

AGENDA - COMMON COUNCIL MEETING – July 16, 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 Naomi Gonzalez for permission to erect a tent at Wright Park on July 27th from Noon until closing.
 2. Request from Pillar of Fire Fellowship to host a Christian Hip-hop and R&B concert in Washington Park on August 17th from 3:00 PM until 6:00 PM.
 3. Request from the First Ward Falcon Club to close S. Serval Street between Lake Shore Drive and Chestnut Street on August 30th, August 31st & September 1st from 5:00 PM to midnight for their annual Labor Day activities.
 4. Notice of claim from:
 - a) Theresa Hamlet for injuries allegedly sustained due to a fall on the sidewalk of 338 Central Avenue.
 - b) Kimberly Ruiz for damages to vehicle allegedly sustained due to a softball at Wright Park Little League Field.
 5. Loudspeaker applications from:
 - a) Pillar of Fire Fellowship to use a sound system in Washington Park on August 17th from 3:00 PM until 6:00 PM.
 - b) Loudspeaker application from the First Ward Falcon Club for live music on August 30th, August 31st & September 1st from 5:00 PM to midnight for their annual Labor Day Street Dance.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 42. Resolution authorizing City of Dunkirk Local Share (2013) Chadwick Bay Regional Development Corporation.
9. Pre-filed Resolutions:
 44. Resolution authorizing change for First August 2013 Common Council Meeting.

45. Resolution authorizing Shared Services Agreement Extension for Police Services. (Town of Dunkirk)
46. Resolution authorizing Agreement for Independent Contractor (Housing, Building & Zoning Enforcement Department).
47. Resolution authorizing Shared Services Agreement for Firearm Safe-keeping. (Village of Silver Creek).
48. Resolution authorizing submission of FY 2013 CDBG Annual Action Plan (Amended) to HUD.
49. Resolution authorizing a Five Year Consolidated Plan (Amended) to HUD.
50. Resolution authorizing support for Regional Water District.
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk

*Naomi Gonzalez
427 Deer Street
Dunkirk, New York 14048
(716) 366-0954
Ngulbucta@yahoo.com*

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2013 JUN 26 PM 4:32

June 26, 2013

Dear Member of Common Council

*I Naomi Gonzalez of 427 Deer St Dunkirk N.Y. 14048
am writing this letter to ask for your permission to put
up a Tent at the **WRIGHT PARK** on July 27, 2013 for
a Family Reunion .*

Tents size will be 20 X 30

Time around 12:00pm - till closing

*Our family member will be about 75 - 100 people
including children. I try to make reservation for the
pavilion but was unable to because I waited to late and it
was book up but I need to make sure that my family was
able to make it. Please except my letter into your
meeting for approval. Thank you*

Sincerely,

Naomi Gonzalez

*3 Pavilions rented
2 other events-*

To Whom It May Concern,

6-26-2013

On August 17, 2013 it is our hope to host a Christian Hip-hop and R&B Concert in Washington Park from 3:00pm to 6:00pm. This concert would be open to the public, and local church groups will be invited. This music performed has a positive message and is meant to appeal to the younger generations of our City. It would provide an opportunity for teens to come and congregate in a safe environment and to enjoy some clean fun.

The groups performing at this event would be artists from Rochester, NY including the group Remade from Elim Bible Institute, David D-Will Williams, artist Aidan Davies, artist Andy Mineo, and artist John Stiles a former American Idol contestant. All of these men are passionate about working with young men to encourage them to make positive choices in their lives. They all bring a powerful message in their music, and I believe it is a message worth hearing by the young people in Dunkirk.

The event will be sponsored by Pillar of Fire Fellowship and we have local businesses that are willing to sponsor the event as well.

Thank you for your time and consideration on this matter.

We look forward to hearing from you.

Sincerely,



Hannah Wentz
Event Coordinator
Pillar of Fire Fellowship
10880 S Roberts Rd.
Dunkirk, NY 14048



It will need electricity

*- Stage possible depending on stage/mineo
& Location*

TBD.

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

JUL 11 AM 9:16

July 8, 2013

City of Dunkirk, Common Council
342 Central Avenue
Dunkirk, NY 14048

Mayor Dolce & Common Council Members:

The First Ward Falcon Club is requesting permission to close South Serval Street, between Lake Shore Drive East and Chestnut Street, to all traffic on Friday Aug. 30th, Sat. Aug. 31st, and Sun. Sept. 1st. The closing would take place between the hours of 5pm and midnight each day. The reason for this request is so that we may hold our annual Labor Day Street Dance.

At this time we would also like to request the use of barricades at each intersection to accomplish the street closing and also the use of garbage cans for our parking lot.

Be it known that no activities will take place directly in the street; this closing is to ensure the safety of our patrons. Any questions please feel free to contact me at (716) 952-7104.

Thank you,



William J. Barnes, President

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: Theresa M. Hamlet
Claimant Address: PO BOX 41
Shenando, NY 14135
Claimant Telephone Number: (716) 673-1197

This claim is for (injuries/damages alleged): Injury occurred on uneven sidewalk in front of 338 Central Ave. (Dunkirk, NY).
Possible "boxer" fracture of the fifth metacarpal on right hand, contusion (right jaw), contusion (right shoulder), and brush-burns on right arm.

This claim is alleged to have arisen on the 10 day of July, 2013 approximately 9 a.m./p.m. on that date at 338 Central Ave.

The injuries and/or damages sustained by the Claimant arose in the following manner:
Walking to work and tripped on uneven sidewalk.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Right hand, right arm, right shoulder, and right jaw
(see above for details).

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

Respectfully yours,

Theresa M Hamlet 7-10-13
Claimant (date)

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

Theresa Hamlet 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
10th day of July, 2013.

Jena Willebrandt
Notary

JENA WILLEBRANDT
Notary Public, State of New York
No. 01WI6065864
Qualified in Chautauqua County
Commission Expires 10-29-2013

2013 JUL 10 PM 2:37
RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

366-9866

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: Kimberly Ruiz
Claimant Address: 581 Deer St.
Dunkirk, NY 14048
Claimant Telephone Number: (716) 680-1772

This claim is for (injuries/damages alleged): dent and cracked paint to right fender of car.

This claim is alleged to have arisen on the mon day of July 8, 2013 at approximately 7¹⁵ a.m./p.m) on that date at Wright park (at field) across from school 7 field

The injuries and/or damages sustained by the Claimant arose in the following manner: my car was hit during Labside + Rookies softball game. The ball hit my car denting + cracking the paint of my front fender. umpires during game were Boney + DePasquale. My car was parked at village field + my wife was playing at school 7 field.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Had estimate from Ehrhart + Callison (paper attached)

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

Respectfully yours, Kimberly Ruiz
Claimant (date) 7/9/13

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
JUL 10 PM 12:13

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

Kimberly Ruiz, 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.

Katie Reilly
Notary

KATIE REILLY
Notary Public, State of New York
No. 01RE6209026
Qualified in Chautauqua County
Commission Expires July 13, 2017

Sworn to before me this
11 day of July, 2013.

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

DATE OF APPLICATION (must be 30 days Prior to event): 6/27/13

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

DATE: 8/17/2013 TIME: 3-6pm LOCATION OF EVENT: Washington Park

SPONSOR: Pittsford Fire Fellowship - Pillar of Fire Fellowship

NAME: Hannah Wentz PHONE NO. 716-679-8490

ADDRESS: 10880 S Roberts Rd Dunkirk NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Hannah Wentz PHONE: 716-679-8490

ADDRESS: 10880 S Roberts Rd Dunkirk

REASON: public concert for young people around Washington Park

AUDIO DEVICE TO BE USED: Sound 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-

Signature: Hannah Wentz

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
JUN 27 PM 1:58

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>OK 6/27/13</u>		
DEPT OF PUBLIC WORKS		
DEPT OF LAW <u>OK 6/27/13</u>		
OTHER <u>7-2-13</u>		

Councilwoman-at-large Kiyak advised this application has been tabled until the next Common Council Meeting.
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): 7/11/13

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

DATE: 8/30 - 9/1 TIME: 7pm - 11pm LOCATION OF EVENT: FIRST WARD FALCONS

SPONSOR:

NAME: FIRST WARD FALCONS PHONE NO. 366-5797
ADDRESS: 341-343 LAKE SHORE DR. E
ROCKAWAY NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: BILL BARNEZ (PRESIDENT) PHONE: 952-7104
ADDRESS: 61 BURGESS ST SILVER CROCK

REASON:

LABOR DAY STREET DANCE

AUDIO DEVICE TO BE USED:

BOARDS SOUND SYSTEM

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF: DOOR TO DOOR
 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. <u>KAC 7/11/13</u>		
DEPT OF PUBLIC WORKS <u>OST 7/12/13</u>		
DEPT OF LAW <u>D&S 7/11/13</u>		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RECEIVED
CLERK'S OFFICE
BROOKLYN, N.Y.
JUL 11 AM 9:40

UNFINISHED BUSINESS:

RESOLUTION #42-2013

JULY 2, 2013

BY COUNCILMEN MICHALSKI and RIVERA

**AUTHORIZING CITY OF DUNKIRK LOCAL SHARE (2013)
CHADWICK BAY REGIONAL DEVELOPMENT CORPORATION**

WHEREAS, the City of Dunkirk has been a participant in the Chadwick Bay Regional Development Corporation (the "C BRDC"); and

WHEREAS, each participating municipality is levied an annual *per capita* local share (\$.50 *per capita*) for membership in the CBRDC; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to release the City of Dunkirk' s local share (2013) for the Chadwick Bay Regional Development Corporation in the amount of \$6,281.50.

Councilman Rivera moved to table this Resolution to the next Common Council meeting to be held on July 16, 2013. Seconded by Councilwoman Szukala.

Carried, all voting aye. TABLED.

RESOLUTION #44-2013
JULY 16, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CHANGE FOR
FIRST AUGUST 2013 COMMON COUNCIL MEETING**

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

WHEREAS, the Tuesday, August 6th meeting will be changed to Monday, August 5th in order to enable participation in the **National Night Out** program, now, therefore, be it

RESOLVED, that the August 6, 2013 Common Council Meeting shall be re-scheduled to August 5, 2013, in order to enable participation in the **National Night Out** program, with the pre-file date to be Wednesday, July 31, 2013.

RESOLUTION #45-2013
JULY 16, 2013

BY: THE ENTIRE COUNCIL

**AUTHORIZING SHARED SERVICES AGREEMENT EXTENSION
FOR POLICE SERVICES
(TOWN OF DUNKIRK)**

WHEREAS, the City of Dunkirk, by Resolution No. 68-2012 (August 6, 2012), and the Town of Dunkirk entered in to a shared services agreement for certain police services, which was extended by Resolution No. 117-2012 (December 2012); and

WHEREAS, the City and Town desire to extend the mutually-beneficial agreement through 2014; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Town of Dunkirk for police services, from July 1, 2013 through December 31, 2014, at a cost of One Thousand Six Hundred Dollars and Zero Cents (\$1,600.00) per month for July-December, 2013 and One Thousand Seven Hundred Dollars and Zero Cents (\$1,700.00) per month for January-December, 2014.

RESOLUTION #46-2013
JULY 16, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR
(Housing, Building & Zoning Enforcement Department)

WHEREAS, the City of Dunkirk, through its Housing, Building & Zoning Enforcement Department (the "Department") has a need for assistance with various projects; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Wendy Spinuzza is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **WENDY SPINUZZA**, 175 Eagle Street, Fredonia, New York 14063, as an independent contractor to provide independent contracting services and assistance with various projects commencing August 1, 2013, and extending through September 30, 2013, with payment of Seventeen Dollars and Fifty Cents (\$17.50) per hour up to thirty-five (35) hours per week, contingent upon such being made available, with such funds drawn from Account No. 001-3620-4440.

RESOLUTION #47-2013
JULY 16, 2013

BY COUNCILWOMAN SZUKALA:

**AUTHORIZING SHARED SERVICES AGREEMENT FOR FIREARM SAFE-KEEPING
(VILLAGE OF SILVER CREEK)**

WHEREAS, the Village of Silver Creek (Village) no longer actively maintains a local police department, with primary law enforcement duties being fulfilled by the Sheriff of the County of Chautauqua; and

WHEREAS, the Village desires, in the interest of public safety, to have certain firearms which the Village owns stored in a safe and secure location; and

WHEREAS, the City of Dunkirk and its municipal Police Department has available and adequate space for the safe and secure storage of such firearms for the Village; and

WHEREAS, under Article 5-G of the General Municipal Law of the State of New York, both the City and Village are authorized to enter into a municipal cooperation agreement; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents necessary for a shared services agreement with the Village of Silver Creek, New York, for the temporary storage and safe-keeping of certain firearms owned by the Village.

RESOLUTION #48-2013

JULY 16, 2013

BY COUNCILWOMAN SZUKALA:

SUBMISSION OF FY 2013 CDBG ANNUAL ACTION PLAN (Amended) TO HUD

WHEREAS, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program; and

WHEREAS, the City develops an *Annual Action Plan* each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year; and

WHEREAS, by Resolution No. 11-2013 (February 5, 2013), this Council approved submission to HUD a FY 2013 CDBG Annual Action Plan which has been amended; and

WHEREAS, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three public meetings, two technical assistance sessions, and a thirty-day public review and comment period has been afforded City residents; now, therefore, be it

RESOLVED, the following activities have been included in the 2013 Annual Action Plan (amended) submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

Public Facilities/ Infrastructure Improvements	Infrastructure	\$ 169,925.00	\$ 179,925.00
	Sr Ctr Repairs	\$ 10,000.00	
Housing	Housing	\$ 132,500.00	\$ 132,500.00
Other	Demolition	\$ 77,500.00	\$ 77,500.00
Public Service	Meals On Wheels	\$ 6,000.00	\$ 6,000.00
Admin/Planning	Administration	\$ 90,000.00	\$ 90,000.00
Total			\$ 485,925.00

RESOLUTION #49-2013
JULY 16, 2013

BY COUNCILWOMAN SZUKALA:

AUTHORIZING A FIVE YEAR CONSOLIDATED PLAN (Amended) TO HUD

WHEREAS, the City of Dunkirk is required to submit a Consolidated Plan to HUD every five years laying out proposed activities to address a variety of community needs; and

WHEREAS, by Resolution No. 10-2013 (February 5, 2013), this Council authorized submission of the City' s 2013-2018 Consolidated Plan to HUD, which has been amended; and

WHEREAS, the City conducted a series of community meetings and focus groups to assess those needs, and gather information on how to address community needs, now, therefore, be it

RESOLVED, that the Common Council hereby authorizes the Mayor to submit the 2013-2018 Consolidated Plan (Amended) to HUD.

RESOLUTION #50-2013
JULY 16, 2013

BY COUNCILMEN MICHALSKI, RIVERA, GONZALEZ:

SUPPORT FOR REGIONAL WATER DISTRICT

WHEREAS, Governor Andrew Cuomo, as part of his strategy to jumpstart New York State's economy and create jobs, has created ten Regional Economic Development Councils; and

WHEREAS, as part of the Regional Economic Development strategy, a unified funding process, the Consolidated Funding Application, has been developed and made available to distribute grant funds for job creation and regionally significant economic development projects; and

WHEREAS, in 2008 a comprehensive municipal water supply needs assessment was conducted by the Chautauqua County Department of Health for all the northern Chautauqua County communities (except for the Village of Silver Creek and the Town of Hanover), which found that immediate improvements are needed at the water filtration plants and storage and distribution facilities in every one of the region's communities; and

WHEREAS, in a 2010 Regional Water Feasibility Report and subsequent updates, funded by the Chadwick Bay Regional Development Corporation and contributions from the seven participating municipalities (not including the Village of Silver Creek and the Town of Hanover), it was determined that future upgrades to the region's water treatment plants and major storage and transmission lines to be in excess of \$70 million, if pursued separately by each community; and

WHEREAS, the 2010 Regional Water Feasibility Report estimated a regional water approach to delivering water service to the area, including expanded service to the Village of Silver Creek and the Town of Hanover, could reduce the costs of needed improvements, by an estimated \$32 million to \$35 million; and

WHEREAS, the combined northern Chautauqua municipalities supply water to approximately 43,000 residential users and a unique cluster of commercial tourist related industries, major Western New York food processors, and colleges, all whom are large water users with a combined direct labor workforce of over 5,000 employees, and who have repeatedly stressed the critical need for a stable, cost effective and reliable supply of water to ensure their continued presence and, in some cases, possible expansion in the area in the future; and

WHEREAS, the delivery of safe, dependable, good quality water is vital to the economy of northern Chautauqua County, and will support agricultural producers and agricultural-related and supporting industries throughout Western New York; and

WHEREAS, after much deliberation, the City of Dunkirk Common Council has determined it is advantageous to join together, with the assistance of Chautauqua County, to seek to create a northern Chautauqua County regional county water district; now, therefore, be it

RESOLVED, that the City of Dunkirk hereby supports the County of Chautauqua as the lead applicant to submit a grant application, on behalf of the County of Chautauqua and the northern Chautauqua County communities, in the amount of \$38 million to the New York State Consolidated Funding Application of the Western New York Regional Economic Development Council for the purpose of exploring the establishment of a northern Chautauqua County regional water district, and it is further

RESOLVED, that the City Clerk is hereby authorized and directed to forward a certified copy of this adopted resolution to the Office of the Chautauqua County Executive and the Clerk of the Chautauqua County Legislature.