

AGENDA - COMMON COUNCIL MEETING – March 5, 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.
6. Communications from the public and petitions:
  1. Communication from the Town of Pomfret adopting their Local Law entitled "A local law for the Year 2013 amending Local Law No. 3 of the year 2007 entitled "Wind Energy Facilities Law."
  2. Harbor Commission requesting approval for a Commercial Bait Fishing application.
  3. Notices of Claim from:
    - a) Louis Ippolito for lack of water to his property at 112 Deer Street allegedly due to broken waterline to his property.
    - b) Vincent Bomasuto for damages to his vehicle allegedly due to hitting a pot hole on Marauder Drive.
  4. Loudspeaker applications from:
    - a) Tim Wdowiasz on behalf of the First Ward Falcon Club for a live band at Promenschenkle Stadium on July 19<sup>th</sup> from 6:45 PM until 10:45 PM.
    - b) Northern Chautauqua Conservation Club for live bands from May 20<sup>th</sup> thru October 1<sup>st</sup>.
  5. Request from DHS Track & Field teams to host the annual "Dunkirk Lakefront 5K Road Race" on August 10<sup>th</sup> beginning at 9:00 AM.
  6. Request from Southtowns Walleye Association of WNY, Inc. to use city facilities from June 8<sup>th</sup> thru June 16<sup>th</sup> for their annual fishing tournament.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  17. Resolution authorizing contract for July 4<sup>th</sup> fireworks display.
10. New Business:
11. Adjournment.

Lacy L. Lawrence  
City Clerk

**TOWN OF POMFRET  
NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

RECEIVED  
TOWN ENGINEER  
DUNKIRK, N.Y.  
2013 FEB 20 PM 2:35

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Pomfret on March 13 at 6:15 p.m. at the Pomfret Town Hall, 9 Day Street, Fredonia, New York, regarding the adoption of a local law of the Town of Pomfret for the year 2013 entitled "A local law for the Year 2013 amending Local Law No. 3 of the year 2007 entitled 'Wind Energy Facilities Law'." The text of the local law is as follows:

Section One – Purpose:

The Town Pomfret having already adopted a Wind Energy Facilities Law as Local Law No. 3 of the Year 2007, and being advised that certain sections of said law require amendment as they relate to Small Wind Energy Facilities.

Section Two – Amendments to Existing Sections of Local Law No. 3 of the Year 2007:

Section 647-E Small Wind Energy Conversion System (Small WECS) – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity not exceeding 100 kw, and which is intended to primarily reduce consumption of utility power at that location.

Section 647-V – No overlay zone application or permit shall be required for a small WECS in the Town of Pomfret.

Section 647-W-B – All applications for small WECS facilities in the Town of Pomfret shall be heard and determined by the Zoning Board of Appeals in the Town of Pomfret.

For good cause shown to the satisfaction of the Zoning Board of Appeals, the Zoning Board of Appeals shall have authority to vary the provisions of Local Law No. 3 of the Year 2007, or this Local Law, as said application relates to development standards, setbacks, area requirements, total height, and other standards for small WECS, as set forth therein, said variance not to be greater than ten (10%) percent of the stated requirement or standard. Such limited variance to be approved only if, in the determination of the Zoning Board of Appeals, such a variance is consistent with the protection of the public health, safety, and welfare, and in furtherance of the aims and goals of the Town of Pomfret local laws permitting small wind energy conversion systems in the Town of Pomfret.

Section 647-X-A – A small WECS system shall be located on a lot a minimum of two acres in size. However, this requirement can be met by multiple owners submitting a joint application.

Section 647-X-D – Replace existing Subsection D as follows:  
Maximum total heights permitted for small WECS in the Town of Pomfret are allowed as follows:

- (i.) 100 feet or less on sites between two acres and five acres in area.
- (ii.) 150 feet or less on sites having an area of five acres or more.

Section 647-X-E – Maximum rated turbine output is limited to 100 kw.

Section 647-Y – Standards – A small WECS in the Town of Pomfret shall comply with the following standards:

A – Set Back Requirements – A small WECS in the Town of Pomfret shall not be located closer to a non-applicant property line, public right of way, or above ground non-applicant utility, than one and one-half times the total height of the facility. In addition, no small WECS shall be located closer than two times the total height of the facility from the nearest existing non-applicant residence, as measured from the exterior of said residence at its closest point to the small WECS facility.

B – Noise – Continues as in current law.

Section Three – Effective Date

This Local Law shall be effective immediately upon filing with the Secretary of State.

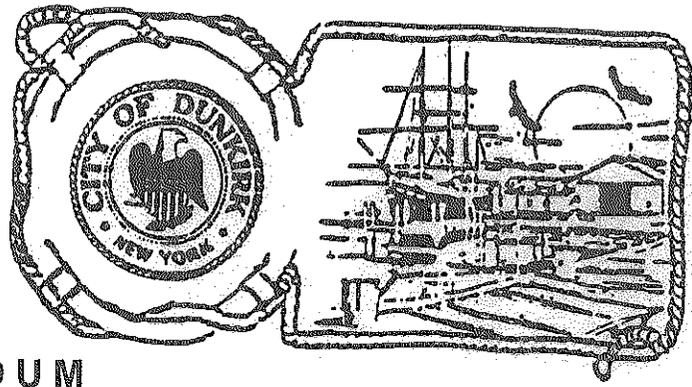
Copies of the proposed local law are available for review at the Town Clerk's office.

Dated: February 13, 2013

By Order of the Town Board  
Town of Pomfret

Roberta A. Valentine, Town Clerk

**The  
GREATER DUNKIRK AREA  
HARBOR COMMISSION**



**MEMORANDUM**

TO: Members of Common Council  
FROM: Dunkirk Harbor Commission  
DATE: February 25, 2013  
RE: Application Permit for Commercial Bait Fishing

2013 FEB 26 PM 3:19  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

Dear Common Council Members:

According to the City Code Section 24 "L"(5), any application for commercial bait fishing must be reviewed by this Commission prior to Common Council approval.

After reviewing said application at the February 20, 2013 meeting, it was voted upon (3 yes – 1 no) to approve the bait fishing application from:

1. David E. Watts      Dave's Bait & Tackle      Derby, NY

In order to facilitate this application, we would like to suggest that this Common Council act on the approval of this application permit as soon as possible.

Thank you.

*Jim Nichols*  
Jim Nichols, Chairman  
Dunkirk Harbor Commission

JN/pjp  
Attach.

CITY OF DUNKIRK  
APPLICATION PERMIT FOR COMMERCIAL BAIT FISHING

Application for permit must be made 60 days prior to bait fishing. Application must be reviewed by the Dunkirk Harbor Commission prior to the approval by the Common Council and Harbormaster. Permit is revocable at any time by the Dunkirk Police Department or Harbormaster for any poor bait fishing practices or violations of the New York Department of Environmental Conservation Regulations. Bait fishing will be limited to two (2) permit holders at any one time. The City of Dunkirk reserves the right to control the amount of bait taken by any bait fisherman. The bait fishing permit will be effective until the end of the year that it is issued. A new permit application shall be filled out each year. Photo copy of bait license to be presented with application for permit for commercial bait fishing. Window permit time-frame is November 1<sup>st</sup> – January 31<sup>st</sup>.

BAIT PERMIT

Date: 01-30-13 Net Tag Number: 94  
Name: David E. Watts City: DERBY  
Business Name: DAVE'S BAIT & TACKLE County: ERIE  
Bait License Serial Number: 7661 Zip Code: 14047  
Home Phone: (716) 361-6817 Business Phone: (716)

Applicant Signature David E. Watts Date 01-30-13

Approved by \_\_\_\_\_ Date \_\_\_\_\_  
Signature of City Clerk

- ◆ Approved permit application is to be posted in window of vehicle being used to transport bait.

2/1/13 - Original to Patty

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.  
2013 JAN 29 PM 3:26

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.  
FEB 21 PM 1:38

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: Louis Ippolito  
Claimant Address: 112 Deer  
Dunkirk, Ny 14048  
Claimant Telephone Number: (716) 366-8936

This claim is for (injuries/damages alleged): OT charge  
for no water to upstairs - City of Dunkirk  
claims water line was broken  
in 110 Deer

This claim is alleged to have arisen on the 19 day of February, 2013 at approximately 4:35 ~~am~~ p.m. on that date at \_\_\_\_\_.

The injuries and/or damages sustained by the Claimant arose in the following manner:  
same as above

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Invoice # 47787 - \$99.98

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

Respectfully yours,  
Louis Ippolito 2/21/13  
Claimant (date)

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

Louis Ippolito 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  
19 day of February, 2013.

Melissa L. Balch  
Notary MELISSA L. BALCH  
NO. 6134954  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN CHAUTAUQUA COUNTY  
MY COMM. EXP. 10/11/13

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: VINCENT C. BOMASUTO JR.  
Claimant Address: 38 W. LUCAS AVE.  
DUNKIRK N.Y. 14048  
Claimant Telephone Number: (216) 366-7672 / 410-2780

This claim is for (injuries/damages alleged): TO RT. FRONT WHEEL  
AND DAMAGES TO CONTROL ARM, TOWING  
AND RE ALIGNMENT FOR SAID DAMAGES

This claim is alleged to have arisen on the 3 day of FEB., 2013 at approximately 11:00 a.m./p.m. on that date at MARAUDER.

The injuries and/or damages sustained by the Claimant arose in the following manner: DRIVING NORTH ON MARAUDER DRIVE (JOYCE)  
HIT A POT HOLE & BLEW WHEEL APART &  
DAMAGING PARTS ON THAT SIDE

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: REPLACEMENT OF RIM, MOUNTING & BALANCING  
OF TIRE, TOWING & REPLACING CONTROL ARM, PARTS &  
LABOR, WHEEL ALIGNMENT

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

Respectfully yours,

Vincent C. Bomasuto Jr. 2-22-13  
Claimant (date)

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

Vincent C. Bomasuto Jr. 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  
22nd day of February, 2013.

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

**APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.**  
(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 2-18-13

\* No more than 3 days TOTAL per Individual or Group - per year

**EVENT SPECIFICS**

\* EXCLUDES HARBORFRONT AREA

DATE: July 17-2013 TIME: 6:45 - 10:45 pm LOCATION OF EVENT: Promerchackle Station

SPONSOR:

NAME: Tim Wdowiasz

PHONE NO. 678-6797

ADDRESS: 112 Otter St Dunkirk NY 14048

INDIVIDUAL     CORPORATE     CHARITABLE     COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Tim Wdowiasz

PHONE: 678-6797

ADDRESS: 112 Otter St Dunkirk NY 14048

REASON: Outside Band playing during 1st ward Falcons Fast Pitch Tournament

AUDIO DEVICE TO BE USED: speakers - microphone - Instruments

PUBLIC EVENT

PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES    IF YES, PROOF:

NO

RECEIVED  
 2013 FEB 19 PM 2:56  
 CLERK  
 DUNKIRK, NY

I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.

Signature: [Signature]

DEPARTMENTAL REVIEW

DATE SENT

REPORT BACK

POLICE DEPT K Aliotti [Signature]

DEPT OF PUBLIC WORKS [Signature]

DEPT OF LAW [Signature]

OTHER

**COMMON COUNCIL ACTION**

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

**APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.**  
(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 2/27/13

\* No more than 3 days TOTAL per Individual or Group - per year **EVENT SPECIFICS** \* EXCLUDES HARBORFRONT AREA

DATE: 5/20/13 TIME: As allowed 1 am LOCATION OF EVENT: 1 Mullet Street

SPONSOR: 10/1/13 Northern Chautauqua Conservation Club, Inc.

NAME: Doug Jaffray PHONE NO. 366-8836

ADDRESS: P.O. Box 178  
Dunkirk, NY, 14048

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Doug Jaffray, President PHONE: 366-8836

ADDRESS: P.O. Box 178, 1 Mullet Street Dunkirk, NY 14048

REASON: Fundraisers, tournament loud speakers, seminar loud speakers,  
live bands, recorded music on deck. Various events.

AUDIO DEVICE TO BE USED:

PUBLIC EVENT  PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES IF YES, PROOF:

NO

2013 FEB 27 PM 4:11  
CLERK'S OFFICE  
DUNKIRK, NY

I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.

Signature: *Doug Jaffray*

| DEPARTMENTAL REVIEW  | DATE SENT | REPORT BACK |
|--|-----------|-------------|
| POLICE DEPT OK 2/28/13  |           |             |
| DEPT OF PUBLIC WORKS   |           |             |
| DEPT OF LAW <i>BS</i> 2/28/13  |           |             |
| OTHER  |           |             |

**COMMON COUNCIL ACTION**

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

February 25, 2013

City of Dunkirk

Common Council

The Dunkirk High School Track & Field teams are requesting the City's assistance in hosting the Dunkirk Lakefront 5K road race. The date of August 10, 2013 is the date set with the Chautauqua Striders race series. The start time will be 9:00am starting and finishing behind the Clarion Hotel. This is our 14<sup>th</sup> year holding this event with over 130 runners last year. Our race course will start behind the Clarion, run around Memorial Park, back past the Clarion along Lakefront Boulevard to Serval Street, around the Skate Park and back to the Clarion for the finish. Thank you for the assistance.

A J Burnside  
Dunkirk Teacher/Coach

Kurt Warmbrodt  
Dunkirk Teacher/Coach



7:31 FE 25 AM 11:02

RECEIVED  
CITY OF DUNKIRK  
DUNKIRK, N.Y.

**Southtowns Walleye Assoc.  
of W.N.Y., Inc.**

RECEIVED  
FEB 27 2013  
MAYOR'S OFFICE

City of Dunkirk  
342 Central Avenue  
Dunkirk, New York 14048

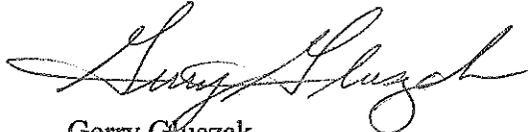
RECEIVED  
MAYOR'S OFFICE  
DUNKIRK, N.Y.  
2013 FEB 27 PM 2:53

Mayor Anthony J. Dolce,

I am writing you in regards to our annual Southtowns Walleye Tournament which will be taking place from June 8, 2013 thru June 16, 2013. Previously you have generously donated your facility and a season pass to our organization during tournament time. We would be grateful if you were able to do so again this year.

I can be reached at 716-649-8202. Please contact me at your earliest convenience.

Respectfully Yours,



Gerry Gfuszak  
Corresponding Secretary

**RESOLUTION #17-2013**

**MARCH 5, 2013**

**BY THE ENTIRE COUNCIL:**

**AUTHORIZING CONTRACT FOR JULY 4TH FIREWORKS DISPLAY**

**WHEREAS**, the City has solicited proposals for the annual July 4th fireworks display with one (1) proposal being received and reviewed, now, therefore, be it

**RESOLVED**, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with **Zambelli Fireworks Internationale**, P.O. Box 1463, New Castle, PA 16103-1463, in the amount of \$30,000 for the July 4, 2013 (rain date July 5, 2013) fireworks display in accordance with proposals as opened on February 12, 2013, and, be it finally

**RESOLVED**, that \$15,000.00 for this display will be available through City Budget Account #001-8020-4247-0000 (DLDC Allotment).