

**PUBLIC HEARING  
December 6, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 5:55 PM

Present: Councilmen Muldowney, Michalski, Gonzalez, Councilwoman Szukala and Councilman-at-large Dolce.

Also Present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Building/Zoning Officer Zurawski, Clerk, Board of Assessors Mleczko, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden and Police Chief Ortolano.

Absent: Development Director Ahlstrom and Fire Chief Ahlstrom.

Notice of Public Hearing was read by City Mleczko.

Public Hearing was held for the purpose of giving interested persons and opportunity to comment on Local Law Amending Chapter 55 "Plumbing" Section 55-11(A) Entitled: "Annual Master Plumber License Fee" and Section 55-13(A) Entitled: "Temporary Permits" of the Dunkirk City Code.

**PUBLIC COMMENTS:**

No one spoke

**Public Hearing adjourned at 5:56 PM**

**Tom Mleczko, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
December 6, 2011**

The meeting was called to order at 6:01 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Muldowney, Gonzalez, Councilwoman Szukala and Councilman-at-large Dolce.

Also present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Curtin, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden and Police Chief Ortolano.

Absent: Development Director Ahlstrom and Fire Chief Ahlstrom.

Certification of November 15, 2011 meeting was read by City Clerk Mleczko.

**RESOLVED:** That the reading of the minutes of Tuesday, November 15, 2011 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Dick Mirth, 119 E. Green Street, Dunkirk, New York stated although Resolution #84 regarding the Lake wall project was pulled from tonight's agenda during the workshop session, he would like to go on record with his professional opinion concerning the wall and read the following:

"I stand before you this evening as a resident of Dunkirk, a civil engineer, and a currently registered professional engineer. I have extensive experience with concrete structures.

The Hill Engineering report recommends repair procedures for the First Ward Lake wall, but never addresses the cause of the damage to the wall. The damage to the wall is caused not by the pounding of Lake Erie, but by the City of Dunkirk applying salt to the road behind the wall.

With minor repairs estimated at about \$100,000 and a continuation of the city's present policy of closing Lakefront Boulevard in the winter, or making it a no maintenance, drive at your own risk street, the wall is good for another 80 years, without spending 3.45 million dollars on the wall and roadway. The proposed project is unnecessary and a waste of money.

I will be glad to answer questions you may have on the wall, and take anyone interested in looking at the wall on a tour of the wall to further explain my thinking."

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

Mayor Frey thanked Mr. Mirth for his professionalism and stated "if you pull this off for \$100,000, good for you and good for the city."

Mayor Frey advised residents tomorrow is the 70<sup>th</sup> Anniversary of Pearl Harbor. Mayor Frey further advised 2,000 World War II Veterans are dying everyday and stated "it is sad that our younger children today don't get this in their history lessons about Pearl Harbor, World War II, Korea, Vietnam; we owe them an awful lot, that's why we are all here tonight expressing ourselves and our opinions, it is because of the sacrifices made by them."

Mayor Frey advised residents the First Ward Waterline Bid's are due by December 13, 2011 and is hoping to award the bids on December 20, 2011. Mayor Frey thanked everyone for their input on all these projects.

Communication from Mayor Frey appointing/reappointing members to the Assessment Review Board, Electrical Board, Greater Dunkirk Area Harbor Commission, Local Development Corporation (DLDC), Planning Board, Plumbing Board, Property Maintenance Board and Zoning Board of Appeals.

Received and filed.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from the Chautauqua County Youth Corps requesting to host a Winter Festival in Washington Park in conjunction with the Washington PARC Group and the Academy Heights Neighborhood Association on December 16<sup>th</sup> from 6:00 PM to 9:00 PM, and the four sections surrounding Washington Park be blocked off to traffic from 5:15 PM to 9:15 PM.

Councilman-at-large Dolce announced this petition will be amended and stated Chief Ortolano spoke with this group and they are requesting to close off the 500 block of Washington Avenue only to traffic.

Councilman Gonzalez advised he has not received permission from Mayor Frey or DPW Director Gugino regarding the Park's Committee Group request to decorate a tree in Washington Park.

DPW Director Gugino stated there is electricity in the Park and he has no problem with the Park's Committee Group placing lights on a tree. DPW Director Gugino advised Councilman Gonzalez his department is currently understaffed.

Mayor Frey advised DPW Director Gugino to discuss this with his crew due to the fact that his department is currently understaffed and asked Councilman Gonzalez if members of the Park's Committee Group will be willing to help decorate the tree.

Councilman Gonzalez advised Park's Committee Group members will be willing to help decorate the tree but are waiting for formal permission from the city.

Mayor Frey advised Councilman Gonzalez he would need to receive Union approval regarding the Park's Committee volunteers and stated his concern was getting the tree decorated. Mayor Frey announced decoration of the tree will take place on December 16<sup>th</sup>.

Councilman Gonzalez moved to accept the amended petition and referred this to the DPW and Police Department. Seconded by Councilman Michalski.

Carried, all voting aye.

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

Councilman Michalski had nothing to report at this time.

Councilman Muldowney had nothing to report at this time.

Councilman Gonzalez advised he only had the Park's Committee Group request to decorate a tree in Washington Park on December 16<sup>th</sup> which was discussed earlier.

Councilwoman Szukala offered her condolences to the family and friends of Jeff Roberts.

Councilwoman Szukala advised she was disappointed but not surprised that the Senior Center Shared Services Proposal did not go through and stated it was a no win situation for both parties. Councilwoman Szukala continued "when we ask our children to consider merging schools and we consider merging sports teams due to budget cuts our kids are just supposed to do that because that is what we need to do, but when our senior citizens can't step forward and make

an example of themselves and put their differences aside I think that’s wrong.” Councilwoman Szukala reiterated she was disappointed the proposal did not go through and stated “hopefully next year they’ll come to a better resolution because the money is just going to keep get tighter as budgets go on.”

Councilman-at-large Dolce advised he sent City Attorney Cerrie an e-mail over the weekend regarding the Mayor’s appointments on this evening’s agenda and asked City Attorney Cerrie to explain the process for these appointments.

City Attorney Cerrie stated “according to the City Charter the Mayor has the right to appoint who he is appointing; they are all expired positions except for one. Marcellino Rice expires on December 9, 2011 which is 3 days away, if council would like us to pull her name from this and reappoint on the 20<sup>th</sup> we’d be happy to do so, but to expediate things, that’s the reason why she was on this list.”

Councilman-at-large Dolce asked City Attorney Cerrie if every term listed in this communication is expired with the exception of Marcellino Rice.

City Attorney advised these are all expired terms with the exception of Marcellino Rice.

**UNFINISHED BUSINESS:**

**RESOLUTION #76-2011**  
**NOVEMBER 15, 2011**

**BY: ENTIRE COUNCIL**

**LOCAL LAW #8-2011**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW TO AMEND CHAPTER 55 “PLUMBING”,  
SECTION 55-11(A) ENTITLED “ANNUAL MASTER PLUMBER LICENSE FEE”  
AND SECTION 55-13(A)(4) ENTITLED “TEMPORARY PERMITS”  
OF THE DUNKIRK CITY CODE**

**BE IT ENACTED** by the City Council of the City of Dunkirk, New York as follows:

**Section 1    Intent.**

It is the intent of this Local Law to amend Chapter 55, Section 55-11(A) “Annual Master Plumber License Fee” and Section 55-13(A)(4) “Temporary Permits” to increase the present Master Plumber license fee and the fee for a temporary permit in the City of Dunkirk.

**Section 2    Amendment of City Code.**

Chapter 55, Section 55-11(A) of the Dunkirk City Code is hereby amended as follows:

**§ 55-11.        Annual Master Plumber License Fee.**

**DELETE**

- A. The annual fee for a Master Plumber license in the City is **Fifty Dollars (\$50.00)** per year. Those who hold Master Plumber licenses from other cities shall be required to pay the annual fee to the City of Dunkirk.

**AMEND**

- A. The annual fee for a Master Plumber license in the City is **One Hundred Dollars (\$100.00)** per year. Those who hold Master Plumber licenses from other cities shall be required to pay the annual fee to the City of Dunkirk.

Chapter 55, Section 55-13(A)(4) of the Dunkirk City Code is hereby amended as follows:

**§ 55-13. Temporary Permits.**

- A. Contractors or corporations not licensed within the City of Dunkirk may apply for a temporary permit in accordance with the following:

**DELETE**

4. Fee for temporary permits shall be **Sixty Dollars (\$60.00)** per job per year.

**AMEND**

4. Fee for temporary permits shall be **One Hundred Twenty-Five Dollars (\$125.00)** per job per year.

**Section 3 Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Muldowney motioned to remove Local Law #8-2011 from the table for vote. Seconded by Councilwoman Szukala. Carried, all voting aye. Removed from table.

Vote on Resolution: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #79-2011**  
**DECEMBER 6, 2011**

**BY: COUNCILWOMAN SZUKALA**

**AWARDING BID FOR YEAR 2012 REQUIREMENTS OF TREATMENT CHEMICALS  
FOR THE  
WATER POLLUTION CONTROL AND WATER TREATMENT FACILITIES**

**WHEREAS**, sealed bids for the furnishing of water and wastewater treatment chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on October 24, 2011 and have been reviewed by Public Works Director Gugino, now, therefore, be it

**RESOLVED**, that the following bids be accepted for furnishing 2012 water and wastewater treatment chemicals:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Kemira Water Solutions, Inc.	Poly-Aluminum Chloride (PAC)	\$909.0 9 per dry ton
3211 Clinton Parkway Court Lawrence, Kansas 66047	Ferric Chloride Solution	\$340.0 0 per dry ton
Univar USA, Inc.	Liquid Chlorine (WPCF)	\$464.0 0 per ton
328 Bunola River Road	Liquid Chlorine (WTP)	\$464.0 0 per ton
P.O. Box 303 Bunola, PA 15020	Liquid Chlorine (WTP 1500# in cylinder)	No Award
Mercer Lime Company \$187.23 per net dry ton 560 Branchton Road Slippery Rock, PA. 16057	Hydrated Lime (Bulk)	

further and, be it

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with each of the above-named vendors, for the purchase of such treatment chemicals for the Water Pollution Control and Water Treatment Facilities, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

Carried, all voting aye.

**RESOLUTION #80-2011**  
**DECEMBER 6, 2011**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING AWARD OF BID FOR THE FURNISHING OF FILTER VALVES,  
ACTUATORS AND VENTURI METERS FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the New York State and Chautauqua County Departments of Health have required that the City make improvements to the City's water treatment and distribution systems to conform to current standards and water supply needs, and

**WHEREAS**, sealed bids for the furnishing of filter valves, actuators and venturi meters were received and opened on November 30, 2011 at 2:00 PM local time, with two (2) bidders responding, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Director of Public Works Gugino and the City's retained consultant, Hill Engineering, Inc., that the low bid of BILD Process Equipment, LLC., 2381 Fillmore Avenue, Buffalo, NY 14214, be accepted in the amount of \$199,900 for the above noted bid, and, be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute any necessary documents on behalf of the City of Dunkirk with BILD Process Equipment, LLC., for the above described equipment in accordance with the bid documents and that funding shall be allocated from Fund Account 015-8320-5041-8049, and, be it further

**RESOLVED**, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts necessary for this construction, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Carried, all voting aye.

**RESOLUTION #81-2011**  
**DECEMBER 6, 2011**

**BY: ENTIRE COUNCIL**

**AUTHORIZING STIPEND FOR CLERK BOARD OF ASSESSORS**

**WHEREAS**, on April 5, 2011, Resolution #20-2011 was passed by the Common Council to abolish the two elected part-time assessors positions of the Department of Assessors; and

**WHEREAS**, on November 8, 2011, a Proposition was on the General Election ballot to abolish the two elected part-time assessors positions, and

**WHEREAS**, the residents of the City of Dunkirk voted to abolish these two part-time positions in the Department of Assessors; and

**WHEREAS**, each of these part-time assessors were given a stipend of \$5,200 per year, for a total of \$10,400; and

**WHEREAS**, the Clerk Board of Assessors will be taking over the duties of the two eliminated part-time assessors; and

**WHEREAS**, a stipend of \$4,000 per year is recommended to be given to the Clerk Board of Assessors Mleczko, saving the City \$6,400 per year; now, therefore, be it

**RESOLVED**, that Thomas Mleczko, Clerk Board of Assessors be given a stipend of \$4,000 per year, due to the elimination of the two part-time elected assessors, effective January 1, 2012.

Councilman Michalski asked Clerk, Board of Assessors Mleczko to describe the additional duties and responsibilities he will undertake due to the elimination of the two part-time assessor's positions.

Clerk, Board of Assessors Mleczko proceeded to explain the additional duties and responsibilities he will be undertaking.

Councilman-at-large Dolce inquired with City Attorney Carrie regarding pay raises for elected officials and stated "my understanding is, according to the Charter, any pay raise needs to be done the June prior to the election."

City Attorney Carrie advised this isn't a pay raise, it's a stipend.

Councilman-at-large Dolce inquired if this stipend would occur every year.

City Attorney Carrie replied "it won't happen every year, this is just a stipend for 2012."

Councilman-at-large Dolce asked if his salary will decrease \$4,000 after 2012.

City Treasurer Woods advised stipends are usually presented on an annual basis.

City Attorney Cerrie stated “when we discussed the elimination of the two part-time assessors this was made abundantly clear to the council that this was the procedure that we were going to follow that Mr. Mleczko was going to be picking up more duties and the city is still going to be saving money as a result of the elimination of the assessors jobs, if they were eliminated by the public.”

Councilman-at-large Dolce asked City Attorney Cerrie if council would have to approve a stipend every year.

City Attorney Cerrie advised the stipend will remain in effect for the term of the office.

Councilman-at-large Dolce inquired if council would have to vote on this again next year.

City Attorney Cerrie advised no, “but it would be something that the council may want to consider next year in making it a full-time pay raise.” City Attorney further advised Councilman-at-large Dolce “the only way to do the way that you’re proposing would have been to make it contingent upon the assessor’s jobs being eliminated by the public, but that’s putting the cart before the horse.”

Councilman-at-large Dolce asked if this would need to be presented again next year.

City Treasurer Woods advised this will remain in effect for the term of office.

City Attorney Cerrie stated this stipend will remain in effect for 2012 and 2013 and if council wants to make this stipend permanent it will have to be voted on in June 2012 or June 2013.

Mayor Frey advised this was presented to council before June of this year, and if the public chose to eliminate these positions a stipend of \$4,000 would be given to the assessor. Mayor Frey reminded council the elimination of these two positions would save the city over \$10,000 between salary, training and traveling.

Councilman-at-large Dolce stated “I was ok with putting the referendum on the ballot, that the public had the right to do, that never necessarily meant I was ok with the stipend.”

Councilman Muldowney advised he is an Assessor, there will be a great deal of added responsibility for the Assessor and stated a part-time assessor did

inquire about a stipend for the Clerk, Board of Assessors if the two positions were eliminated during the public hearing. Councilman Muldowney stated he will be voting in favor of this Resolution.

Vote on Resolution:

Ayes: Councilmen Michalski, Muldowney, Gonzalez, Councilwoman Szukala.

No: Councilman-at-large Dolce

Carried, 4-1.

**RESOLUTION #82-2011**  
**December 6, 2011**

**BY: ENTIRE COUNCIL**

**INTRO NO. 9 TO LOCAL LAW NO. 9-2011**  
**CITY OF DUNKIRK**

**A LOCAL LAW TO AMEND**  
**CHAPTER 31 FEES, ARTICLE II SEWER RATE SCHEDULE SECTION 31-17(A) VIII**  
**OF THE DUNKIRK CITY CODE**  
**ENTITLED "SIGNIFICANT INDUSTRIAL USER**  
**(PERMIT LEVEL OF 500 LBS OR GREATER PER DAY)"**

**BE IT ENACTED** by the City Council of the City of Dunkirk, New York, as follows:

**Section 1**     **Intent.**

It is the intent of this Local Law to amend Chapter 31, Article II, Section 31-17(A) VIII "Significant Industrial User (Permit level of 500 lbs or greater per day)" to delete the 250 mg/L exemption.

**Section 2**     **Amendment of City Code.**

Chapter 31, Article II, Section 31-17(A) VIII of the Dunkirk City Code is hereby amended as follows:

**DELETE**

VIII.     **SIGNIFICANT INDUSTRIAL USER** (Permit level of 500 lbs or greater per day)  
[Added 12-21-2010 as L.L. #4-2010]

**Charge (\$) (monthly) = Volume + Loading + Permit Charge**

<u>Volume</u>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons
<u>Loading Gallons</u>	BOD <sub>5</sub>	\$0.25 lb
	TSS	\$0.14 lb
	NO <sub>3</sub> -N	\$0.51 lb
<b>*Less a 250 mg/L exemption</b>		

# BOD<sub>5</sub> calculated on loading (#) that exceeds twenty-five percent (25%) of daily permit level

Permit Charge: \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

### **Section 3      Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Michalski moved to table this Resolution with a Public Hearing to be held on December 20, 2011 at 5:50 PM. Seconded by Councilman Gonzalez.

Carried, all voting aye. Tabled

City Clerk Mleczo advised Resolution's #83 and #84 were pulled during the workshop session.

### **ADJOURNMENT:**

Councilman Michalski moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:23 PM**

**Tom Mleczo, City Clerk**

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