

AGENDA - COMMON COUNCIL MEETING -- June 4, 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. Request from Councilwoman Szukala to use city picnic tables, trash cans and trash bags on June 20th for the "12th Annual Senior Sweep Program."
 2. Request from ALS Association Upstate New York for permission to hold their 1st Annual ALS Walk Dunkirk on July 20th at Point Gratiot from 9:00 AM until 1:00 PM. Also requesting the use of bandstands, trash barrels, trash pickup and permission to erect tents.
 3. Loudspeaker applications from:
 - a) Kerry O'Rourke for a stereo with speakers on June 29th from 12:30 PM until 3:30 PM at the Large Pavilion at Point Gratiot.
 - b) Cott Beverages for loudspeakers and amplifiers on August 18th from 1:00 PM until 5:00 PM at the Large Pavilion at Point Gratiot.
 - c) Dunkirk Lighthouse and Dunkirk Historical Society to use loudspeakers from August 16th thru 18th from 7:00 PM until 11:00 PM at the Dunkirk Lighthouse.
 - d) Dustin LuKach for band and public address system on June 21st from 5:00 PM until 9:00 PM at the Large Pavilion at Point Gratiot.
7. Reports of Standing Committees, Boards and Commissions.
 1. Communication from Building/Zoning Officer Zurawski regarding Inspection of 79 W. Doughty Street to Common Council.
 2. Communication from Building/Zoning Officer Zurawski regarding Inspection of 128 Lincoln Avenue to Common Council.
8. Unfinished Business:
9. Pre-filed Resolutions:
 34. Resolution directing Building Inspector to serve notice to repair or remove (79 W. Doughty Street (79.20-8-74)).

35. Resolution directing Building Inspector to serve notice to repair or remove (128 Lincoln Avenue (79.19-3-35)).
 36. Resolution authorizing consent for Cable System Transfers (Time Warner NY Cable LLC to Time Warner Cable Northeast LLC).
10. New Business:
 11. Adjournment.

Lacy L. Lawrence
City Clerk



STEPHANIE KIYAK
COUNCILWOMEN-AT-LARGE

CITY OF DUNKIRK
COMMON COUNCIL
CITY HALL, DUNKIRK, N.Y. 14048
PHONE (716) 366-0452
FAX (716) 363-0588

MICHAEL MICHALSKI
COUNCILMEN FIRST WARD
WILLIAM RIVERA
COUNCILMEN SECOND WARD
ANDY GONZALEZ
COUNCILMEN THIRD WARD
STACY SZUKALA
COUNCILWOMEN FOURTH WARD

May 29, 2013

Dear Tony Gugino and Members of the Common Council,

The 12th annual Senior Sweep program will be held Thursday, June 20, 2013 at 9:00 A.M. In years past the streets department has supplied picnic tables and trash barrels. I am asked that once again we work together to make the day a success. I am also requesting the large orange trash bags be ordered through the DPW Dept. I will supply a list of areas where trash is being collected so prompt pick up can occur. I am expecting 90 Students this year. If any further information is needed, please let me know. I can be contacted at 410-4423. Thank you in advance for your help with this great program.

Sincerely,

Stacy Szukala
Councilwoman City of Dunkirk

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
MAY 29 PM 2:48

THE ALS ASSOCIATION UPSTATE NEW YORK
890 7TH NORTH STREET, SUITE 10
LIVERPOOL, NEW YORK 13088

Honorable Mayor Anthony Dolce &
Members of the Common Council
CITY OF DUNKIRK
City Hall
Central Avenue
Dunkirk, NY 14048

RECEIVED
CLERK'S OFFICE
DUNKIRK, NY
JULY 29 PM 3:33

Dear Mayor Dolce & Members of the Common Council:

THE ALS Association Upstate New York Chapter requests permission to hold our 1st Annual ALS WALK DUNKIRK on Saturday, July 20, 2013 at Point Gratiot. We will likely draw participants from western New York and southern Pennsylvania.

ALS WALK DUNKIRK is a registration walking event only and 95% of all proceeds go directly to THE ALS Association Upstate New York Chapter. The walk route will stay within the Point Gratiot neighborhood and will not extend to Lake Shore Drive (RT 20).

We have reserved the main pavilion for the day. We will begin registration at 9:00AM and be done with the event and out of the park by 1:00 PM. There will be no food vendors on the grounds. We request the use of bandstands (4), extra trash barrels, and trash pickup after the event. We will have several tents in the main pavilion area and use most of the main parking lot.

THE ALS Association Upstate New York Chapter maintains liability insurance coverage for this event and will provide proof of same along with all the necessary documents required by the City. No alcohol will be served by the event sponsors.

This event will showcase beautiful Point Gratiot and the City Dunkirk to many visitors and will help fund the ALS Association's very critical battle to help those living with Lou Gehrig's disease.

Sincerely,

Robert Patterson

Robert O. Patterson
Event Coordinator

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

DATE OF APPLICATION (must be 30 days Prior to event):

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

DATE: 6/29/13 TIME: 12:30-3:30 LOCATION OF EVENT: Point Gratiot - Big Pavilion

SPONSOR:

NAME: Kerry O'Rourke

PHONE NO. 366-0984

ADDRESS: 503 McKinley Ave Dunkirk, NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Kerry O'Rourke

PHONE: 366-0984

ADDRESS: 503 McKinley Avenue Dunkirk NY 14048

REASON: stereo playing music for picnic -

AUDIO DEVICE TO BE USED: stereo w/ speakers

PUBLIC EVENT PRIVATE EVENT Picnic

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF:

NO

RECEIVED
 PLANNING OFFICE
 JUNE 24 AM 9:59

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

Signature: K. A. O'Rourke

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT OK 5/24/13		
DEPT OF PUBLIC WORKS Ag 5/24/13		
DEPT OF LAW OK 5/24/13		
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): 8/22/13

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

DATE: 8/19/13 **TIME:** 1-5pm **LOCATION OF EVENT:** Large Pavilion; Pt Gratiot

SPONSOR: COT Beverages

NAME: Megan Piazza **PHONE NO.:** 716-363-3211

ADDRESS: One Cliffstar Ave

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Megan Piazza **PHONE:** 716-363-3211

ADDRESS: Same as above

REASON: Company Picnic


AUDIO DEVICE TO BE USED: Loud Speakers + Amplifiers

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES NO **IF YES, PROOF:**

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

Signature: 

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT OK 8/22/13		2 AM 10:13
DEPT OF PUBLIC WORKS OK 8/22/13		
DEPT OF LAW OK or 8/22/13		
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 <u>Prior</u> to event):		5/24/13
* No more than 3 days TOTAL per Individual or Group - per year		* EXCLUDES HARBORFRONT AREA
EVENT SPECIFICS		
DATE: Aug. 16-18, 2013	TIME: 9:00 AM 7:00 AM - 11:00 PM	LOCATION OF EVENT: Dk. Lighthouse Grounds
SPONSOR: Dunkirk Lighthouse and Dunkirk Historical Society		
NAME: David Briska	PHONE NO. 366-5050	
ADDRESS: PO Box 69, 1 Lighthouse Point Dr. Dunkirk, NY 14048		
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> CORPORATE	<input checked="" type="checkbox"/> CHARITABLE
<input type="checkbox"/> COMMUNITY		
RESPONSIBLE INDIVIDUAL:		
NAME: David Briska		PHONE: 366-5050
ADDRESS: PO Box 69, 1 Lighthouse Point Dr., Dunkirk, NY 14048		
REASON: Civil War Re-enactment Weekend		
AUDIO DEVICE TO BE USED: Loudspeakers for some of the events		
<input checked="" type="checkbox"/> PUBLIC EVENT		<input type="checkbox"/> PRIVATE EVENT
NOTIFICATION OF AFFECTED PERSONS		
<input type="checkbox"/> YES	IF YES, PROOF:	
<input type="checkbox"/> NO		
I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.		
Signature: <u>David L Briska</u>		2013 NY 24 RECEIVED CLEAN'S OFFICE DUNKIRK, NY 3:52
DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>OK 5/29/13</u>	<u>GR</u>	
DEPT OF PUBLIC WORKS <u>OK 5/30/13</u>		
DEPT OF LAW <u>RAS 5/28/13</u>		
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): 5-30-13

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

DATE: 6/21/13 TIME: 5:00PM - 9:00 PM LOCATION OF EVENT: Large Pavilion - Pt. Gravel

SPONSOR:

NAME: DUSTIN LUKACH PHONE NO. 716 397 2583

ADDRESS: 415 ROBIN ST, DUNKIRK, NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Cristina Gegenschatz PHONE: 718 909 1710

ADDRESS: 197 Temple Street, Fredonia, NY 14063

REASON: Welcome home party for friends that have been gone for two years. Family party.

AUDIO DEVICE TO BE USED:
BAND - GUITAR, DRUMS & VOCAL. PA system


PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF:

NO

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

Signature: 

RECEIVED
TOWN ENGINEERING
FREDONIA, N.Y.
MAY 30 10:02 AM '13

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT		
DEPT OF PUBLIC WORKS		
DEPT OF LAW <u>AS 5/30/13</u>		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

May 30, 2013

Dunkirk Common Council
c/o Office of the Dunkirk City Clerk
342 Central Avenue
Dunkirk, NY 14048

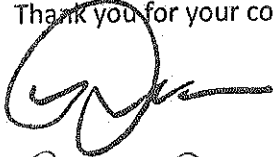
Re: Application for Loudspeaker Special Permit for Friday, June 21, 2013

Dear Members of the Common Council:

We are writing in support of our application for a Loudspeaker Special Permit for a function we would like to host at the large pavilion at Point Gratiot on Friday, June 21, 2013. We realize our application is less than thirty (30) days prior to the date of our event, but we hope you will consider our application nonetheless. We had another venue booked for our event but were double booked so we are forced to find another venue on short notice.

Our event is a welcome home party for friends who are moving back to the area after being away for two years. A few of our friends are members of a band and would like to play at the party for a couple of hours. It will be a family event and we expect the party to take place from about 4 pm to 10 pm. The band will likely be done playing by 9 pm.

Thank you for your consideration.



Cristina Gegenschatz

Dustin Lukach & Cristina Gegenschatz

OFFICE OF THE HOUSING, BUILDING AND ZONING OFFICER

CITY HALL
DUNKIRK, NEW YORK 14048

Allan L. Zurawski
Housing, Building & Zoning Officer

Phone: 366-9858
Fax: 363-0058

Inspection of 79 W. Doughty Street to Common Council

May 30, 2013

The current owner is listed as Christine J. Cottrell

BACKGROUND

The one-family house was constructed circa 1920. Square footage of the first and second floor is approximately 1,586 square feet. The taxable value of the property according to the Assessor's records is \$24,000.

The current owner is listed as Christine J. Cottrell who purchased the building in 2009.

FIRE

The structure was struck by a fire on December 14, 2012. The cause of the fire is undetermined. It appears the building insurance for repairs or demolition is unknown. Attempts to receive a response from the owner have failed.

CONDITION OF THE STRUCTURE

The portions of structure damaged by the fire are in the interior. Smoke and water damage are assumed on the interior of the structure. The interior was not accessed.

The roof has a hole allowing the weather to enter the structure. Many portions of the roof edge are deteriorated. Numerous shingles are missing. Windows were broken during the fire. Portions of the siding are missing and some of the installation of the siding on the west side are poorly done.

The front railing has deteriorated and is collapsing on the front porch roof. The rear porch is severely deteriorated.

Gas and Electric meters have been removed by the utility companies. The electrical service entrance cable remains as well as gas service piping.

Plumbing and Electrical systems will have to be assessed for damages.

OWNERSHIP

The owner of the building is Christine J. Cottrell who has not responded to any of this offices letters since the fire. The owners' whereabouts are unknown.

RECOMMENDATION

It is recommended the structure be demolished. Repairs due to the fire and deterioration of parts of the building as well as rewiring of the building may exceed the current value of the building.

“This structure appears to be abandoned, dilapidated, deteriorated, decayed and/or unattractive to the extent that in its current condition it may endanger the health, safety or welfare of the public.”

The house is currently in the foreclosure process by the County for back taxes.

DEMOLITION PROCEDURE

The structure will have to be surveyed for any asbestos material. If any material is identified as asbestos, it will have to be abated prior to going to bid for demolition. After the demolition is completed the lot will be graded and seeded.

OFFICE OF THE HOUSING, BUILDING AND ZONING OFFICER

CITY HALL
DUNKIRK, NEW YORK 14048

Allan L. Zurawski
Housing, Building & Zoning Officer

Phone: 366-9858
Fax: 363-0058

Inspection of 128 Lincoln Avenue to Common Council

May 30, 2013

The current listed owner of the property is Rosario Melendez

BACKGROUND

The one-family house was constructed circa 1900. Square footage of the first floor and attic is approximately 787 square feet. The taxable value of the property, according to the Assessor's Records, is \$18,500.

Rosario Melendez purchased the building February 28, 2013.

FIRE

The house was struck by fire March 9, 2013 according to the Dunkirk Fire Incident report. The fire was listed as intentional. The building is not covered by insurance. The electrical meter has been removed and the service entrance cable severed by the electric company. The gas company has removed the gas meter, however, the service lines remain. The building has been secured.

CONDITION OF THE STRUCTURE

Foundation – It appears the structure is supported by a crawl space and a partial basement. The columns of the crawl space appear to be functional but have poor workmanship. Other parts of the foundation walls are deteriorating severely. The concrete blocks are disintegrating.

The rear of the structure is severely damaged. Structural members of the roof are damaged beyond repair. It appears the ceiling joists have also been damaged by the fire. Interior portions of the walls and ceilings are burnt. Smoke and water damage is extensive throughout. The electrical system is damaged as well as the heating and hot water units. Some of the windows have been broken out, and the siding scorched.

OWNERSHIP

The owner has abandoned the building and his address is unknown. He had advised this office the insurance company will not settle any claim due to the fire report stating the building was set intentionally. He had stated funds are unavailable for repairs or demolition.

RECOMMENDATION

It appears any repairs would exceed the cost of the value of the building. Structural repairs, installation of new electrical and plumbing systems, removal of water damaged surfaces, and replacement of those surfaces can be costly.

“This structure appears to be abandoned, dilapidated, deteriorated, decayed and/or unattractive to the extent that in its current condition it may endanger the health, safety or welfare of the public.”

It is recommended the structure be demolished.

DEMOLITION PROCEDURE

The structure will have to be surveyed for any asbestos material. If any material is identified as asbestos, it will have to be abated prior to going to bid for demolition. After the demolition is completed the lot will be graded and seeded.

RESOLUTION #34-2013
JUNE 4, 2013

BY THE ENTIRE COUNCIL:

**DIRECTING BUILDING INSPECTOR TO SERVE NOTICE TO
REPAIR OR REMOVE
(79 West Doughty Street (79.20-8-74))**

WHEREAS, by Resolution #27-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), and to report the results of such inspection to this Common Council, in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and,

WHEREAS, the Building Inspector has provided to the Common Council an inspection report, dated May 30, 2013, and this Council has received and reviewed such report of such inspection; and,

WHEREAS, the Building Inspector reports that, in his opinion, the building or structure at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74) is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, it would be in the best interests of the public for the City's Building Inspector, to serve a notice to repair or remove upon the owner and all other persons having an interest in such property or structure; now, therefore, be it

RESOLVED, that the Building Inspector is hereby directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, be it further

RESOLVED, that the Building Inspector is hereby directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code.

RESOLUTION #35-2013
JUNE 4, 2013

BY THE ENTIRE COUNCIL:

**DIRECTING BUILDING INSPECTOR TO SERVE NOTICE TO
REPAIR OR REMOVE
(128 Lincoln Avenue (79.19-3-35))**

WHEREAS, by Resolution #28-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), and to report the results of such inspection to this Common Council, in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and,

WHEREAS, the Building Inspector has provided to the Common Council an inspection report, dated May 30, 2013, and this Council has received and reviewed such report of such inspection; and,

WHEREAS, the Building Inspector reports that, in his opinion, the building or structure at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35) is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, it would be in the best interests of the public for the City's Building Inspector, to serve a notice to repair or remove upon the owner and all other persons having an interest in such property or structure; now, therefore, be it

RESOLVED, that the Building Inspector is hereby directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, be it further

RESOLVED, that the Building Inspector is hereby directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code.

RESOLUTION #36-2013
JUNE 4, 2013

BY THE ENTIRE COUNCIL:

**CONSENT FOR CABLE SYSTEM TRANSFER
(TIME WARNER NY CABLE LLC to TIME WARNER CABLE NORTHEAST LLC)**

WHEREAS, Time Warner NY Cable LLC ("Franchisee"), an indirect, wholly-owned subsidiary of Time Warner Cable Inc. ("TWC") currently holds a franchise granted by the City of Dunkirk, NY (the "Community") to own and operate a cable system in the Community (the "Franchise"); and,

WHEREAS, TWC is undertaking an internal reorganization (the "Transaction") whereby, pursuant to a series of concurrent interim steps, the Franchise will be held by Time Warner Cable Northeast LLC, an indirect, wholly-owned subsidiary of TWC; and,

WHEREAS, the Transaction will not result in a transfer of control; TWC will retain ultimate ownership and management authority over the local cable system; and,

WHEREAS, TWC has filed FCC Form 394 with the Community and has provided the Community with all information regarding the Transaction as required by applicable law (collectively, the "Application"); and,

WHEREAS, the Community has reviewed the Application and determined that the Transaction is in the best interests of the Community and its residents and that Time Warner Cable Northeast LLC has the legal, technical and financial qualifications to operate the cable system under the Franchise and all applicable local, state and federal laws; now, therefore be it

RESOLVED, the Community consents to and approves of the Transaction to the extent required by the terms of the Franchise and applicable law;

The Community confirms that the Franchise is valid and in full force and effect and there are no defaults under the Franchise;

Effective upon the closing of the Transaction (the "Closing Date"), Time Warner Cable Northeast LLC shall be responsible for any obligations and liabilities under the Franchise; and,

This Resolution shall take effect upon its passage and publication in accordance with applicable law.