the need to revamp the Human Resources Department; and

WHEREAS, under the Chautauqua County Civil Service job descriptions, there exists a job description under the Personnel Administrator title, who would report to the proposed Human Resources Director, and fits the duties which the current Personnel Administrator has handled well, focusing primarily on the vital service of administering compensation and benefit packages and programs for City of Dunkirk employees; therefore, be it

RESOLVED, that this Council authorize the Mayor to reclassify the Personnel Administrator's job duties to better reflect what the position currently handles, at the same pay as the current part-time Personnel Director, a competitive class, non-union position under the Civil Service Law which does not require Charter revision as the position is not listed in the Charter; and, be it

RESOLVED, that this Council revisit whether the position remain part-time or be converted to full-time upon the retirement of the current Personnel Administrator

Councilman-at-large Woloszyn advised he would need a motion to take this off the table.

Councilman Bamonto made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Councilman Williams stated that after the previous Resolution this one follows in suit.

Vote on Resolution:

Carried, all voting aye.

RESOLUTION #103-2017
OCTOBER 17, 2017

BY: ENTIRE COUNSEL

**CONSENT TO A TEMPORARY APPOINTMENT OF PART-TIME FISCAL
AFFAIRS CONSULTANT**

WHEREAS, Section 2-3.01, Paragraph #4 of the City Code provides that the powers and duties of the Mayor shall include the appointment of employees; and

WHEREAS, pursuant to Section 2-3.01, Mayor Wilfred Rosas has appointed Ms. Christine Pinkoski as a temporary employee for the purposes of providing training and support to the newly appointed Fiscal Affairs Officer, and to attend various meetings regarding the City's Fiscal year 2018 Budget; and

WHEREAS, this appointment shall be deemed as a temporary appointment with hours and length of continued service to be pre-approved by the Mayor, and at his sole discretion; now therefore, be it

RESOLVED, that Ms. Christine Pinkoski, be confirmed as a temporary consultant for the City of Dunkirk, effective October 18th, 2017, at the rate of Fifty-five (\$55.00) dollars per hour without benefits, with hours of work to be pre-approved by the Mayor.

Councilman-at-large Woloszyn advised he would need a motion to take this off the table. No action taken.

Remains TABLED.

PRE-FILED RESOLUTIONS:

RESOLUTION # 104 -2017
November 6, 2017

BY: COUNCILMAN WILLIAMS

REQUEST TO COMMENCE ONLINE BILL PAY AND CREDIT CARD PAY

WHEREAS, the City of Dunkirk needs to take the next step and offer an online bill payment system as well as a credit card payment option to evolve and adapt to the changing world; and

WHEREAS, the adoptions of these modern day forms of payment will benefit the City of Dunkirk and its citizens by creating a more efficient city government in all departments that accept payments from the public, including the Treasurer's Office and the City Clerk's Office; and

WHEREAS, the benefits of creating a system of online payments and credit card payment options become evident by eliminating expensive and time-consuming paper practices, enabling the City to make and receive payments and

distribute funds in ways that are more efficient, more secure, and more reliable,¹ thus creating a more efficient government; and,

WHEREAS, the City of Dunkirk as a whole stands to reap the benefits of adopting the contemporary systems of online payment and credit card payment options by evolving to fit into modern e-commerce, the system that the general public has gravitated toward, uses more and more, and now comes to expect; and

WHEREAS, this Council acknowledges that change does not come easily, or cheaply, that there will be upfront staffing and structural costs to make the transition, as well as cultural shifts as to how the City handles tax, water and fee payments; therefore, be it

RESOLVED, that the Department of Treasury, the City Clerk's Office and all other departments that accept payments be authorized to create and adopt the systems of online bill payment as well as the option for credit card payment, with the expected commencement date for these systems to be January 1, 2018.

Councilman Gonzalez state that he is glad this will be coming to fruition, maybe not exactly on January 2nd but soon after that.

Councilman Williams stated that city residents for the whole time that I have been on council asking to do credit card bill pay, online bill pay. There may be some issues getting the online bill pay going and up and ready by January 1st as it gets closer to January 2nd we will let people know closer to the date. None of us want to have an unsecure site for people to do business with the City on. That would be our top priority to have a very secure site that people can go to and pay their bills online. There are businesses out there that do it. I can't picture that it's going to be that hard to get it done. We just have to work and find out who can help us get that going. I believe that we can have that done, maybe not by the deadline that's in here but we can extend that if we need to if we see that there is not a realistic roll off of it by January 1st. The credit card bill pay that I hear is going to be more on target with January 1st, If we need to change the date we will do it as we get closer to January 1st.

Carried, all voting aye.

RESOLUTION #105-2017
November 6, 2017

BY: ENTIRE COUNCIL

¹ Herbst-Murphy, S. (2011, July 11). Government Use of the Payment Card. Retrieved October 31, 2017, from <https://www.philadelphiafed.org/-/media/consumer-finance-institute/payment-cards-center/publications/conference-summaries/2012/C-2012-Government-Use-of-the-Payment-Card-System.pdf>

**AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES
FOR CITY OF DUNKIRK COMPREHENSIVE PLAN UPDATE
(Laberge Group)**

WHEREAS, the City of Dunkirk has been awarded \$45,000 through the Department of State (DOS), \$10,000 from the Lake Erie Management Commission (LEMC) and \$33,045 in Community Development Block Grant (CDBG) funds to update the City of Dunkirk's Comprehensive Plan; and,

WHEREAS, the Comprehensive Plan Update will help determine community goals and aspirations for future community development in the City of Dunkirk; and,

WHEREAS, professional consultant services are required to conduct and administer the Comprehensive Plan Update, the Laberge Group, is ready, willing and able to provide such services for the City in a good and workmanlike manner as determined by the Director of Planning and Development under her responsibility and authority by the City Code; and,

WHEREAS, the Laberge Group was selected by a steering committee based on its highly ranked proposal and successful interview process; now, therefore be it

RESOLVED, that on behalf of the City of Dunkirk, the Mayor is authorized and directed to execute an agreement of services, with Laberge Group, 4 Computer Drive West Albany, New York 12205, to carry out the planning process needed to update the City's Comprehensive Plan with a cost not to exceed a total of eighty-eight thousand forty five dollars (\$88,045); and be it finally

RESOLVED, that the revenue, and appropriations for this project be set up by Fiscal Affairs as an income and expense in a separate City Fund, and that any and all consultant contract administration services be paid from the expense line of said Fund.

Carried, all voting aye.

RESOLUTION #106 -2017
November 6, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING GENERAL CONSTRUCTION CONTRACT
FOR POINT GRATIOT PARK RENOVATIONS**

WHEREAS, following public advertisement, four sealed bids were received on October 19, 2017, for required work at Point Gratiot Park – in the amounts of \$457,000 and \$452,400 and \$452,000 and \$417,000; and,

WHEREAS, the low bid of \$417,000 including the preferred Alternate No. 1 enhancement—an additional bid item of \$4,200—adding up to a total bid of \$421,200 from Perry Construction Group 1440 West 21st Street Erie PA 16502, still \$31,000 under the next lowest bid; and,

WHEREAS, the bid has been deemed responsible by City Development and by the City's Consulting Architect, who recommend quickly accepting this bid so the work can be started; now, therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute a contract for Point Gratiot Park Renovations with Alternate No. 1 Enhancement totaling \$421,200 with Perry Construction Group 1440 West 21st Street Erie PA 16502, contingent upon contractor first meeting all requirements of the grant received from State Senator Catherine Young by Mayor Rosas and the City Development Department for this project.

Carried, all voting aye.

RESOLUTION #107 -2017
November 6, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING ELECTRICAL CONTRACT FOR WATER TREATMENT PLANT
IMPROVEMENTS (PHASE 3 UNDER 2009 CONSENT ORDER)**

WHEREAS, the City of Dunkirk, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) in 2009 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, Governor Cuomo granted the Dunkirk's application for Phase 3 funding through the New York State Environmental Facilities Corporation (EFC) for \$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, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to \$3 million; and

WHEREAS, the 2017 Phase 3 projects are listed in the EFC grant application, and the remaining electrical improvements are necessary to fully comply with the Consent Order; and

WHEREAS, following public advertisement, three sealed bids were received on October 17, 2017 for this required work: \$480,000, \$430,000 and \$424,185; and

WHEREAS, the low bid of \$424,185 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 the City water system from being fully operational to supply the North County Water District; and

WHEREAS, said contract acceptance is subject to the contractor meeting all requirements of the EFC funding process; 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 the Consent Order Phase 3 portion of City Fund 15.

Councilman Williams stated that he is happy to see that a union company was the low bid for this and were able to get in there and get it.

Carried, all voting aye.

RESOLUTION #108 -2017
November 6, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING GENERAL CONSTRUCTION CONTRACT FOR WATER TREATMENT
PLANT IMPROVEMENTS (PHASE 3 UNDER 2009 CONSENT ORDER)**

WHEREAS, , the City of Dunkirk, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) in 2009 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, Governor Cuomo granted the Dunkirk's application for Phase 3 funding through the New York State Environmental Facilities Corporation (EFC) for \$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, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to \$3 million; and

WHEREAS, the 2017 Phase 3 projects are listed in the EFC grant application, and the remaining general improvements are priorities to fully comply with the Consent Order; and

WHEREAS, following public advertisement, four sealed bids were received on October 17, 2017 for this required work: \$3,383,000, \$3,158,000, \$2,968,800 and \$2,563,259; and

WHEREAS, the low bid of \$2,563,259 by Kandey Company, Inc. of 19 Ransier Drive West Seneca NY 14224, 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 the City water system from being fully operational to supply the North County Water District;

WHEREAS, said contract acceptance is subject to the contractor meeting all requirements of the EFC funding process, therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute a contract for these additional general construction items with Kandey Company, Inc. of 19 Ransier Drive West Seneca NY 14224, contingent upon the contractor first supplying all necessary approvals from EFC to meet its funding requirements, and that payment for such work will come from the Consent Order Phase 3 portion of City Fund 15.

Councilman Williams states that he is glad to see that the low bid was a union company.

Carried, all voting aye.

RESOLUTION #109 -2017
November 6, 2017

BY ENTIRE COUNCIL:

**RATIFICATION & ACKNOWLEDGMENT OF FIRE CHIEF EMPLOYMENT
CONTRACT**

WHEREAS, pursuant to Section 2.03 of the Dunkirk City Charter and Section 2-9.02 of the City Code, former Mayor Anthony J. Dolce appointed Michael D. Edwards to serve as Fire Chief, a permanent appointment that began on March 15, 2015, upon his successful completion of an eight (8) week probationary period; and,

WHEREAS, the full Common Council consented to said appointment on March 3, 2015 via Resolution#9-2015; and

WHEREAS, former Mayor Dolce and Chief Edwards executed an employment agreement on March 11, 2015 that spelled out the terms of his employment; and,

WHEREAS, said agreement set the salary at \$80,000 in 2015, with percentage salary increases commensurate with those ratified in the Dunkirk Professional Firefighters' Association, Inc. (Local 616); and,

WHEREAS, said agreement entitled Chief Edwards to all relevant benefits included in the Local 616 CBA, with the exception of Longevity, EMT Certification reimbursement, compensatory day accumulation or overtime accumulation; and

WHEREAS, to reward Chief Edwards for his good work over the past two years, Mayor Rosas would like to amend that agreement in his 2018 budget to grant the Chief a 2% raise, Longevity and EMT Certification reimbursement; now therefore, be it

RESOLVED, that this Common Council hereby ratify and acknowledge the existing 2015 employment agreement; and, be it further

RESOLVED, that this Common Council hereby ratify and consent to the Mayor's recommended amendments to Chief Edward's employment agreement in acknowledgment of his continued good work for the City of Dunkirk.

Councilman Williams stated that this is long overdue.

Councilman Bamonto stated that this is well deserved and both Chiefs run professional departments. I saw that before I was on council and now that I am on council, I can see from the inside that it is true they are doing a fantastic job.

Carried, all voting aye.

RESOLUTION #110 -2017
November 6, 2017

BY ENTIRE COUNCIL:

**RATIFICATION & MEMORIALIZATION OF
POLICE CHIEF EMPLOYMENT CONTRACT**

WHEREAS, pursuant to Section 2.03 of the Dunkirk City Charter and Section 2-9.02 of the City Code, former Mayor Richard Frey appointed David C. Ortolano to serve as Police Chief, a permanent appointment that began on February 26, 2005, upon his successful completion of the civil service exam; and,

WHEREAS, the full Common Council consented to said appointment on January 18, 2005 via receiving and filing a letter notifying it of his appointment; and

WHEREAS, no formal employment agreement was executed then; and,

WHEREAS, from 2005 to the present, Chief Ortolano's salary and benefits have been indexed to be commensurate with the highest base pay of the members of the Dunkirk Police Benevolent Association (PBA); and,

WHEREAS, Mayor Rosas has agreed to maintain Chief Ortolano's agreed upon salary and benefits as part of the memorialization of this employment agreement; and

WHEREAS, the Chief's current and future wages will continue to track any future ratified collective bargaining agreements between the City of Dunkirk and the PBA; therefore, be it

RESOLVED, that this Common Council hereby ratify and memorialize the existing 2005 verbal employment agreement.

Councilman Williams stated that this is long overdue.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:02 PM

Edwin Ramos, City Clerk
