

AGENDA - COMMON COUNCIL MEETING – February 19, 2013 - 5:30 P.M.  
REGULAR MEETING

1. Call to order, Roll Call and Pledge of Allegiance to the flag.
2. Certification of prior meeting. 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. Communication from Mayor Dolce reappointing John Mackowiak to the Dunkirk Planning Board.
6. Communications from the public and petitions.
  1. Request from First Ward Falcon Club to use the Stadium and School #7 softball fields on May 11th for the Early Bird Fast Pitch Softball Tournament.
  2. Request from First Ward Falcon Club to use the Stadium & Veterans Fields on July 19th to the 21st, waiver of the curfew for all three days, and permission for a food stand around the Stadium for that weekend.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  12. Resolution authorizing Agreement to provide random drug testing.
  13. Resolution authorizing City as lead applicant for Efficiency Implementation Grant.
  14. Resolution accepting NY Main Street Program Grant.
  15. Resolution confirming support for NYS Contact Information Legislation.
  16. Resolution authorizing award of West End 12" Water Main Cleaning and Lining Contract.
10. New Business:
11. Adjournment.

Lacy Lawrence  
City Clerk





February 7, 2013

Members of the Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

On behalf of the First Ward Falcon Club, I would like to request the use of the Stadium and School #7 softball fields on May 11, 2013.

The purpose of this request is for the Early Bird Fast Pitch Softball Tournament.

Thank you.

Very truly yours,

TIM WDOWIASZ, Chairman

(716-678-6797)

cc: Dunkirk Recreation Commission

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2013 FEB -7 PM 3:10

2013 FEB -7 PM 3:40

RECEIVED  
CLERKS OFFICE  
ROCKY HILL, N.Y.

February 7, 2013

TO: Members of the Common Council

Dear Council Members:

On behalf of the First Ward Falcon Club I would like to request several items in conjunction with our Annual Fast-pitch Softball Tournament, scheduled for July 19, 20 and 21, 2013.

- (1) Use of the Stadium and Veterans Fields for all three days.
- (2) Waive the curfew at the Stadium Field for all three days.
- (3) Permission to operate a food stand in the area around the Stadium Field for the entire weekend.

As I am sure you are aware, a tournament such as this can bring in thousands of dollars and hundreds of people into the area. I would like to thank you in advance for your time and consideration.

Yours truly,

TIM WDOWIASZ  
Chairman

(716-679-6797)

**RESOLUTION #12-2013**  
**FEBRUARY 19, 2013**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT TO PROVIDE RANDOM DRUG TESTING  
(COMPLETE TESTING SERVICES)**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

**WHEREAS**, Complete Testing Services has satisfactorily performed this function for the City in the past and is ready, willing and able to provide such services in a good and workmanlike manner; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with Complete Testing Services, 4200 Sheva Lane, Hamburg, New York 14075 for the administration of the standard random selection drug testing program.

**RESOLUTION #13-2013**  
**FEBRUARY 19, 2013**

**By The Entire Council**

**AUTHORIZING CITY AS LEAD APPLICANT**  
**(Efficiency Implementation Grant)**

**WHEREAS,** the New York State Department of State has made funding available for 2013 Local Government Efficiency Grant Programs to assist applicants in implementing plans to improve local government efficiency and cost savings; and

**WHEREAS,** the City of Dunkirk is a constituent member of the Chadwick Bay Region of Communities (CBRC) and the Chadwick Bay Regional Development Corporation (CBRDC); and

**WHEREAS,** the following communities in the Chadwick Bay Region deem it advantageous to join together in seeking an Efficiency Implementation Grant from the Department of State, to wit: City of Dunkirk, Village of Fredonia, Town of Sheridan, Town of Pomfret, Town of Dunkirk, Town of Portland, and Village of Brocton; and

**WHEREAS,** the City is an eligible applicant for this program in conjunction with the Co-Applicants the Town of Dunkirk, Town of Sheridan, Village of Brocton, Village of Fredonia, Town of Pomfret, Town of Portland and the support of the CBRDC; and

**WHEREAS,** the CBRDC has passed a resolution in support of this application and will supply the required 10% matching funds for this grant; and

**WHEREAS,** the application will seek \$400,000 in total monies, \$360,000 in a Department of State Grant, and \$40,000 for a local share for the Chadwick Bay Regional Water Development Water System Project; and

**WHEREAS,** the City is the optimal lead applicant based on its position within the potential project and technical abilities; now, therefore be it

**RESOLVED,** that the Common Council confirms that the City of Dunkirk shall act as lead applicant for an Efficiency Implementation Grant from the Local Government Efficiency Grant Program administered by the NYS Department of State for the purposes of the Chadwick Bay Regional Water System Development; and it is further

**RESOLVED,** that the City of Dunkirk shall be not be responsible for any portion of the local share and that should the CDBRC or other related entity be required to contribute to any local share, the City, being one-seventh of the CBRDC, would be responsible for no more than one-seventh of the net local share balance required to fund the local share contribution (\$5,715.00 maximum contribution); and it is further

**RESOLVED,** that the Mayor is hereby authorized and directed to execute all necessary Grant Application Documents for submission to the Department of State Local Government Efficiency Grant Program; and, it is finally

**RESOLVED,** that the City of Dunkirk shall assume the role of Lead Applicant and Steve Neratko, City Director of Planning & Development shall act as the Lead Applicant Contact Person.

**RESOLUTION #14-2013**  
**FEBRUARY 19, 2013**

**BY: ENTIRE COUNCIL**

**ACCEPTING NY MAIN STREET PROGRAM GRANT  
(NYS Division of Housing & Community Renewal)**

**WHEREAS**, the City submitted an application, pursuant to Resolution No. 54-2012, for a grant to the NYS Division of Housing & Community Renewal ("NYSHCR") for a project grant under the New York State Main Street Program for a project to be located within the designated target area (the "Project"); and

**WHEREAS**, such application was approved for a New York Main Street award in the amount of Two Hundred, Fifty Thousand Dollars and Zero Cents (\$250,000.00); and

**WHEREAS**, such Project would enhance the City and provide greater opportunities for the use and re-development of the Project area; now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute any and all contracts and related documents with the NYS Division of Housing & Community Renewal to accept and utilize funds for use by the City of Dunkirk for the New York State Main Street Program for a New York Main Street award in the amount of Two Hundred, Fifty Thousand Dollars and Zero Cents (\$250,000.00); and, be it further

**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 New York Main Street Program.

**RESOLUTION #15-2013**  
**FEBRUARY 19, 2013**

**By The Entire Council**

**CONFIRMING SUPPORT FOR NYS CONTACT INFORMATION LEGISLATION**

**WHEREAS**, vacant, abandoned and foreclosed homes have proliferated throughout New York State for several years; and

**WHEREAS**, such vacant structures that are not maintained for months-at-a-time degrade and depreciate the value of the vacant structure, as well as the value and character of the surrounding properties; and

**WHEREAS**, lending institutions that hold mortgages on such vacant structures do not always provide appropriate contact information for a party responsible for the maintenance of such structure; and

**WHEREAS**, NY Assembly Bill A.88 and NY Assembly Bill A.824, currently pending in the NYS Legislature, would make it mandatory for lending institutions to provide appropriate contact information of parties responsible for such vacant structures and would require a good-faith effort in obtaining a foreclosure; now, therefore be it

**RESOLVED**, that the Common Council confirms that the City of Dunkirk support passage of NY Assembly Bill A.88 and NY Assembly Bill A.824.

**RESOLUTION #16-2013**  
**February 19, 2013**

**BY COUNCILMAN RIVERA:**

**AUTHORIZING AWARD OF WEST END 12" WATER MAIN  
CLEANING AND LINING CONTRACT  
(Mainlining Service, Inc.)**

**WHEREAS**, sealed bids for the West End 12" Water Main Cleaning and Lining Project were received and opened on February 7, 2013 at 10:00 a.m. local time, with four (4) bidders responding, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Director of Public Works Gugino and Nussbaumer and Clarke, Inc., that the low bid of Mainlining Service, Inc., 555 Pound Road, Elma, New York 14059, be accepted in the amount of \$536,678.00 for the above noted project, 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 Mainlining Service, Inc., for the above described Cleaning and Lining Project in accordance with the bid documents and that funding shall be allocated from Capital Projects Fund 15, and, be it further

**RESOLVED**, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts in Capital Projects Fund 15 necessary for this project, and, be it finally

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