

AGENDA - COMMON COUNCIL MEETING – January 15, 2013 - 5:30 P.M.
REGULAR MEETING

1. Call to order, Roll Call and Pledge of Allegiance to the flag.
2. Certification of prior meetings. Resolution dispensing with reading of minutes.
3. Reading of Privilege of the Floor Regulations.
4. Privilege of the Floor:
5. Communications from the Mayor including disapproval messages.
 1. Request from The Great Lakes Experience, Inc. to use Memorial Park on Saturday, June 15th from 9:00 AM to 6:00 PM for a US Fish & Wildlife Service event.
 2. Request from Frank Acquavia Memorial Post #1344 to sell poppies on May 27th in Memorial Park from 9:00 AM to 11:00 AM.
 3. Notices of Claim from:
 - a) Silvia Hernandez-Burgos for damages to her basement allegedly due to sewer backup on January 2, 2012.
 - b) Allan Zurawski for a plugged sewer allegedly due to plugged debris from unfinished terminus of sewer line.
 - c) Kimberly Donaldson for bruised & swollen knee allegedly due to a fall on property owned by Brooks Memorial Hospital.
6. Communications from the public and petitions:
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 2. Resolution authorizing NYS Office of Community Renewal for Main Street Program Grant acceptance.
 3. Resolution authorizing budget line modifications (FY2013).
 4. Resolution authorizing Release and Settlement - Benton Street Water Tank.
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk



The Great Lakes Experience

1101 Casey Road
Basom, New York 14013
716/545-1700
www.thegreatlakesexperience.org

Board of Directors

Thomas Bello
President

Juliana Janson
Vice President

David Mika
Treasurer

Tiffany Szymanek
Secretary

Andrew Borden

Robert Fritzinger

Michael Pietkiewicz

Alison Schoonover

Paul Wietig

Ementus Board Members

Tim Aldrow

Henry Nowak

Randy Oppenheimer

Jack Quinn

January 8, 2013

Dunkirk City Council
338 Central Avenue
Dunkirk, New York 14048

Dear Dunkirk Council Members,

The Great Lakes Experience, Inc. (GLE) is a nonprofit organization that supports the mission of the US Fish and Wildlife Service. One of the most important roles of the GLE is to help the Service engage the community and work with them to protect and enhance the natural resources of the Lower Great Lakes ecosystem. Outreach and education initiatives are of the greatest importance in encouraging responsible decisions that affect our lands and waters.

One of our biggest outreach efforts is our GLE Festival. The Festival is our best opportunity to educate the community about local natural resources, celebrate our ecological success stories, and to reinforce the simple truth that everyone has a role in protecting our shared environment.

By hosting live animal exhibits and educational games and displays, visitors will enjoy learning about everything from local wildlife to safe boating. The Festival fosters an enhanced awareness that encourages private organizations and local residents to participate in the mission of Federal and State agencies to protect, conserve and enhance the fish, wildlife and their habitats for the continuing benefit of the citizens of Western New York.

Currently, the GLE Festival is held in Niagara Falls, NY, and Buffalo, NY. We would like to work closely with the City of Dunkirk to bring the Great Lakes Experience Festival to Memorial Park on Saturday, June 15, 2013.

For a successful event, the GLE needs a day to hold the festival, approximately 8-10 hours, which includes set up and tear down of tent displays. The Festival also includes live music, food, and free promotional gifts to every child that visits the event.

The GLE Festival targets all members of the public, young and old, avid fishermen and those attempting their first cast and we would love to be a part of your city's summer programming.

Thank you for your time and attention. Please let me know what we need to do to be considered as part of Dunkirk's 2013 event schedule.

Sincerely,

Beth Smeader
Executive Director

9AM to 6 PM

2013 JAN - 8 PM 2:00

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

FRANK ACQUAVIA MEMORIAL POST #1344
AMERICAN LEGION

221 LAKE SHORE DR. W.
DUNKIRK, N.Y. 14048
363-1344

TO: Common Council
City of Dunkirk, N.Y.

REC'D
11/4/13

From: Frank Acquavia Post 1344
The American Legion Auxiliary
221 Lake Shore Dr. W.
Dunkirk, N.Y.

Subject: MEMORIAL DAY activities

Dear Council Members,

I'm an officer at the Frank Acquavia Post. I'm writing to inform you of our annual Poppy Drive. We conduct this drive in memory of our fallen Comrades-in-Arms.

I'm asking for a permit to sell Poppies on Memorial Day, May 27 in Memorial Park from 9 a.m. thru 11 a.m. We will not sell during the Memorial services.

RECEIVED
CLERK'S OFFICE
DUNKIRK, NY.
2013 JUN -8 AM 11:59

Thank You.

Nancy J. Smith

Post #1344 Auxiliary
Poppy Chairperson

Notice of Claim
City of Dunkirk, N.Y.

PLEASE TAKE NOTICE, that the undersigned, pursuant to the applicable NY State statutes, hereby makes claim against the CITY OF DUNKIRK, NEW YORK for injuries and/or damages sustained by me as hereinbelow detailed:

Claimant Name: Silvia Hernandez-Burgos
Claimant Address: 1165 Central Ave
Dunkirk, N.Y. 14048
Claimant Telephone Number: (716) 366-1291

This claim is for (injuries/damages alleged): Sewage from main (Central Ave) backed up into finished basement has happened more than twice since 2008 City was notified previously NO corrective actions done to prevent 2nd event 1-time main sewer back-up

This claim is alleged to have arisen on the 2 day of January, 2013 approximately 6 a.m./p.m. on that date at 1165 Central Ave Dunkirk, N.Y.

The injuries and/or damages sustained by the Claimant arose in the following manner: Approx 1 foot of raw sewage backed up from sewer system into basement, damage drywalls, insulation, framing, flooring & furnishing

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: APPROX 15,000

WHEREFORE, the undersigned respectfully requests that the within claim be allowed and paid to me.

Respectfully yours,

Silvia Hernandez-Burgos
Claimant (date)

State of New York)
County of Chautauqua) ss.:

Silvia Hernandez-Burgos being duly sworn, deposes and say that he/she is the claimant herein; that he/she has read the foregoing claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and, as to those matters, he/she believes it to be true.

Sworn to before me this
7 day of JANUARY, 2013.

Judy A. Krzyzanowicz
Notary

JUDY A. KRZYZANOWICZ
Notary Public, State of New York
No. 01KR6169268
Qualified in Chautauqua County
My Commission Expires June 25, 2015

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2013 JAN -7 PM 4:52
RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

Notice of Claim
City of Dunkirk, N.Y.

PLEASE TAKE NOTICE, that the undersigned, pursuant to the applicable NY State statutes, hereby makes claim against the CITY OF DUNKIRK, NEW YORK for injuries and/or damages sustained by me as hereinbelow detailed:

Claimant Name: ALLAN ZURAWSKI
Claimant Address: 629 SWAN ST.
DUNKIRK, NY 14048
Claimant Telephone Number: (716) 366-8376

This claim is for (injuries/damages alleged): PLUGGED CITY SEWER
LINE.

This claim is alleged to have arisen on the 31 day of DECEMBER, 2012 at approximately 4 a.m. (p.m) on that date at 290 RUGGLES ST.

The injuries and/or damages sustained by the Claimant arose in the following manner:
DEBRIS OF LEAVES, DIRT FROM UNFINISHED
TERMINUS OF CITY SEWER LINE

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: 187.05 COST FROM LICENSED PLUMBER
TO SNAKE CITY SEWER.

WHEREFORE, the undersigned respectfully requests that the within claim be allowed and paid to me.

Respectfully,
[Signature] 1/3/12
Claimant (date)

State of New York)
County of Chautauqua) ss.:

Allan Zurawski being duly sworn, deposes and say that he/she is the claimant herein; that he/she has read the foregoing claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and, as to those matters, he/she believes it to be true.

Sworn to before me this
3rd day of January, 2013.

[Signature]
Notary

DEBORAH J. PAUL
Notary Public, State of New York
No. 01PA5050178
Qualified in Chautauqua County, May 2012
Commission Expires October 2, 2013

2013 JAN - 3 PM 12:42
RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

Notice of Claim
City of Dunkirk, N.Y.

PLEASE TAKE NOTICE, that the undersigned, pursuant to the applicable NY State statutes, hereby makes claim against the CITY OF DUNKIRK, NEW YORK for injuries and/or damages sustained by me as hereinbelow detailed:

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

2013 JAN 10 PM 2:37

Claimant Name: Kimberly Donaldson
Claimant Address: 204 Deer St.
Dunkirk, NY 14048
Claimant Telephone Number: (716) 366-2363

This claim is for (injuries/damages alleged): Sidewalk on Central Avenue in front of the building Seabrook Memorial purchased and demolished.

This claim is alleged to have arisen on the 10th day of January, 2013 at approximately 10:58 a.m./p.m. on that date at the property owned by Seabrook Memorial Hospital.

The injuries and/or damages sustained by the Claimant arose in the following manner: Bruised & swollen knee due to injuries from a fall on a icy sidewalk after leaving the hospital.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Pending.

WHEREFORE, the undersigned respectfully requests that the within claim be allowed and paid to me.

Respectfully yours,

Kimberly Donaldson 1/10/13
Claimant (date)

State of New York)
County of Chautauqua) ss.:

Kimberly Donaldson, being duly sworn, deposes and say that he/she is the claimant herein; that he/she has read the foregoing claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and, as to those matters, he/she believes it to be true.

Sworn to before me this
10th day of Jan., 2013.

Kim M Robbins
Notary

KIM M. ROBBINS #01RO5060886
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires May 28, 2014

RESOLUTION #02-2013
JANUARY 15, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING NYSOCR MAIN STREET PROGRAM GRANT ACCEPTANCE

WHEREAS, by Resolution No. 54-2012, the Dunkirk Common Council approved and endorsed the City's application for a Main Street Program Grant through the New York State Office of Community Renewal ("NYSOCR") for a project grant under the New York State Main Street Program for a project to be located within the territorial jurisdiction of the City; and

WHEREAS, such application was approved and grant funds of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) have been awarded to the City for this Program; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with the NYS Office of Community Renewal to accept and utilize funds in the amount of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) for the Main Street Program Grant; and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and/or to make the necessary budget line modifications to properly account for the receipt and use of the monies for the Main Street Program Grant.

RESOLUTION #03-2013
JANUARY 15, 2013

BY: ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS (FY2013)

WHEREAS, there is a need to make timely adjustments to the 2013 Fiscal Year to address modifications in certain line items; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect certain line items in the 2013 Fiscal Year Budget:

GENERAL FUND

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-1310-1000	Fiscal Affairs	Personal Svc	\$ 30,000.00	
001-1310-4036	Fiscal Affairs	Contracted Svc		\$ 30,000.00
001-3620-4150-0000	Safety Inspect	Rent/Lease	\$ 400.00	
001-8020-4150-0000	Development	Rent/Lease		\$ 400.00
001-3410-2000	Fire	Equipt	\$122,650.00	
001-0001-2018	Fire	E.M.S.	\$122,650.00	

RESOLUTION #04-2013
JANUARY 15, 2013

BY: ENTIRE COUNCIL

**AUTHORIZING RELEASE AND SETTLEMENT – Benton Street Water Tank
(AmStar of Western New York, Inc.)**

WHEREAS, in or about July 2010, the City awarded a contract to AmStar of Western New York, Inc. (AmStar) for exterior painting of the Benton Street Water Storage Tank; and

WHEREAS, a dispute arose in 2010 between the City and the AmStar regarding the performance of the contract; and

WHEREAS, a demand has been made to the City for payment for such services rendered by AmStar in the amount of Ninety-Nine Thousand Nine Hundred Dollars and Zero Cents (\$99,900.00); and

WHEREAS, negotiations have been undertaken to settle the dispute between the City and AmStar; and

WHEREAS, it is in the best interests of the City to resolve the dispute between the City and AmStar, in an attempt to avoid the large expense and uncertainty of litigation, and the City's consulting engineer and Director of Public Works endorse the proposed resolution; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any documents and releases with AmStar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York 14225, and to resolve the dispute in an amount not to exceed Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00); and, be it further

RESOLVED, that the Fiscal Affairs Officer and City Treasurer make appropriate budget modifications in the appropriate revenue and expense lines in Capital Projects Fund 15.