

COMMON COUNCIL PROCEEDINGS
December 19, 2017

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

Mayor Rosas requested a moment of silence in honor of former Mayor Richard Frye.

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, DPW Director Woodbury, Building Inspector Zurawski, Fiscal Affairs Officer Beach, Personnel Administrator Heyden, Director of Development Yanus, CDBG Program Administrator Bourke and Police Chief Ortolano.

Certification of the Tuesday, November 21, 2017 and December 5, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, November 21, 2017 and Tuesday, December 5, 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:

Jeanette Delgado 65 Lakeshore Drive East thanked everyone for their gracious donations for the Hurricane Maria relief and to Yaneshka Rodriguez and Nilza Mojica for translating, also thank you to SUNY Fredonia Pride Alliance for their donations and she voiced her concerns about the proposed changes at the schools.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas announced that the Rec Center will be having activities in the winter. All of this information will be in the Observer, our Website and on Access 12. He also requested CDBG Program Administrator Bourke to give an update on the CDBG Consolidation Plan.

CDBG Program Administrator Bourke stated that there is a draft for the Consolidated Plan. This is available for public review for a 30 day comment period. These are available in the Clerk's Office, the Planning & Development Office and online. There will be a public hearing on January 8, 2018 in the Mayor's conference room from 5:30pm-7:00pm. A final draft of the plan will be submitted to council in early February and submit it to HUD for approval by February 15, 2018.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

1. Notice of Claim from Evelyn Hernandez Ruiz for alleged damages to her vehicle when a City of Dunkirk plow truck backed into her parked vehicle.

Councilman-at-large Woloszyn asked for a motion to refer to the Law Department.

Councilman Williams made a motion. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:
UNFINISHED BUSINESS:**

Councilman Williams inquired to DPW Director Woodbury for an explanation about the state coming in over the weekend to help out with the streets and wished everyone a Happy and Safe Holiday Season.

DPW Director Woodbury stated that we for 2 weekends in a row we were hit with snow storms that we haven't seen a couple years. The most recent weekend was worse than the first one. From Friday to Saturday we got 24 inches of snow in the City of Dunkirk, that's an inch an hour and we can't keep up with it. Your employees in the Street Department did a tremendous job; they worked the entire legal limit of time and gave you everything they could. The mechanics had prepared all of the equipment to the best of their abilities. The Mayor and I talked late in the afternoon on Saturday and discussed streets that had not been plowed yet. The Mayor contacted the Governor's office and thru an emergency process got some state resources, they worked a full 12 hour shift and opened up those streets. Thank you to the people for your patience, we realize it was hard.

Councilman Bamonto inquired to DPW Director Woodbury for an update on the Howard Avenue project and are we on target also thank you to Councilman Gonzalez and Councilwoman Szukala for all the years you have served The City of Dunkirk and wished everyone Safe and Happy Holidays.

DPW Director Woodbury stated that there were 3 trees in the way and those were taken down. H&K Services out of Leon New York is not going to let any weather get in their way. The new bridge is already made; they are taking out the old one and working on disposing of it. Within the next few weeks we should have a ribbon cutting to open the new bridge.

Councilman Gonzalez stated that there was an Economic Development meeting today. It was discussed all of the accomplishments over the last year. Thank you to the hard working members of the City Council of Dunkirk. I am honored to have the opportunity to work with such a loyal and dedicated group of individuals current and past. I can honestly say that I have proudly served my community with my heart and I am grateful to be part of the changes that we currently see in our City and those coming in the spring. The Community of Dunkirk elected me for this office for 3 consecutive terms. We have proudly accomplished much for this City since being elected to office. A few of the many successes accomplished include the completion of the Sea Wall of course on Lakefront Blvd, also completion of our consent orders with the Waste Treatment Plant. There wasn't a call that I did not respond to throughout my 3 terms as Councilman, I answered all the calls the best way that I could and I am proud that I have been able to do that. Also during my term we settled all the union contracts throughout the City thanks to the Mayor and his efforts and the people that worked with him. I am proud that we are on the verge of breaking ground on the Athenex project and a place will employ almost 1200 people when it's completed, I am proud to experience firsthand the positive changes our City has had and I am excited to continue to see the progressive movement for our City. I urge the council members to remain united and pledge to

serve the community first before your own personal needs and honor your oath of office. I ask that you be present in the community and be sensitive to the demographics, the changes that are happening here. You have the charge to serve all and not just the outspoken few. Serve the citizens that may not have the courage to speak up but they are members of our community, serve the less fortunate who feel they have no voice. I urge you to continue the momentum of moving this City forward, to seek out experiences in other cities and see what is working for them. Thank you all for the wonderful years and memories that I have in this council. I express good luck and Godspeed to all of you. Merry Christmas and Happy New Year.

Councilwoman Szukala inquired to Fiscal Affairs Officer Beach for an update on the 2016 audit and voiced her frustration about the snow storm this past weekend. I struggled with the words to say sitting here tonight to say a speech like Councilman Gonzalez did. A lot of the things that I have to say I didn't want to offend anybody and I didn't want to go out less than classy so to say, so I am just going to struggle thru my words and hope that I say what I need to. This was my 4th term serving on Council, I have had the pleasure of working with 3 different administrations and I have learned that every administration ran things drastically different. Each term was a new experience for the council members as well, getting to know what each one expects and working together. I am happy to have been able to serve the Community for 8 years. I not only represented the City of Dunkirk proudly but effectively I believe. I answered calls from all wards, not just my own whether it was something small I could help someone with or something large like voting on a certain resolution. Every single vote that I had I did with the best interest of the City at heart. We didn't always agree and that was one of the most frustrating things for me because sometimes things that seemed so simple and black to me were not so simple to others which is where the conflict and disagreement came in. I am proud that I have been able to be a lot of positive influence and a lot of things that happened in the City of Dunkirk I was proud to be a part of. One of the reasons why I decided not to run again was knowing that things that were broken in the City 8 years ago, some of those things are still broken today. We talk about them and nothing changes so if I can't sit here and say that I have been part of that positive change, I also feel like I am part of the problem so it was time for me to walk away and let somebody else have a chance to do what they think they can do. I am going to walk away and those of you who know me well know what I am going to be doing in my spare time. I am happy to say that a lot of you I consider my friends and I don't think that will ever change. I have great respect for each one of you in this room even though we don't always agree on the topics. I would like to say thank you to all of the residents and the constituents and even those who lived outside of the City who often stopped me to say thank you for the way you voted, I read the article and I understand your frustrations or thank you for being the voice to the people that aren't here to voice their own opinions. I would like to wish Mike and Shaun good luck in their term.

Fiscal Affairs Officer Beach stated that the audit will be presented this week.

Councilman-at-Large Woloszyn thanked Councilman Gonzalez and Councilwoman Szukala for their years of service.

UNFINISHED BUSINESS:

None

PREFILED RESOLUTIONS:

RESOLUTION #118-2017
December 19, 2017

BY: THE ENTIRE COUNCIL

**AUTHORIZING SHARED SERVICES AGREEMENT EXTENSION
(POLICE SERVICES – TOWN OF DUNKIRK)**

WHEREAS, the City of Dunkirk (City), by Resolution No. 96-2016 (November 15, 2016), and the Town of Dunkirk (Town), entered into a shared services agreement for certain police services, which was extended through December 31, 2017; and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement for calendar year 2018; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Town of Dunkirk, for police services, from January 1, 2018 through December 31, 2018, at a cost of One Thousand Seven Hundred Fifty Dollars and Zero Cents (\$1,750.00) per month for January, 2018 through December, 2018, with the City providing not less than twelve (12) hours per week of patrol in the Town.

Carried, all voting aye.

RESOLUTION # 119 -2017
December 19, 2017

BY COUNCILMAN WILLIAMS:

**EXTRA VALVE CHANGE ORDER FOR WATER TREATMENT PLANT
IMPROVEMENTS
(PHASE 3 UNDER 2009 CONSENT ORDER)**

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 two additional 20-inch valves are required in the distribution system between the filter plant and the new Willowbrook tank at a change order cost of \$84,300, 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 \$84,300 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, and that payment for such work will come from the Consent Order Phase 3 portion of City Fund 15.

Councilwoman Szukala inquired if the money for this is within the contingency of the budget.

DPW Director Woodbury stated it is within the budget.

Carried, all voting aye.

RESOLUTION #120-2017
DECEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**VALVE AND PIPE CHANGE ORDER
FOR WWTP INSTALLATION OF
REPLACEMENT BAR SCREENS AND GRIT REMOVAL SYSTEM**

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 low bid of \$2,295,000 from STC Construction, 63 Zoar Valley Road, PO Box 459, Springville, New York 14141 (STC Construction), was accepted by Common Council Resolution 86-2017; and

WHEREAS, additional old valves and pipes require replacement to continue this work, a \$37,808 change order is recommended by DPW and the City's consulting engineers; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a \$37,808 change order for extra valve and pipe repairs and replacement in general construction contract 17-1G with STC Construction, which will still keep this portion of the project under budget, and contingent upon the contractor first supplying all necessary approvals from EFC to meet their funding requirements for this work, and that payment for such work will come from City Fund #21.

Carried, all voting aye.

RESOLUTION # 121 -2017
DECEMBER 19, 2017

BY COUNCILMAN WILLIAMS:

**ACCEPTING APPLICATION FOR WATER AND SEWER SERVICE
FOR THE HAMPTON INN HOTEL IN THE TOWN OF DUNKIRK**

WHEREAS, the City of Dunkirk supplies water and sewer service to Vineyard Drive in the Town of Dunkirk, at out-of-city rates; and

WHEREAS, the attached application for new water and sewer service was reviewed by DPW and recommended for approval, and the development includes storm water retention and treatment; now therefore

BE IT RESOLVED, that the Hampton Inn may establish water and sewer accounts with the City of Dunkirk provided it pre-pay all connection and meter fees at the out-of-city rate and establish accounts to pay usage fees billed at the out-of-city rates.

Carried, all voting aye.

RESOLUTION #122-2017
December 19, 2017

BY: ENTIRE COUNCIL

RESOLUTION TO DECLARE LEAD AGENCY STATUS

WHEREAS, The City of Dunkirk (City) is proposing the City of Dunkirk Brownfield Opportunity Area (Project), located in the City of Dunkirk, Chautauqua County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, it is the intent of the City of Dunkirk's Common Council to assume the role of "Lead Agency" for purposes of conducting a SEQRA assessment of the Project; and

WHEREAS, part I of a Full Environmental Assessment Form (FEAF) has been completed, reviewed by the City, and has been circulated to all Interested and Involved Agencies for the purpose of establishing the City as the “Lead Agency” in accordance with 6 NYCRR Part 617.6(b); and

WHEREAS, the six (6) Interested and Involved Agencies were given the required thirty (30) day period to respond to the City’s Common Council assuming Lead Agency status for this project; and

WHEREAS, no objections were made within the thirty (30) day comment period; now, therefore, be it

RESOLVED, that the City of Dunkirk’s Common Council does hereby establish itself as the Lead Agency for the SEQRA review regarding the City of Dunkirk Brownfield Opportunity Area (Project) that the Mayor of the City of Dunkirk and Common Council, together with the City of Dunkirk Planning and Development Department, Attorney, and consultants, are hereby authorized to take all actions, serve all notices, and complete all documents required to give full force and effect to this determination.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:05 PM

Edwin Ramos, City Clerk
