

AGENDA - COMMON COUNCIL MEETING – July 3, 2012 - 6:00 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 Robert Jennings and Lynette Kuhlman to use Point Gratiot Beach on July 14th from 4:15 until 5:15 PM for a wedding ceremony.
 2. Request from Loretta Slaton Torain seeking a donation from the William Cease Fund on behalf of the Upward Bound Program.
 3. Request from Dunkirk Midget Football League to use the corners of 4th Street and Central Ave., Central Avenue and 5th Street and W. Doughty Street near the Firehall to conduct a "Tag Day" fundraiser on August 25th from 9:00 AM until 5:00 PM.
 4. Request from The Resource Center Foundation requesting permission to sell newspapers at various Dunkirk intersections on July 11th from 6:00 AM until 9:00 AM. Also, requesting Police assistance from the Dunkirk/Fredonia line from Central Avenue to Washington Park and to use Washington Park to host their Victory Celebration on Friday, July 20th for their "Annual Laurel Run".
 5. Request from Variety, the Children's Charity of Buffalo & Western New York for police security on October 27th from 6:00 PM until 1:00 AM at the Chautauqua County Fairgrounds for their Halloween Party.
 6. Loudspeaker application from Cott Industry amending/adding to previously approved application requesting to add a band.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 57. Resolution to Amend and Restate the Model Deferred Compensation Plan.
 58. Resolution consenting to appointment of City Clerk.

59. Resolution authorizing Lease-to-Purchase one (1) vehicle for Police Department through County Contract.
 60. Resolution authorizing change for first August 2012 Common Council Meeting.
 61. Resolution establishing standard work day and reporting Resolution (NYS Comptroller RS 2417-A).
 62. Resolution transferring funds from the Bill Cease Fund.
10. New Business:
 11. Adjournment.

Lacy L. Lawrence
City Clerk

June 21, 2012

Office of City Clerk
342 Central Avenue
Dunkirk, NY 14048

Dear Mayor and Common Council:

We are requesting to use the Point Gratiot Beach (first beach after you enter the park on left hand side) for our wedding ceremony on July 14, 2012. The time requested would be for approximately one hour between 4:15pm and 5:15pm. We expect that we would have approximately 40 people in attendance.

Our Contact information is as follows:

Robert Jennings & Lynette Kuhlman

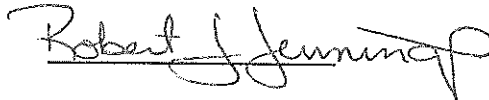
156 Follett Run Road

Warren, PA 16365

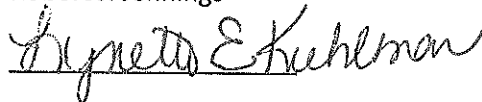
Phone number(s): 814-723-2432 or 814-688-1344

Thank you for your consideration.

Respectfully submitted,



Robert J. Jennings

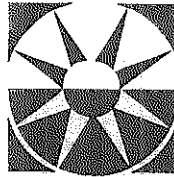


Lynette E. Kuhlman

2012 JUN 25 PM 2:01



RECEIVED
JUN 25 2012
MAYOR'S OFFICE



UPWARD
BOUND
PROGRAM

Upward Bound Program
W228 Thompson Hall
Fredonia, NY 14063
May 22, 2012

Mayor Anthony Dolce
Dunkirk City Hall
342 Central Avenue
Dunkirk, NY 14048

Dear Mayor Dolce:

The *Upward Bound Program* is currently soliciting donations for our 2012 summer program. Contributions help offset the costs of running our summer program for the local area youth (40 high school students) that participate.

The summer program is a six-week program in which students are given a "college like" experience. Students live in a college residence hall, eat meals in a college dining hall, attend academic enrichment and elective courses, attend campus visits and cultural events, participate in health & wellness and leadership development activities and make new friends!

I would like to request a donation from the WM. Cease Fund in the amount of \$500.00 to help with the costs associated with facilitating this college-like experience for area students.

Please send all contributions by June 29th to the following address:

Upward Bound Program
Attn: Loretta Slaton Torain
W228 Thompson Hall
Fredonia, NY 14063

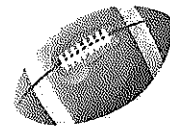
Thank you in advance for your support.

Sincerely,

Loretta Slaton Torain
Director
Upward Bound Program

W228 Thompson Hall, State University of New York at Fredonia, Fredonia, NY 14063
(716) 673-3521 Fax: (716) 673-4740 Upward.bound@fredonia.edu

2012 JUN 25 PM 12:10
DUNKIRK, N.Y.



Dear City of Dunkirk Officials:

We are contacting you on behalf of the Dunkirk Youth Football League. This community football league is an organization that provides our young children from ages 8 to 14 the opportunity to learn the game of football/cheerleading as well as meet new friends, learn respect and honor themselves, their team-mates and their coaches.

We are looking for the approval of our annual Dunkirk Midget Football Tag Days fundraiser to be held on Saturday August 25th. ^{FROM 9 AM TO 5 PM.} We would like to do as we have done in the past where we have located our football players and cheerleaders on the following city intersections with the appropriate number of parent chaperones per child-

- Central Avenue and Fourth Street
 - Central Avenue and Fifth Street
 - West Doughty Street near the Firehall
- 9 AM - 5 PM

2012 JUN 26 PM 2:02
DUNKIRK, N.Y.

This is a very important fundraiser for us that we look forward to every year. This is what helps us fund our end of the year celebration for the participants of our program.

Thank you for considering our request. If you have any questions or need further information, please feel free to contact me.

Sincerely,

Kari Lockett

Dunkirk Midget Football League Team Coordinator

Contact #: 716-673-5445



200 Dunham Avenue ♦ Jamestown, NY 14701 ♦ 716-661-4735

www.laurel-run.com



June 27, 2012

Mayor Anthony J. Dolce and the Dunkirk Common Council
342 Central Avenue
Dunkirk, NY 14048

Dear Mayor Dolce and Council members:

I am writing to request permission to conduct our annual Laurel Run newspaper sales on certain street corners in the City of Dunkirk on Wednesday, July 11.

Each year, the Observer prints a special Laurel Run edition of the paper, and volunteers run out across Northern Chautauqua County to sell the papers to passing motorists from 6:00 to 9:00 a.m. that day. I know that last year the City had authorized certain locations where agencies are permitted to conduct fund-raisers of this kind, so please let me know if there have been any changes in that regard. We also make our volunteers aware that they are to sell papers from the sidewalk and are not supposed to go into the streets to flag down motorists.

Attached please find a certificate of liability insurance, naming the City as an additional insured entity for the newspaper sales.

In addition to being a fund-raiser for Laurel Run, the newspaper sales are a great way for us to publicize the event. We appreciate the City's past willingness to allow us to sell papers at City street corners, and we look forward to being able to do again this year.

Thank you for your past support of Laurel Run, and we look forward to working with the City to make the 16th annual Laurel Run another success. Please let me know if I can provide you with additional information. For more information about Laurel Run, visit www.laurel-run.com. If you'd like to reach me by e-mail or fax, you can get hold of me at steve.watson@resourcecenter.org or 661-1419.

Sincerely,

Handwritten signature of Steve Watson

Steve Watson
Community Relations Director
The Resource Center/TRC Foundation, Inc.

TRC Foundation
Board of Directors

OFFICERS
Randy Ordines
Chair

Mark Olson
Vice Chair

Marcia Bliss, CPA
Secretary

Michele Compton
Treasurer

DIRECTORS
Randy Brown
Marie Carrubba, Esq.
Michael Felice
Gregory Krausz
Thomas McConnon
Gregory Peterson, Esq.
Timur Tyra

2012 JUN 28 AM 9:45
DUNKIRK, NY

TRC Foundation, Inc. is a 501(c)(3) tax-exempt organization. For a copy of our latest annual report, write us at: 200 Dunham Avenue, Jamestown, NY, 14701, or write the Attorney General, Charities Bureau, 120 Broadway, New York, NY, 10271.

Proceeds from Laurel Run support individuals with disabilities in Chautauqua County.



FOUNDATION 200 Dunham Avenue ♦ Jamestown, NY 14701 ♦ 716-661-4735

www.laurel-run.com



June 27, 2012

Mayor Anthony J. Dolce and the Dunkirk Common Council
342 Central Avenue
Dunkirk, NY 14048

Dear Mayor Dolce and Council members:

I am writing to request permission to conduct portions of our 16th annual Laurel Run in the City of Dunkirk on Friday, July 20, for our traditional Jamestown-to-Dunkirk flag relay.

**TRC Foundation
Board of Directors**

OFFICERS

Randy Ordines
Chair

Mark Olson
Vice Chair

Marcia Bliss, CPA
Secretary

Michele Compton
Treasurer

DIRECTORS

Randy Brown
Marie Carrubba, Esq.
Michael Felice
Gregory Krauza
Thomas McConnon
Gregory Peterson, Esq.
Timur Tyra

For the relay, we start off in Jamestown, with students from area high schools running the different legs of the relay. We follow Route 60 north to Laona, then continue on to Water Street. We follow Water to Central, then take Central into Dunkirk for the finish. Again this year, employees from the Lakeview Shock Incarceration Facility plan to join the runners in downtown Fredonia for the last few miles of the relay. The Lakeview staff jog in cadence with the high school runners following behind — it makes for an inspirational site!

In past years, the City has been kind enough to have patrol units escort the runners through the City, picking them up on Central Avenue at the Dunkirk/Fredonia line and escorting them to Washington Park for the finale. If you are able to provide that coverage again this year, that would be fantastic and would increase the runners' visibility, thereby reducing the likelihood of anyone being hit by a passing vehicle.

Attached please find a certificate of liability insurance, naming the City as an additional insured entity for the relay run.

Additionally, I understand that the City has agreed to host the Victory Celebration for the relay run at Washington Park again this year. Thank you so much! Not everyone with a disability who receives supports from The Resource Center is physically able to participate in the relay run, so having the opportunity to cheer for the runners as they reach Washington Park allows our folks to be involved with the event. I hope all of you will be able to join us as well; the last set of relay runners typically arrives between 1:15 and 1:30.

Thank you for your past support of Laurel Run, and we look forward to working with the City to make the 16th annual Laurel Run another success. Please let me know if I can provide you with additional information. For more information about Laurel Run, visit www.laurel-run.com. If you'd like to reach me by e-mail or fax, you can get hold of me at steve.watson@resourcecenter.org or 661-1419.

Sincerely,

Steve Watson
Community Relations Director
The Resource Center/TRC Foundation, Inc.

TRC Foundation, Inc. is a 501(c)(3) tax-exempt organization. For a copy of our latest annual report, write us at: 200 Dunham Avenue, Jamestown, NY, 14701, or write the Attorney General, Charities Bureau, 120 Broadway, New York, NY, 10271.

Proceeds from Laurel Run support individuals with disabilities in Chautauqua County.

The Annual Laurel Run is right around the corner. As tradition would have it, our event will begin with a ceremony at the Michael J. Raymond Center, 75 Jones & Gifford Ave. At approximately 9am on Friday July 20th, we will walk on the sidewalk as a group to the corner of 8th Street and Jones & Gifford Ave., at which point three runners will start the long trek to Washington Park in Dunkirk. The runners will meet and pass the "flag" to other groups all the way up route 60, thru Laona, over Temple to Central to Washington Park, creating many legs of the relay.

We would appreciate if your Departments could provide a little support by way of, an escort, or maybe a little extra patrolling.

As a little background, in years past, here is what has happened

The times are at best tentative

Jamestown PD, 9am TRC on Jones and Gifford, (over 8th Street to North Main out to the City line)

Ellicott PD, City line Route 60 to Gerry

Chautauqua County Sherriff Dept., Gerry Route 60 to Fredonia (Laona to Temple to Central)

Dunkirk PD, Fredonia D & F line on Central to Washington Park

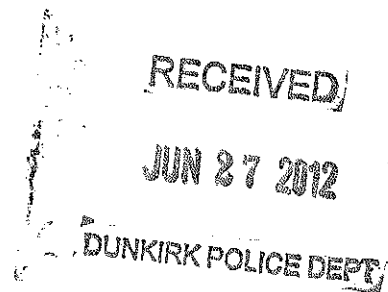
We understand that your priority is the safety of our community, and that you may be busy with police calls etc.

Thank you for your attention in this matter. If you have any questions, please call, me anytime at 661-1477. Please pass this along to the correct personnel for this request, if this is not your area of responsibility.



Victoria Trass Bardo

Development and Events Manager
Filling the Gap





CERTIFICATE OF LIABILITY INSURANCE

OP ID: MG

DATE (MM/DD/YYYY)

06/26/12

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 Brown & Brown of New York, Inc P.O. Box 1239 Jamestown, NY 14702-1239 Donald A Williamson Jr | 716-484-1173 716-664-1990 | CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: CHAU-14 |
| | INSURER(S) AFFORDING COVERAGE | |
| INSURED Chautauqua Co Chapter NYSARC Inc dba The Resource Center 200 Dunham Avenue Jamestown, NY 14701 | INSURER A: Philadelphia Indemnity Ins Co | NAIC #: 18058 |
| | INSURER B: | |
| | 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.

| INSUR LTR | TYPE OF INSURANCE | ADDL SUBM INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|-----------|---|--------------------|---------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ <input type="checkbox"/> LOC | | PHPK644791 | 11/18/11 | 11/18/12 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 Emp Ben. \$ 1,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$ |
| | UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE \$ RETENTION \$ | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ |
| | 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 | | | WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Laurel Run 7/11/12, 7/20/12, 7/21/12

| | |
|---|--|
| CERTIFICATE HOLDER DUNKIRK City of Dunkirk ATTN: Lacy Lawrence City Clerk 324 Central Avenue Dunkirk, NY 14048 | CANCELLATION 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 Donald A Williamson Jr |
|---|--|



VARIETY - THE CHILDRENS CHARITY OF BUFFALO & WESTERN NEW YORK/TENT #7

6114 Broadway / Lancaster, New York 14086 / 716-854-7577
Fax: 716-393-3166 E-Mail: vcstaff@varietykidstelethon.com

RECEIVED
JUN 27 2012

MAYOR'S OFFICE

June 21, 2012

Mayor Anthony J. Dolce
City of Dunkirk
City Hall
342 Central Avenue
Dunkirk, NY 14048



Dear Mayor Dolce,

Variety, the Children's Charity of Buffalo & Western New York will be holding a Halloween Party on Saturday, October 27, 2012 at the Ag and Expo Building at the Chautauqua County Fairgrounds. All net proceeds from this event will go to our annual Variety Kids Telethon, telecast annually on WKBW-TV. Variety monies go yearly to help Women & Children's Hospital of Buffalo and about 25 other Children's agencies in Western New York.

Variety is requesting the Dunkirk Police Department provide security detail at the event. The event will be age 18 and over and the time is 6:00pm until 1:00 am. Throughout the event, we anticipate approximately 1,000 total attendees. Variety will have volunteers checking IDs as well as volunteers from various American Legion Posts as bartenders.

Variety representatives will be meeting again with Fair personnel in August to go over logistics such as electric, staging, food set-up, etc. We would welcome meeting with security supervisors at that time to go over plans for the event.

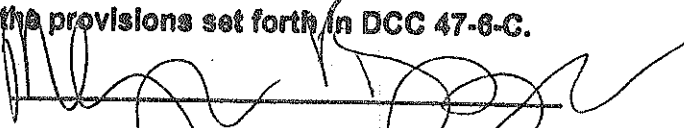
We look forward to hearing from you and look forward to our first Variety fundraiser in the Dunkirk area. If you have any questions or need further information, please contact us.

Sincerely,
Richard A. Goldstein
Richard A. Goldstein
Executive Director

Cc: Common Council-City of Dunkirk
Police Chief David Ortolano

Visit us on the Internet at: <http://www.varietykidstelethon.com>

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

| | | |
|--|----------------|---|
| DATE OF APPLICATION (must be 30 days Prior to event): | | 6/29/12 |
| * No more than 3 days TOTAL per Individual or Group - per year | | EVENT SPECIFICS * EXCLUDES HARBORFRONT AREA |
| DATE: | TIME: | LOCATION OF EVENT: |
| 7/15/12 | 1-5pm | Point Gration |
| SPONSOR: Cott Beverages | | |
| NAME: | | PHONE NO. 716-313-3211 |
| ADDRESS: One Cliffstar Ave. | | DUNKIRK |
| <input type="checkbox"/> INDIVIDUAL <input checked="" type="checkbox"/> CORPORATE <input type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY | | |
| RESPONSIBLE INDIVIDUAL: Megan Piazza 303-3211 | | |
| NAME: Jayson Degolier | | PHONE: 303-3253 |
| ADDRESS: One Cliffstar Ave | | DUNKIRK |
| REASON: Playing at the company Picnic - for other families | | |
| AUDIO DEVICE TO BE USED: Drums, guitar, Bose | | |
| <input type="checkbox"/> PUBLIC EVENT | | <input checked="" 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:  | | |
| DEPARTMENTAL REVIEW | DATE SENT | REPORT BACK |
| POLICE DEPT OK 6/29/12 WSO | | |
| DEPT OF PUBLIC WORKS | | |
| DEPT OF LAW AB 6/29/12 | | |
| OTHER | | |
| COMMON COUNCIL ACTION | | |
| RECEIPT OF REVIEW | | |
| APPROVAL | | |
| CONDITIONS: | | |
| DISAPPROVED | | |

2012 JUN 28 PM 1:25



The band was not included on the original application approved May 15th. The hours are the same as for the DJ.

RESOLUTION #57-2012

JULY 3, 2012

BY: COUNCILWOMAN SZUKALA

**RESOLUTION TO AMEND AND RESTATE
THE MODEL DEFERRED COMPENSATION PLAN**

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the **City of Dunkirk** (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, the **City of Dunkirk**, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the **City of Dunkirk**; and

WHEREAS, effective August 26, 2011, the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of RMDs for 2009.

- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the **City of Dunkirk** has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the **City of Dunkirk** by adopting the amended Model Plan; now, therefore, be it

RESOLVED, that the **City of Dunkirk** hereby amends the Deferred Compensation Plan for Employees of the City of Dunkirk by adopting the amended Model Plan effective August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

RESOLUTION #58-2012

July 3, 2012

By: Councilwoman Szukala

CONSENT TO APPOINTMENT OF CITY CLERK

WHEREAS, Section 2-10.02 of the City Code provides that the City Clerk shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-10.02 of the City Code, Mayor Anthony J. Dolce has appointed Lacy L. Lawrence, Dunkirk, New York, to the position of City Clerk and Registrar of Vital Statistics for the City of Dunkirk, subject to the consent of the Common Council, now, therefore, be it

RESOLVED, that Lacy L. Lawrence, be confirmed as City Clerk and Registrar of Vital Statistics for the City of Dunkirk, effective July 5, 2012, at the currently established rate of \$16.00 per hour, not to exceed thirty-five (35) hours per week.

RESOLUTION #59-2012
JULY 3, 2012

BY: COUNCILWOMAN SZUKALA AND COUNCILMAN RIVERA

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE
FOR POLICE DEPARTMENT THROUGH COUNTY CONTRACT**

WHEREAS, the City of Dunkirk Police Department is in need of one (1) new automobile for use by the Police Department, and

WHEREAS, one (1) suitable vehicle is available for purchase on County Contract Number GC2012-01, and

WHEREAS, sufficient funds are available in the Police Department' s Budget [Rent/Lease Account 001-3120-4150], and

WHEREAS, the cost of one (1) vehicle is \$27,093.00, from DeLacy Ford, Inc., now, therefore, be it

RESOLVED, that the Mayor is authorized and empowered to execute a two-year lease-to-purchase agreement, on behalf of the City of Dunkirk, with DeLacy Ford, Inc., 10361 Transit Road, Elma, New York 14059-0437, and/or Ford Motor Credit Company, for the purchase of one (1) Year 2013 Ford Police Interceptor for the sum of Twenty-Seven Thousand Ninety-Three Dollars and Zero Cents (\$27,093.00), with such funds to come from Account 001-3120-4150.

RESOLUTION #60-2012
JULY 3, 2012

BY: ENTIRE COUNCIL

**AUTHORIZING CHANGE FOR
FIRST AUGUST 2012 COMMON COUNCIL MEETING**

WHEREAS, the Common Council wishes to change the date of their first meeting in August, and

WHEREAS, the Tuesday, August 7th meeting will be changed to Monday, August 6th in order to enable participation in the **National Night Out** program, now, therefore, be it

RESOLVED, that the August 7, 2012 Common Council Meeting shall be re-scheduled to August 6, 2012, in order to enable participation in the **National Night Out** program.

RESOLUTION #61-2012
JULY 3, 2012

BY: COUNCILMAN RIVERA AND COUNCILWOMAN SZUKALA

**ESTABLISHING STANDARD WORK DAY AND
REPORTING RESOLUTION (NYS COMPTROLLER RS 2417-A)**

BE IT RESOLVED, that the City of Dunkirk, New York (Location Code 20012) hereby establishes the following as standard work days for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' Retirement System, based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

| Title | Name | SSN | Reg No | Standard Work Day (Hrs/day) | Term Begins/Ends | Participates in Employer's Time Keeping System (Y/N) | Days/Month (based on Record of Activities) | Tier 1 (Check only if member in Tier 1) | Not Submitted (Check box if no record of activities completed or time-keeping system) |
|----------------------------|------------------|------|--------|-----------------------------|------------------|--|--|---|---|
| Elected Officials | | | | | | | | | |
| ASSESSOR | THOMAS MILECZKO | XXXX | XXXX | 7 | 1/1/12-12/31/13 | Y | 26.46 | <input type="checkbox"/> | <input type="checkbox"/> |
| COUNCILMAN | BILL RIVERA | XXXX | XXXX | 6 | 1/1/12-12/31/13 | N | 7.28 | <input type="checkbox"/> | <input type="checkbox"/> |
| COUNCILWOMAN | STACY SZUKALA | XXXX | XXXX | 6 | 1/1/12-12/31/13 | N | 7.92 | <input type="checkbox"/> | <input type="checkbox"/> |
| MAYOR | ANTHONY J. DOLCE | XXXX | XXXX | 7 | 1/1/12-12/31/15 | N | 24.99 | <input type="checkbox"/> | <input type="checkbox"/> |
| TREASURER | MARK WOODS | XXXX | XXXX | 7 | 1/1/12-12/31/13 | Y | 26.82 | <input type="checkbox"/> | <input type="checkbox"/> |
| Appointed Officials | | | | | | | | | |
| ATTORNEY | RONALD A. SZOT | XXXX | XXXX | 7 | 1/1/12-12/31/15 | Y | 23.04 | <input type="checkbox"/> | <input type="checkbox"/> |
| CITY CLERK | LACY LAWRENCE | XXXX | XXXX | 6 | 1/1/12-12/31/15 | Y | 17.5 | <input type="checkbox"/> | <input type="checkbox"/> |
| DPW DIRECTOR | ANTHONY GUGINO | XXXX | XXXX | 7 | 1/1/12-12/31/15 | Y | 25.62 | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION #62-2012
JULY 3, 2012

BY: COUNCILMAN GONZALEZ

TRANSFERRING FUNDS FROM THE BILL CEASE FUND

WHEREAS, the Bill Cease Fund was created to support youth activities within the City of Dunkirk; and

WHEREAS, the City of Dunkirk currently has the funds available and designated for youth use in a reserve account; now, therefore, be it

RESOLVED, that a transfer not exceeding Five Hundred Dollars (\$500.00) be withdrawn in accordance with the terms of the reserve fund to contribute toward the Upward Bound Program; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this City, to accommodate the City's share of this project:

| <u>ACCOUNT NO.</u> | <u>LINE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|--------------------|----------------------------|-----------------|-----------------|
| 001-7140-4172 | Upward Bound Program | \$ 500.00 | |
| 001-0001-5031 | Interfund Transfer | 500.00 | |
| 070-0070-2403 | Reserve/Youth Programs | 500.00 | |
| 070-0070-9901-9000 | Transfer to General Fund | 500.00 | |
| 070-0070-0201-2010 | Recreation Cert of Deposit | | \$ 500.00 |
| 070-0070-9999 | Suspense – Recreation | 500.00 | |
| 070-0070-0200-2000 | Cash | | 500.00 |
| 070-0070-9901-9000 | Transfer to General Fund | 500.00 | |
| 001-0001-0200-2016 | Cash | 500.00 | |
| 001-0001-5031 | Interfund Transfer | | 500.00 |