

**AGENDA - COMMON COUNCIL MEETING – October 3, 2017 - 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.
6. Communications from the public and petitions:
 1. Request from Lisa Leavitt on behalf of Harvest Chapel Church to use Washington Park on Saturday, December 9, 2017 from 2:00 PM until 4:00 PM with an additional hour at each end for set-up and clean up for their "Christmas in Washington Park." Also requesting to set-up tents and a lawn tractor for train rides.
7. Reports of Standing Committees, Boards and Commissions:
8. Unfinished Business:
9. Pre-filed Resolutions:
 93. Resolution authorizing State Environmental Quality Review Act Designation Southern Tier Environments for Living Inc. Dunkirk Renovation and Ownership Project.
 94. Resolution authorizing 2016 EPF LWRP Contract (Environmental Protection Fund Local Waterfront Revitalization Program) (May1, 2017 through April 30, 2022)
 95. Resolution authorizing Renewal Agreement with NYS Unified Court System (City Court Security Services - Contract No. C200495) (April 1, 2017 to March 31, 2018).
 96. Resolution for consent to initiate charter revision: Creation of Human Resources Director Position, change Personnel Director Position to Compensation & Benefits Director, Clarification on Code Enforcement & Zoning Officer.
10. New Business:
11. Adjournment.

Edwin Ramos
City Clerk

Harvest Chapel

39 Matteson Street, Fredonia, NY 14063 716-679-0987 www.harvestchapel.com

August 22, 2017

Edwin Ramos
Dunkirk City Clerk
City Hall
342 Central Ave.
Dunkirk, NY 14048

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 22 18 PM 2:03

Dear Edwin,

We send our appreciation and gratitude to the City of Dunkirk Common Council for partnering with us in granting us permission to utilize Washington Park for our 5-Day Club closing carnival and cook out this past July. We had a great turn out at our event and we were able to bless our community with a great time of food, fun, friendship and the meeting of practical needs for our friends in Dunkirk. We trust that you were pleased with the condition in which we left the park and also with the knowledge that the families of Dunkirk were able participate in positive, fun, safe, and free community activities.

As we plan ahead for this coming Christmas season I am writing to request the use of Washington Park once again for a free community event. Please consider our request to utilize the park on Saturday, December 9th, 2017. Our event will run from 2:00-4:00 pm with set-up and clean up requiring another hour at each end. Below you will find an overview of what we have planned.

Here is what we have planned for our Christmas in Washington Park on December 9th. Our Christmas celebration is for the children and families that live in and throughout the Dunkirk community. Our celebration will be fully staffed by Harvest Chapel and community volunteers and is entirely free to those who come.

Harvest Chapel

39 Matteson Street, Fredonia, NY 14063 716-679-0987 www.harvestfmc.com

2015 SEP 18 PM 2:03

RECEIVED
CITY CLERK'S OFFICE
FREDONIA, N.Y.

Here is a summary of what we have planned:

- ❖ A Story tent
- ❖ Santa in the gazebo
- ❖ Refreshments to include hot chocolate and cookies
- ❖ Train rides (pulled behind a lawn tractor) for young children
- ❖ Gifts for all children and young people

To do all of this we will be setting up tents, tables and bales of hay for sitting on under the tents. There will also be some "elves" joining us as Santa's helpers as well as Christmas carolers adding to the festivities. We expect a great fun afternoon for people of all ages just as in years past at "Christmas in Washington Park."

As we seek your support and permission to utilize Washington Park this Christmas we want to assure you that our intention is to bring a fun, positive, supervised activity for children and their families to attend. As always, there will be no fee associated with participating in our event.

If you have any questions I may be reached at Harvest Chapel Church at the number above or on my mobile phone at 716-785-3578. Lastly, I have included a copy of our liability insurance in hopes that it will assist you in making your decision to grant us permission to utilize Washington Park.

Sincerely,

Lisa Leavitt
Children's Ministry Director
Harvest Chapel Church



HARVCHA-01

SEGGERT

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/12/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # BR-945027 Lawley-Tradition, LLC 3988 Vineyard Drive Dunkirk, NY 14048	CONTACT NAME: PHONE (A/C, No, Ext): 1 (716) 672-2193		FAX (A/C, No): 1 (716) 672-3497	
	E-MAIL ADDRESS:			
INSURED Harvest Chapel Free Methodist 39 Matteson Street Fredonia, NY 14063	INSURER(S) AFFORDING COVERAGE		NAIC #	
	INSURER A : Guideone Specialty Mutual Insurance		14559	
	INSURER B : GuideOne Mutual Insurance Co		15032	
	INSURER C :			
	INSURER D :			
	INSURER E :			
INSURER F :				

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			01149216	07/27/2017	07/27/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 2,500 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			01149216	07/27/2017	07/27/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	011115367Z	07/16/2017	07/16/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

2017 SEP 18 PM 2:03
 RECEIVED
 CITY CLERK'S OFFICE
 DUNKIRK, N.Y.

CERTIFICATE HOLDER**CANCELLATION**

City of Dunkirk
 342 Central Avenue
 Dunkirk, NY 14048

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Walter J. Gotsch

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RESOLUTION #93-2017
October 3, 2017

BY: COUNCILMAN GONZALEZ

**State Environmental Quality Review Act Designation
Southern Tier Environments for Living Inc.
Dunkirk Renovation and Ownership Project**

WHEREAS, The City of Dunkirk's Planning and Development Department, in compliance with the New York State Environmental Quality Review Act (SEQRA), has reviewed Southern Tier Environments for Living (STEL) Inc.'s Dunkirk Renovation and Ownership Project proposed in multiple locations throughout the City of Dunkirk, and;

WHEREAS, The City of Dunkirk's Planning and Development Department has classified the action as an "Unlisted" action under SEQRA, as the project consists of the renovation, demolition, and reconstruction of multiple multi-unit housing, and those actions are not subject to SEQRA review; and

WHEREAS, the City of Dunkirk has determined that the proposed project, as an Unlisted action, will not have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, Article 8; now, therefore, be it

RESOLVED, that the Common Council of the City of Dunkirk, after considering the action proposed herein, has reviewed the criteria in Section 6 NYCRR 617.5(c)(2) and determines that the action is an Unlisted action and is not subject to SEQRA review; and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is an Unlisted action.

RESOLUTION #94-2017
OCTOBER 3, 2017

BY: COUNCILMAN GONZALEZ

**AUTHORIZING 2016 EPF LWRP CONTRACT
(ENVIRONMENTAL PROTECTION FUND
LOCAL WATERFRONT REVITALIZATION PROGRAM)
(MAY 1, 2017 THROUGH APRIL 30, 2022)**

WHEREAS, the City of Dunkirk has been awarded funds through the New York Department of State's 2016 Environmental Protection Fund Local Waterfront Revitalization Program to conduct a Comprehensive Plan Update; and

WHEREAS, the contract will be for the period of May 1, 2017 through April 30, 2022; and

WHEREAS, the grant funds for the program total Forty-Five Thousand Dollars and Zero Cents (\$45,000.00); now, therefore, be it

RESOLVED, that the Mayor and/or Director of Planning & Development is hereby authorized to execute any and all contracts and related documents with the Department of State to accept and utilize funds for use by the City of Dunkirk for the Comprehensive Plan Update in the amount of Forty-Five Thousand Dollars and Zero Cents (\$45,000.00), for the period of May 1, 2017 through April 30, 2022; and, be it finally

RESOLVED, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and make the necessary budget line modifications to properly account for the receipt and use of the monies for the Comprehensive Plan Update.

RESOLUTION #95 - 2017
OCTOBER 3, 2017

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING RENEWAL AGREEMENT WITH
NYS UNIFIED COURT SYSTEM
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200495)
(APRIL 1, 2017 TO MARCH 31, 2018)**

WHEREAS, the City of Dunkirk's five-year contract with the New York State Unified Court System (the "Court System") which reimburses the City for security services in City Court was renewed in 2014, for a five-year period; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2017, and terminates on March 31, 2018, and during which reimbursement has been allocated to not exceed Two Hundred Twenty-Two Thousand Five Hundred Seventy Six Dollars and Zero Cents (\$222,576.00); and now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2017 to March 31, 2018) for which reimbursement shall be in an amount not to exceed Two Hundred Twenty-Two Thousand Five Hundred Seventy Six Dollars and Zero Cents (\$222,576.00) to compensate the Police Department for City Court security services.

RESOLUTION #96-2017

October 3, 2017

BY: COUNCILMAN BAMONTO

**CONSENT TO INITIATE CHARTER REVISION:
CREATION OF HUMAN RESOURCES DIRECTOR POSITION
CHANGE PERSONNEL DIRECTOR POSITION
TO COMPENSATION & BENEFITS DIRECTOR
CLARIFICATION ON CODE ENFORCEMENT & ZONING OFFICER**

WHEREAS, Section 2.10.02 of the City Charter provides that the Human Resources Department shall be staffed by the Mayor, with the consent of the 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;

WHEREAS, the current position of Personnel Director does not cover the full gamut of duties that encompass a modern municipal human resources office; and

WHEREAS, the current Personnel Director 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 position titled Compensation and Benefits Officer, who would report to the Human Resources Director, and fits the duties which he has handled well as the current Personnel Director;

WHEREAS, under Section 2.03 of the City Charter, Housing, Building and Zoning Officer is listed as an appointed position, assuming an at will relationship; but

WHEREAS, the current Code Enforcement & Zoning Officer is actually a competitive class position under the Civil Service Law, and a supervisor under the USW 2693 bargaining unit; now, therefore, be it

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

RESOLVED, that this Council authorize the Mayor to reclassify the Personnel Director position as the Compensation and Benefits Officer, 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 Director; and, be it

RESOLVED, that the Charter be amended to reflect the current reality of the Code Enforcement and Zoning Officer position, removing it from an appointive position under Section 2.03 of the City Charter, which implies Cabinet-level at-will employment; and, be it

RESOLVED, that the Code Enforcement and Zoning Officer then stay listed in Section 16.00 of the City Charter as an appointed position by the Mayor taken from the competitive class under the Civil Service Law, and, be it

RESOLVED, that a clause be added to Section 16.00 stating that such position also be classified a supervisor position, which is a member of USW's 2693 bargaining unit; and, be it finally

RESOLVED, that this Charter change be subject to the same Steps 1 & 2 as the Charter change creating the Human Resources Director position.