

AGENDA - COMMON COUNCIL MEETING – August 6, 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.
 1. Re-appointment of Danny McGill to the Dunkirk Housing Authority Board effective August 6, 2012 and expiring July 11, 2017.
 2. Appointing Danny McGill, Christa Haynes, Ed Eaker, Paula Arntz, Jim Bunge and John LaMattina to the Dunkirk Cable T.V. and Communications Advisory Board effective August 6, 2012 and expiring July 2, 2014. Also appointing Councilman Bill Rivera as an Ex-Officio member of the board.
6. Communications from the public and petitions:
 1. Request from Putnam Record Insurance Agency requesting a written proclamation from the Mayor and the Mayor's presence on September 8th for their first annual "Safety Saturday". Also requesting to use 30 orange cones and 8 wooden barriers.
 2. Request from "Relay for Life" team Lucky 777 to use 15 to 20 picnic tables and the use of the city's electronic sign on the Dunkirk Boardwalk on September 23rd.
 3. Request from Joseph Gullo III to use the corners of Central Avenue and Fourth Street on August 31st from 9:00 AM until 3:00 PM, Central Avenue and Fifth Street and West Doughty Street in front of Hose #4 Fire Hall on September 1st and 2nd from 8:00 AM until 3:00 PM for their annual "Muscular Dystrophy Association Telethon".
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 64. Resolution authorizing contract with Family Services of the Chautauqua Region, Inc., for the Employee Assistance Program (EAP) (August 1, 2012 through July 31, 2013).
 65. Resolution authorizing a contract extension to S. St. George Enterprises, Inc. for the First Ward Waterline Contract.
 66. Resolution authorizing the implementation, and funding in the first instance 100% of the Federal-Aid and State "Marchiselli" Program-Aid eligible costs, of a Transportation Federal-Aid Project, and appropriating funds therefore.

67. Resolution authorizing Terminable Lease Agreement (Lark Street Parking).
 68. Resolution authorizing Shared Services Agreement for Police Services (Town of Dunkirk).
 69. Resolution authorizing Budget Line Transfers:
-
10. New Business:
 11. Adjournment.

Lacy L. Lawrence
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

July 25, 2012

2012 JUL 25 AM 10:53
CITY OF DUNKIRK
CLERK'S OFFICE
DUNKIRK, N.Y.

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby re-appointment Danny McGill of 111 Sisson Street, Dunkirk, New York to the Dunkirk Housing Authority Board. This appointment is effective August 6, 2012 and will expire July 11, 2017.

Thank you.

Sincerely,

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: City Clerk
Personnel
Dunkirk Housing Authority



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

August 1, 2012

2012 AUG - 1 PM 2:36

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

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments to the Dunkirk Cable T.V. and Communications Advisory Board. These appointments shall be effective August 6, 2012 and will expire July 2, 2014.

Danny McGill	111 Sisson Street, Dunkirk
Christa Haynes	563 S. Roberts Rd., Dunkirk
Ed Eaker	228 King Street, Dunkirk
Paula Arntz	113 S. Margay Street, Dunkirk
Jim Bunge	721 Eagle Street, Dunkirk
John LaMattina	418 Robin Street, Dunkirk

I also appoint Councilman Bill Rivera as an Ex-Officio member of the board

Very truly yours,

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: City Clerk
Personnel
Cable TV Advisory Board



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RECEIVED

JUL 20 2012

MAYOR'S OFFICE

July 19, 2012

Mayor Dolce
342 Central Avenue
Dunkirk, NY 14408

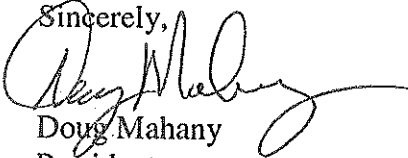
Dear Mayor Dolce:

Our office is excited to be conducting our first annual "Safety Saturday" which will be held from 10am-2pm on September 8, 2012. Dunkirk Fire Department will be having Safety Demonstration, the Dunkirk Police Department will be overseeing the child finger printing kits, NYS Police Department will be checking car seats to ensure they are properly installed, and Rich Goodman of Wheel People will be discussing bicycle safety.

This letter serves as a written request that you are able to attend and provide a written proclamation. We are also going to need approximately 30 orange cones, and 8 wooden barriers to help block off the back parking lot our office. If approved at the council meeting, we would like to have them delivered to the back lot of our office by 8:45am on the day of the event or the day before.

I have included a copy of the flyer we are using to advertise this event. We appreciate your collaboration in making this event a success. Our office will be contacting you in a week to confirm you have received this letter and have reserved that day for us.

We look forward to seeing you in September.

Sincerely,

Doug Mahany
President

2012 JUL 25 AM 10:53
DUNKIRK, N.Y.

July 23, 2012

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2012 JUL 25 AM 10:54

RECEIVED
JUL 24 2012
MAYOR'S OFFICE

Dear Mayor Dolce,

On Sunday September 23, 2012, "Relay for Life" team Lucky 777's (for the American Cancer Society) will be hosting a Buffalo Bills Tailgate party on the Dunkirk Boardwalk. Our party will begin at noon and run throughout the afternoon during the Bills vs. Cleveland Browns game.

We will be having a Chinese Auction, 50/50 raffle, children's games, raffles and food. As last year, we plan on having a tent set up with large screen TV's available to watch the game.

We would like to ask the City to help us by providing picnic tables for the day. Last year we had between 15 to 20 tables delivered. Also the help of the electronic sign would be a great help in letting the public know that this event is taking place that day.

All of the stores on the Boardwalk are aware of this tailgate party and are being very supportive.

Last year's party was a huge success even though the weather was horrible. We are praying for a nice sunny day this year so that we may be able to do even better than last year.

We want to thank you in advance for your help and support on this project. Hopefully someday we will all be able to say that we helped in some way to find a cure for this awful disease.

If you have any questions, feel free to call Jana Tarnowski at 366-7292.

Thank you,

Team Lucky 777 (Relay for Life, American Cancer Society)

Jana Tarnowski, 10848 S. Roberts Rd., Dunkirk NY



Hey, Joe...
Are we ready to start
raising \$\$ for
Jerry's Kids??

2012 JUL 31 PM 12:50
DUNKIRK'S OFFICE
DUNKIRK, N.Y.

Sure thing, Jerry.....
Let's do it!!!



31 JUL 12

Joseph C. Gullo III
5497 E. Main Rd. (Rt. 20)
Brocton, NY 14716
716-792-7943

Dear Mayor Dolce + Dunkirk Common Council,
THE DUNKIRK/FREDONIA MDA COM. SEEKS PERMISSION TO USE THE
Following sites AS OUR collection points for our ANNUAL MDA TELETHON, ALSO KNOWN
AS THE "JERRY LEWIS MDA TELETHON". FUNDS COLLECTED ARE USED FOR RESEARCH +
COMFORT OF PATIENTS AFFLICTED WITH THE 43 TYPES OF MUSCULAR DYSTROPHY.
DUNKIRK N.Y. HAS PLAYED A KEY ROLE IN THIS TELETHON SINCE 1948. AND WE
ARE + ALWAYS WILL BE PROUD TO PROCLAIM DUNKIRK N.Y. AS SATELITE STATION # 1.
THE SITES ARE: CENTRAL AVE + 4TH ST'S, TO BE USED BY THE IAFF #616
(DUNKIRK PROFESSIONAL FIRE FIGHTERS) ON FRIDAY 31 AUG 12, FROM 0900 HRS - 1500 HRS.
CENTRAL AVE + 4TH ST'S TO BE USED BY CITIZENS HOSE CO # 2
VOL. FIRE FIGHTERS, ON 01 SEP + 02 SEP 12, FROM 0800 HRS - 1500 HRS
DOUGHERY ST, IN FRONT OF MURRAY HOSE CO # 4, DUNKIRK NY
BY MEMBERS OF MURRAY HOSE CO # 4, ON 01 SEP + 02 SEP 12 FROM 0800 HRS - 1500 HRS.
WE, DK/FRED MDA WILL PROVIDE INSURANCE THRU OUR MDA OFFICE IN BUFFALO NY.
ON BEHALF OF "JERRY + HIS KIDS", WE THANK YOU + MAY THE GOOD LORD ABOVE, BLESS
YOU ALL FOR YOUR HELP.

Joseph C Gullo III
Dunkirk/Fredonia, MDA COORDINATOR.



MDA LABOR DAY TELETHON

Muscular Dystrophy Associations of America, Inc.

Jerry Lewis
National Chairman

Leslie Ludwiszewski
Dunkirk-Fredonia Telethon

Thomas Dickerson
Dunkirk-Fredonia Telethon

Christa Haynes
Public Access Channel 12

RESOLUTION #64-2012
AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CONTRACT WITH
FAMILY SERVICE OF THE CHAUTAUQUA REGION, INC.,
FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP)
(AUGUST 1, 2012 THROUGH JULY 31, 2013)**

WHEREAS, Family Service of the Chautauqua Region, Inc., located in Jamestown, New York, has developed a comprehensive education and counseling program servicing employees, retirees, and the employees' immediate family members; and

WHEREAS, the contract will be for the period of August 1, 2012 through July 31, 2013; and

WHEREAS, the total cost for the twelve-month program will be Three Thousand Four Hundred Twenty-Five Dollars (\$3,425.00), which is a decrease of Two Hundred Fifty Dollars (\$250.00) from the previous years' contract; and

WHEREAS, funds were budgeted for this item in the 2012 Budget; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and empowered to execute a contract, on behalf of the City of Dunkirk, with Family Service of the Chautauqua Region, Inc., located in Jamestown, New York, for the provision of an Employee Assistance Program to cover eligible City employees for the period from August 1, 2012 through July 31, 2013; and, be it finally

RESOLVED, that the funds for the above will come from Account #001-1430-4036 Personnel Department Employee Services EAP.

RESOLUTION #65-2012
AUGUST 6, 2012

BY COUNCILMAN MICHALSKI:

**AUTHORIZING A CONTRACT EXTENSION TO S. ST. GEORGE ENTERPRISES, INC.
FOR THE FIRST WARD WATERLINE CONTRACT**

WHEREAS, S. St. George Enterprises, Inc., was awarded the contract for the First Ward Waterline Replacement Project on December 20, 2011, which contract included a substantial completion date of August 4, 2012, and

WHEREAS, issues during construction have delayed progress including heavy shale deposits in select areas, the necessary removal of several bridge abutments along the waterline alignment, existing gate valve condition and operating problems among others, have necessitated the request for a contract extension, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute contract extension change order #1 with S. St. George Enterprises, Inc., for the First Ward Waterline Replacement Project, which extends both the substantial and final contract completion dates a total of 27 calendar days from the original dates at no cost to the City. The new substantial completion date is extended from August 4, 2012 to August 31, 2012. Substantial completion includes all contract items with the exception of lawn restoration.

RESOLUTION #66-2012

AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE
100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Reconstruction of West Fourth Street, from Central Avenue to Brigham Road, in the City of Dunkirk, Chautauqua County, PIN 5756.13 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Dunkirk desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases of the Project, PIN 5756.13; now, therefore, the City Council of the City of Dunkirk, duly convened does hereby

RESOLVE, that the City Council of the City of Dunkirk, hereby approves the above subject project; and, it is hereby further

RESOLVED, that the City Council of the City of Dunkirk hereby authorizes the City of Dunkirk to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases of the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$826,000 has been appropriated from the reserved fund balance for the project's Preliminary Engineering (Scoping & Design I & VI), Right-of-Way Incidentals and Construction & Construction Inspection phases via City Resolution Nos. 122-2002 (\$320,000) and 65-2005, (\$506,000) adopted on August 5th, 2002 and July 19th, 2005, respectively, and made available to cover the cost of participation in the above phases of the Project; and, it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases exceeds the amount appropriated, \$826,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Construction & Construction Inspection phases exceeds \$3,119,718, the City of Dunkirk shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and, it is further

RESOLVED, that the Mayor of the City of Dunkirk is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Dunkirk, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs, and all Project costs within appropriations therefore that are not so eligible; and, it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, this Resolution shall take effect immediately.

RESOLUTION #67-2012
AUGUST 6, 2012

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING TERMINABLE LEASE AGREEMENT
(LARK STREET PARKING)**

WHEREAS, the City of Dunkirk owns and maintains certain premises utilized as a parking lot in the 400 block of Lark Street; and

WHEREAS, Robert W. Curry requires the use of up to twelve (12) parking spaces in order to provide additional inducement to the State of New York to lease certain premises located at 405-407 Central Avenue, Dunkirk, New York 14048, which are owned by Curry in the City' s downtown district, with such parking spaces to be utilized by the business tenants of Curry; and

WHEREAS, it would be in the best interests of the City of Dunkirk to enter into a terminable lease Agreement with Curry for the use of Curry' s business tenants, invitees and guests on a non-exclusive basis; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter in to a Terminable Lease Agreement with Robert W. Curry, 68 Greco Lane, Dunkirk, New York 14048, for the non-exclusive and terminable use of up to twelve (12) parking spaces for a period of Five (5) years, at a charge of Fifty Dollars (\$50.00) per month.

RESOLUTION #68-2012
AUGUST 6, 2012

BY: THE ENTIRE COUNCIL

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

WHEREAS, the Town of Dunkirk has no local police department and primary law enforcement duties are fulfilled by the Sheriff of the County of Chautauqua and the New York State Police; and

WHEREAS, the Town desires to have some additional police patrol and presence, which is secondary and accessory to the primary law enforcement agencies in the Town; and

WHEREAS, the City of Dunkirk has a municipal police department responsible for law enforcement within the City of Dunkirk; and

WHEREAS, the City of Dunkirk is adjacent to and bounded by the Town of Dunkirk on both the east and west borders; and

WHEREAS, the City has capacity to provide limited, secondary and accessory police patrols in the Town; and

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

WHEREAS, it is in the best interests of the City to provide such limited, secondary and accessory police patrols in the Town through the end of 2012; 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, through the end of 2012, at a cost of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) per month.

RESOLUTION #69-2012
AUGUST 6, 2012

BY: COUNCILMAN MICHALSKI

AUTHORIZING BUDGET LINE TRANSFERS

WHEREAS, some expenses have exceeded some budget lines for FY 2012, as well as some appropriates have surpluses for FY 2012; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:

<u>ACCOUNT NO.</u>	<u>DEPT.</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-6772-4036	Sr Citz Contr Svcs	\$ 3,072.75	
001-1900-1990	Contingency Allow		\$ 3,072.75
001-6772-1000	Sr Citz Pers Svc	760.75	
001-6772-4102	Sr Citz Rec Activities		760.75
001-1620-1001	C Hall Bldg – Pers OT	747.46	
001-1620-4036	C Hall Bldg – Cont Svc		747.46
003-8135-1001	Pre-Treat – Pers OT	991.92	
003-8135-4036	Pre-Treat – Cont Svc		991.92