

AGENDA - COMMON COUNCIL MEETING – June 16, 2015 - 5:30 PM  
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. Appointing members to the Dunkirk Housing Authority Board.
6. Communications from the public and petitions:
  1. Request from Tim Gornikiewicz, Youth and Recreation Program Coordinator, to use city picnic tables, trash cans, trash bags and electronic police sign on Thursday, June 25<sup>th</sup> at 9:00 AM for the 14<sup>th</sup> Annual Senior Sweep Program
  2. Loudspeaker application from:
    - a) Henry Hooten, Sr. for a band at 212 Webster Road on July 3<sup>rd</sup> from 8:00 PM until 10:00 PM.
    - b) Apostolic House of Prayer Church for PA system and other musical instruments at 212 Parke Avenue on August 30<sup>th</sup> from 5:00 PM until 8:30 PM for their annual Family & Friends Day.
  3. Notice of claim from:
    - a) Howard Falco for damages allegedly sustained to his vehicle while driving on Franklin Avenue.
    - b) Andrea Diaz for damages allegedly sustained to her vehicle while driving on Franklin Avenue.
  4. Notice of Summons from Jonie Lasecki.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
  41. Resolution of the Common Council of the City of Dunkirk: (1) Issuing a Negative Declaration with Respect to Approving Disposition of Certain Realty; (2) Approving the Disposition of Certain Realty; (3) Approving the Formation of a Local Development Corporation under Section 1411 of New York Not-For-Profit Corporation Law to Hold Title to Said Realty.

9. Pre-filed Resolutions:

42. Resolution Authorizing Agreement for Independent Contractor (Animal Control Officer).

43. Resolution authorizing budget modifications (June 2015).

10. New Business:

11. Adjournment.

Nicole Joiner  
City Clerk



CITY OF DUNKIRK  
A Chadwick Bay Community

Office of the Mayor  
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE  
MAYOR  
(716) 366-9881  
FAX (716) 366-2049

June 11, 2015

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments to the Dunkirk Housing Authority Board:

	<u>Term Expires</u>
Joe Carrus, 32 West Green Street, Dunkirk	July 11, 2019
Donna Brisky, 140 S. Martin Street, Dunkirk	July 11, 2020

Mr. Carrus replaces Ed Long whose term expired July 11, 2014 and wishes to resign from the Board. This 5 year appointment is retroactive to July 11, 2014 and will be effective June 17, 2015.

Mrs. Brisky will replace Jim Sheedy who has submitted his resignation effective July 11, 2015. This 5 year appointment will become effective July 12, 2015.

Thank you.

Very truly yours,

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc: City Clerk  
Personnel  
Dunkirk Housing Authority



# City of Dunkirk

## DEPARTMENT OF YOUTH & RECREATION

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June 10, 2015

Dear Dunkirk City Council:

The 14<sup>th</sup> annual DHS Senior Sweep will be held Thursday, June 25, 2015 at 9:00 am. There will be some changes this year as the headquarters will be located at the Dunkirk Boardwalk. After lunch, we will be moving to Memorial Park for a fun filled day of cornhole games, Kan Jam, and other activities.

In past years, the Parks Department has supplied picnic tables and trash barrels. I am asking for that once again. I am also requesting large orange garbage bags and gloves for trash pick-up. If possible, the electronic police sign would be very helpful as well. I will supply a list of areas where trash has been collected so prompt pick-up can occur. My goal is roughly 8 locations.

I can be reached at 366-9886 if anyone has any questions. I thank you in advance for your help with this great program.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Gornikiewicz".

Tim Gornikiewicz  
Youth & Recreation Program Coordinator

2015 JUN 10 AM 11:59

CITY OF DUNKIRK  
CLERK'S OFFICE  
DUNKIRK, N.Y.

**APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.**

(DCC-47-6-C)

**DATE OF APPLICATION (must be 30 days Prior to event):** 6/3/2015

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

**DATE:** 6/3/2015 **TIME:** 8: P.M. to 10 P.M. **LOCATION OF EVENT:** 212 Webster St

**SPONSOR:**

**NAME:** Henry Hooten **PHONE NO.** 716-467-0065

**ADDRESS:** 212 Webster

**INDIVIDUAL**     **CORPORATE**     **CHARITABLE**     **COMMUNITY**

**RESPONSIBLE INDIVIDUAL:**

**NAME:** Henry Hooten Sr. **PHONE:** 716-467-0065

**ADDRESS:**

**REASON:** Timmy & Henry Hooten's Birthday

**AUDIO DEVICE TO BE USED:** P.A. for Bands  
Speakers and Amplifiers

**PUBLIC EVENT**                       **PRIVATE EVENT**

2015 JUN - 3 PM 3:40  
 CIVIL SERVICE  
 BUREAU, N.Y.

**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:** Henry Hooten

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>01C 6/4/15</u>		
DEPT OF PUBLIC WORKS <u>Agg 6/4/15</u>		
DEPT OF LAW <u>AS 6/4/15</u>		
OTHER		

**COMMON COUNCIL ACTION**

**RECEIPT OF REVIEW**

**APPROVAL**

**CONDITIONS:**

**DISAPPROVED**

6/3/2015 for 7/3/2015

I, Henry Hooten request  
a permit to have live music  
at 212 Webster St Dunkirk

- 1- Angel Torres yes - Webster St
- 2- Benedicta DeJesus ~~yes~~ 206  
    ↓ yes 216 S Roberts<sup>R</sup>

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

**DATE OF APPLICATION (must be 30 days Prior to event):** June 11, 2015

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

**DATE:** 8-30-15 **TIME:** 5-8:30 pm **LOCATION OF EVENT:** 212 Park Ave.

**SPONSOR:** Apostolic House of Prayer Church

**NAME:** PASTOR LOUIS F. MARTIN

**PHONE NO:** (716) 366-3407

**ADDRESS:** 212 Park Ave.

INDIVIDUAL     CORPORATE     CHARITABLE     COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** PASTOR LOUIS F. MARTIN

**PHONE:** (716) 366-3407

**ADDRESS:** 212 Park Ave Dunkirk NY 14048

**REASON:** Annual Family & Friends Day

**AUDIO DEVICE TO BE USED:** PA Systems, drums, Key boards & various other musical instruments

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: *Louis F. Martin*

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>OK 6/11/15</i>		2015 JUN 11 AM 10:44 PARK M... ...
DEPT OF PUBLIC WORKS		
DEPT OF LAW <i>OK 6/11/15</i>		
OTHER		

### COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

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

Notice of Claim  
City of Dunkirk, N.Y.

2015 JN -1 PM 3:50

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:

Howard J. Falco

Claimant Address:

10357 Van Buren Bay  
Dunkirk, NY 14048

Claimant Telephone Number:

(716) 672-8412

This claim is for (injuries/damages alleged):

To My 2012 Chrysler minivan  
Handicapped Vehicle - 2012  
Chrysler van  
On Franklin Ave Across from Senior Center.

This claim is alleged to have arisen on the 15 day of May, 2015 at approximately \_\_\_\_\_ a.m./p.m. on that date at \_\_\_\_\_.

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

damaged the D/S and P/S Flaring

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: 1005.00

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

Respectfully yours,

Howard J. Falco 6/1/15  
Claimant (date)

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

\_\_\_\_\_, 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.

Carol A. Yannie  
Notary

Sworn to before me this  
1st day of June, 2015.

**CAROLA YANNIE**  
NOTARY PUBLIC, STATE OF NEW YORK  
REGISTRATION No. 4905266  
QUALIFIED IN CHAUTAUQUA COUNTY  
My Commission Expires Nov. 30, 2017

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: Andrea Diaz  
Claimant Address: 10 Bagley St #102  
Dunkirk N.Y. 14048  
Claimant Telephone Number: (716) 366-5752

2015 JUN 10 AM 11:00  
CITY OF DUNKIRK, N.Y.

This claim is for (injuries/damages alleged): damages on gas tank.

A Scrape became a hole. I know it was a while ago  
But did not know I thought it was peeples.  
I believe during the winter months  
Feb March

This claim is alleged to have arisen on the Feb day of March, 2015 at approximately afternoon 1:30 PM on that date at coming from taking Granddaughter home

The injuries and/or damages sustained by the Claimant arose in the following manner:  
on Frankly St there has been a big bump  
since winter time. The snow made it worst and  
you could really not see it. I took a dump scrape  
but did not realize it broke a hole on the gas tank.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following:  
the hole was bigger + bigger so the spill  
of gasoline got to the oil pan. The smell  
got me. I could not use my car for 2 weeks. Be-  
cause it was at Elmano Garage \$70.00 to fix. Cheap for  
\$309.00

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

Respectfully yours,  
Andrea Diaz 6/8/15  
Claimant (date)  
Andrea Diaz 6/10/15

NOTARY PUBLIC  
State of New York  
County of Chautauque, ss:

Andrea Diaz, 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.

Patricia L. Thompson  
Notary

Sworn to before me this 10 day of June, 2015.

PATRICIA L. THOMPSON  
Notary Public, State of New York  
No. 01TH6002392  
Qualified in Chautauque County  
Commission Expires February 9, 2018

That pump is still there today. you need to sum over  
when dabeing. I feel I need to get reburst cause  
it was not my fault and I am on Social Security  
Disability and on a fee income.

Thank-You  
God Bless You  
Andrea Diaz

It may be late but it is  
a true statement.

State of NY County of Chautauque  
On the 10 day of June, 2015  
before me personally came Andrea Diaz -  
to me known to be the person  
described in, and who executed,  
the foregoing instrument,  
and acknowledged that  
s. he executed the same.

*Patricia L. Thompson*

PATRICIA L. THOMPSON  
Notary Public, State of New York  
No. 01TH6002392  
Qualified in Chautauque County  
Commission Expires February 9, 2018

PATRICIA L. THOMPSON  
Notary Public, State of New York  
No. 01TH6002392  
Qualified in Chautauque County  
Commission Expires February 9, 2018

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF CHAUTAUQUA

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JONIE M. LASECKI, Individually and as Parent  
and Natural Guardian of BETHENNIE R.  
LASECKI, an Infant  
28 Pine Street  
Dunkirk, NY 14048

Plaintiff,

-vs-

CITY OF DUNKIRK  
City Hall  
342 Central Avenue  
Dunkirk, NY 14048

Defendant.

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**SUMMONS**

Index No. K12015-702

Date Filed \_\_\_\_\_

**Give these papers to  
YOUR INSURANCE COMPANY IMMEDIATELY.  
FAILURE to do so may result in  
LOSS OF YOUR INSURANCE COVERAGE.**

2015 JUN 8 PM 1:09  
CLERK'S OFFICE  
DUNKIRK, N.Y.

**TO THE ABOVE-NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED AND REQUIRED** to serve upon the Plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service, you must respond within TWENTY (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within THIRTY (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you, by default, for the relief demanded in the Complaint without further notice to you.

Plaintiff designates Chautauqua County as the place of trial. Venue is based on Plaintiff's residence.

Dated: Eden, New York  
May 7, 2015



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R. Colin Campbell, Esq.  
CAMPBELL & SHELTON LLP  
Attorneys for Plaintiff  
8274 North Main Street  
Eden, New York 14057  
(716) 992-9300

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF CHAUTAUQUA

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JONIE M. LASECKI, Individually and as Parent  
and Natural Guardian of BETHENNIE R. LASECKI,  
an Infant,

Plaintiff,

-vs-

CITY OF DUNKIRK,

Defendant.

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**COMPLAINT**

Index No. K12015-702

Date Filed \_\_\_\_\_

2015 NOV 16 AM 11:57  
CLERK OF SUPREME COURT

Plaintiff, JONIE M. LASECKI, Individually and as Parent and Natural Guardian of BETHENNIE R. LASECKI, an Infant, by her attorneys, CAMPBELL & SHELTON LLP, for her Complaint against the Defendant, CITY OF DUNKIRK, herein alleges:

1. Presently and at all times hereinafter mentioned, Plaintiff is a resident of the County of Chautauqua and State of New York.
2. Upon information and belief, the Defendant, CITY OF DUNKIRK, was and is a municipal corporation duly organized and existing under the laws of the State of New York.
3. On October 29, 2014, in accordance with General Municipal Law §50-e, the Plaintiff caused a Notice of Claim to be served upon the Defendant, CITY OF DUNKIRK, which set forth the time, place and date when the claim arose.
4. This action has been commenced within one (1) year and ninety (90) days after the causes of action herein accrued and payment of said claims have been neglected or refused by the CITY OF DUNKIRK.
5. Upon information and belief, the limitations on liability set forth in Article 16 of the Civil Practice Law and Rules do not apply by reason of one or more of the exemptions set

forth in Section 1602.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST THE  
DEFENDANT, PLAINTIFF ALLEGES AS FOLLOWS:**

6. Plaintiff repeats, reiterates and realleges each of the above paragraphs with the same force and effect as if separately renumbered and restated at length herein.

7. Upon information and belief, on or about August 23, 2014 and prior thereto, Defendant, CITY OF DUNKIRK, owned and/or was responsible for the maintenance of the premises known as Point Gratiot Park in the City of Dunkirk, and owned and/or was responsible for the operation, supervision, design, construction, maintenance, inspection and upkeep of said premises.

8. That on or about August 23, 2014, the Infant, BETHENNIE R. LASECKI, was attempting to walk upon the aforementioned premises when she stepped into a hole and fell.

9. Upon information and belief, the aforementioned premises was improperly operated, supervised, designed, constructed, repaired, inspected and maintained, causing them to be in a dangerous and hazardous condition.

10. Upon information and belief, the Defendant herein, its agents, servants and/or employees caused and/or had actual and constructive notice of the aforesaid conditions, and failed to remedy same within a reasonable period of time.

11. That the Infant, BETHENNIE R. LASECKI, was caused to fall wholly and solely by the carelessness, negligence and recklessness of the Defendant, CITY OF DUNKIRK, and/or their agents, servants and employees.

12. That as a result of the foregoing, the Infant, BETHENNIE R. LASECKI, sustained severe and serious personal injuries, and incurred medical expenses and other

economic loss, all to her damage in an amount in excess of the jurisdictional limits of all other courts which would otherwise have jurisdiction over this action.

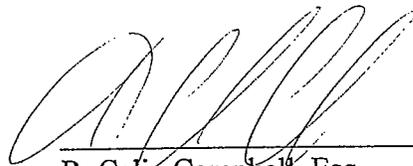
**AS AND FOR A SECOND CAUSE OF ACTION AGAINST THE  
DEFENDANT, PLAINTIFF ALLEGES AS FOLLOWS:**

13. Plaintiff repeats, reiterates and realleges each of the above paragraphs with the same force and effect as if separately renumbered and restated at length herein.

14. That as a result of the foregoing, the Plaintiff, JONIE M. LASECKI, has been deprived of the services and society of her daughter, BETHENNIE R. LASECKI, and has incurred, and will continue to incur, medical and other expenses, all to her damage in an amount in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

**WHEREFORE**, Plaintiff, JONIE M. LASECKI, Individually and as Parent and Natural Guardian of BETHENNIE R. LASECKI, an Infant, demands judgment against the Defendant, CITY OF DUNKIRK, in an amount to be determined by the trier of fact, together with the costs and disbursements of this action, and demands such other and further relief as the Court deems just and proper.

Dated: Eden, New York  
May 7, 2015



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R. Colin Campbell, Esq.  
CAMPBELL & SHELTON LLP  
Attorneys for Plaintiff  
8274 North Main Street  
Eden, New York 14057  
(716) 992-9300

UNFINISHED BUSINESS:

**RESOLUTION #41-2015**  
**JUNE 2, 2015**

**BY: THE ENTIRE COUNCIL**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF DUNKIRK: (1)  
ISSUING A NEGATIVE DECLARATION WITH RESPECT TO APPROVING  
DISPOSITION OF CERTAIN REALTY; (2) APPROVING THE DISPOSITION OF  
CERTAIN REALTY; (3) APPROVING THE FORMATION OF A LOCAL  
DEVELOPMENT CORPORATION UNDER SECTION 1411 OF NEW YORK NOT-FOR-  
PROFIT CORPORATION LAW TO HOLD TITLE TO SAID REALTY**

**WHEREAS**, pursuant to Section 1411(a) of the New York Not-for-Profit Corporation Law (the "Act"), the City of Dunkirk (the "City") is empowered to establish a local development corporation (the "Corporation") for charitable and public purposes, as identified in the Act, including: (i) relieving and reducing unemployment; (ii) promoting and providing for additional and maximum employment; (iii) bettering and maintaining job opportunities; (iv) assisting individuals to improve or develop their capabilities for such jobs; and (v) lessening the burdens of government and acting in the public interest; and

**WHEREAS**, the Act also authorizes the legislative body of the City, by resolution, to determine that certain real property of the City, not required for use by the City, may be sold or leased to a not-for-profit local development corporation, as described above, for purposes that include lessening the burdens of government and acting in the public interest; and

**WHEREAS**, Section 1411(d) of the Act further provides that the sale or lease may be on such terms as may be agreed upon by the City and a local development corporation, without appraisal or public bidding; and

**WHEREAS**, the City desires to facilitate the rehabilitation and redevelopment of certain real property owned by the City located at 66-80 Lake Shore Drive East and 5-15 Deer Street, Dunkirk, New York, as more accurately described on Schedule A attached hereto (the "Development Property"), for use by retail, commercial, and/or industrial businesses and to promote and provide for additional and maximum employment opportunities consistent with the Act (the "Project"); and

**WHEREAS**, the City does not desire to involve itself directly in the redevelopment and/or remediation of the Development Property but rather is willing to make the Development Property available for the Project, through a Corporation formed under Section 1411(a) of the Act; and

**WHEREAS**, the Act authorizes the Common Council of the City of Dunkirk (the "Common Council") to form the Corporation, with the City acting as the sole member thereof, by and through the Mayor of the City, such that activities of the Corporation, permitted pursuant to the Act, are through an entity which is separate and distinct from the City, and a bankruptcy remote entity, for the exclusive purposes of acquiring an interest in the Development Property from the City and undertaking activities permitted by the Act; and

**WHEREAS**, it is contemplated that the City will transfer the Development Property to the Corporation (the "Action") for the Project; and

**WHEREAS**, the City has caused an Environmental Assessment Form (the "EAF") to be prepared; and

**WHEREAS**, the City has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and accordingly does not require a coordinated review; and

**WHEREAS**, the City has reviewed the EAF, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; and

**WHEREAS**, prior to the City conveying the Development Property to the Corporation, pursuant to Section 1411(d) of the Act, a public hearing on ten days' notice is required to be conducted by the City Council prior to the adoption of a resolution authorizing any such sale or lease.

**NOW, THEREFORE, BE IT RESOLVED**, that the City hereby determines that the Development Property is not required for use by the City; and, be it further

**RESOLVED**, that the Action entails merely the future transfer of the Development Property to a Corporation, as described herein, and that the transfer of the Development Property to the Corporation will only occur at the point in time when the Corporation undertakes all applicable real property disposition procedures as required under the Act and by New York State Law, including a request for proposal process, a preferred developer is identified, and the preferred developer obtains any and all necessary approvals to develop the Development Property, such that the Action contemplated herein will not adversely affect any water body nor result in any significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse affect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not entail any adverse impact on transportation, and there will be no adverse impact from the Action or on the growth and character of the community or neighborhood; and, be it further

**RESOLVED**, that the City hereby determines, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and, be it further

**RESOLVED**, that the City hereby determines that the involvement of a Corporation as permitted by the Act and the Corporation's undertaking of the Project and the transfer of the Development Property from the City to the Corporation will relieve the

burdens of government and are consistent with and in furtherance of the public purposes and powers set forth within the Act, and, be it further

**RESOLVED**, that the formation of the Corporation pursuant to the Act is hereby approved and that the City shall serve as the sole member of the Corporation, acting by and through the Mayor of the City; and, be it further

**RESOLVED**, that the City hereby appoints the following individuals to serve as Directors of the Corporation:

1. Anthony J. Dolce, City Mayor, *ex officio*
2. Willie Rosas, Councilman-at-large, *ex officious*
3. Steven Neratko, Director of Development, *ex officio*

And, be it further

**RESOLVED**, that the Mayor, or the Mayor's designee, in consultation with the City Attorney, is authorized to execute or cause to be executed the filing of a Certificate of Incorporation for the Corporation; and, be it further

**RESOLVED**, that the Directors and Officers of the Corporation be, and the same hereby are, authorized, empowered and directed to do all things and acts and to execute all documents as may be necessary or advisable and proper to carry on the business of the Corporation; and, be it further

**RESOLVED**, that, in accordance with Section 1411(d)(3) of the Act, and prior to finally authorizing the conveyance of the Development Property to the Corporation as contemplated herein, the City Clerk is hereby authorized to undertake the publication of a notice of a public hearing to consider the proposed sale, such notice to be published in the City's official newspaper at least 10 days prior to the date upon which the Common Council shall convene again and provide final authorization of the sale of the Development Property to the Corporation; and, be it further

**RESOLVED**, that these resolutions shall take effect immediately.

6-2-15 Councilman Gonzalez moved to table this Resolution.  
Seconded by Councilwoman Szukala. Carried, all  
voting aye. TABLED.

**Appendix A - Resolution No. 41-2015**

**ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE CITY OF DUNKIRK, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE INTERSECTION OF THE WEST LINE OF DEER STREET WITH THE NORTH LINE OF LAKE SHORE DRIVE EAST,**

**THENCE NORTH ALONG THE WEST LINE OF DEER STREET AND ITS EXTENSION NORTH, A DISTANCE OF 379.70 FEET TO THE NORTH LINE OF DEER STREET;**

**THENCE WEST ALONG THE NORTH LINE OF DEER STREET, THE NORTH LINE OF LANDS CONVEYED TO BARONE AND STEGER BY DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 823 AT PAGE 487, THE NORTH LINE OF LANDS CONVEYED TO KAZMIERSKI BY DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 494 AT PAGE 157 AND THE NORTH LINE OF SAMMARTINO BY DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 242 AT PAGE 433, SAID LINE ALSO BEING PARALLEL WITH THE NORTH LINE OF LAKE SHORE DRIVE EAST, A DISTANCE OF 260.89 FEET TO THE WEST LINE OF SAMMARTINO AS RECORDED IN THE CHAUTAUQUA COUNTY CLERK'S OFFICE IN LIBER 242 AT PAGE 433;**

**THENCE SOUTH ALONG THE WEST LINE OF SAID LANDS OF SAMMARTINO, A DISTANCE OF 379.70 FEET TO SOUTHWEST CORNER OF SAID LANDS OF SAMMARTINO, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF LANDS CONVEYED TO THE CITY OF DUNKIRK IDA BY DEED RECORDED IN THE CHAUTAUQUA COUNTY CLERKS OFFICE IN LIBER 2191, PAGE 232, SAID CORNER ALSO BEING ON THE NORTH LINE OF LAKE SHORE DRIVE EAST;**

**THENCE EAST ALONG THE NORTH LINE OF LAKE SHORE DRIVE EAST, A DISTANCE OF 260.89 FEET TO THE POINT OR PLACE OF BEGINNING.**

**RESOLUTION #42-2015**  
**JUNE 16, 2015**

**BY: THE ENTIRE COUNCIL:**

**AUTHORIZING AGREEMENT FOR INDEPENDENT CONTRACTOR  
(ANIMAL CONTROL OFFICER)**

**WHEREAS**, the City of Dunkirk requires from time to time the services of an Animal Control Officer; and

**WHEREAS**, Steven A. Purol, has been appropriately providing such services for the City and is ready, willing and able to continue providing such services on an Independent Contractor basis, in a good and workmanlike manner; now, therefore, be it

**RESOLVED**, that the Mayor is hereby directed and authorized to execute an independent contractor agreement with **Steven A. Purol, 17 University Park, Fredonia, New York 14063**, for Animal Control Officer and certain parking enforcement services, effective July 1, 2015 through June 30, 2016, for Twenty-Four Thousand Dollars and Zero Cents (\$24,000.00), payable at the rate of Two Thousand Dollars and Zero Cents (\$2,000.00) per month, with fuel reimbursement up to Eight Hundred Dollars and Zero Cents (\$800.00) per year.

**RESOLUTION #43-2015**

**JUNE 16, 2015**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS  
(June 2015)**

**WHEREAS**, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2015, ending December 31, 2015; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.1325.4002	Treasury	Supplies	\$ 2,500
001.1325.4036	Treasury	Fiscal Agent Fees	\$ (2,500)
		<b>TOTAL</b>	<b>\$ -</b>

**Fund 1**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.3410.4001	Fire	Travel & Training	\$ 1,000
001.3410.4020	Fire	Uniform Allowance	\$ (1,000)
		<b>TOTAL</b>	<b>\$ -</b>

**Fund 2**

<b>Account No.</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
002.8340.4125	Water Distribution	Water Main Maintenance	\$ 3,000
002.8340.4150	Water Distribution	Rent / Lease	\$ (3,000)
		<b>TOTAL</b>	<b>\$ -</b>