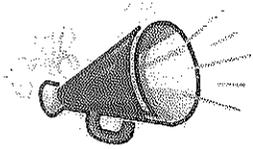


AGENDA - COMMON COUNCIL MEETING – August 20, 2013 - 5:30 P.M.
REGULAR MEETING

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 Dunkirk Midget Football League to use the corners of 4th Street and Central Ave., Central Avenue and 5th Street, 4th Street and Main Street and W. Doughty Street near the Firehall to conduct a "Tag Day" fundraiser on September 21st from 9:00 AM until 3:00 PM.
 2. Request from Joseph Gullo III to use the corners of Central Avenue and Fourth Street on August 30th from 9:00 AM until 4:00 PM, Central Avenue and Fourth Street and West Doughty Street in front of Hose #4 Fire Hall on August 31st and September 1st from 8:00 AM until 4:00 PM for their annual "Muscular Dystrophy Association Telethon".
 3. Request from Alan Gens, Director of Athletics for police coverage on September 20th, 27th, October 4th & 18th, for their Fall Season sporting events.
 4. Request from Les Johnson owner of Hollyloft Ski and Bike for use of Memorial Park on Wednesday August 21st from 5:00pm until 8:00pm for a specialized bicycle demonstration.
 5. Request from Ramon Ramos Sr. of DK Bandits Motorcycle Club for use of Washington Park on Saturday, August 24th from 1:00PM until 4:00PM for a community school supply/back to school give-away for children in need in the community.
 6. Prior notice from Chris Dillenburg for a dangerous tree adjacent to her property on 235 Lord Street.
 7. Notice of Claim from:
 - a) Carmen Rivera for injuries allegedly sustained due to the sidewalk on Ruggles Street.
 - b) Dawn Wood for damages allegedly sustained to her vehicle from a manhole cover while driving on Brigham Road.
 - c) Cornelia Helwig for damages allegedly sustained to her vehicle while driving by the water tower on Willowbrook Road.

8. Loudspeaker applications from:
 - a) DK Bandits Motorcycle Club to use DJ System at Washington Park on August 24th from 1:00 PM until 4:00 PM.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 54. Resolution authorizing agreement for Senior Aide through Senior Aide Program sponsored by Chautauqua County.
 55. Resolution authorizing School Resource Officer Agreement (Dunkirk City School District).
 56. Resolution authorizing Vending Machine Terminable License Agreement (Steven Sek d/b/a Lakeside Vending).
 57. Resolution authorizing participation in Sex Offender Compliance and Enforcement Program (Department of Justice).
 58. Resolution authorizing Employee Assistance Program Contract (Family Service of the Chautauqua Region, Inc.) August 1, 2013 through July 31, 2015.
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk



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 to 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, September 21st from 9:00am to 3:00pm. 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

We are also looking to see if we could get the approval to place an additional collection station at the intersection of 4th and Main Street. Due to traffic in the area, we would be posted on the 4th street side versus on Main Street. That way we could be evenly distributed within the city and could maximize our potential in raising funds for our organization.

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

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
SEP 21 9 55 AM '07



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CLERK'S OFFICE
DUNKIRK, N.Y.
11-5 PM 12:13

PLEASE REPLY TO:

P.O. Box 616

Dunkirk, NY 14048

716-792-7943 Home

716-969-4609 Joe's Cell

716-969-2653 Sue's Cell

August 6, 2013

City of Dunkirk Mayor A.J. Dolce
City of Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Mayor Dolce and Common Council Members:

Another year has past and we once again come to you for your permission to hold our annual Muscular Dystrophy Boot Drive in the City of Dunkirk.

This year we would like permission for IAFF members to collect on the corners of Central Ave. and Fourth St. on Friday, August 30, 2013 from 9 a.m. until 4 p.m.; and Murray Hose #4 and its volunteers to collect on Doughty Street, in front of the Fire Hall, near the corner of Rt. 60 and Hose #2 members and its volunteers to collect on the corners of Central Ave. and Fourth St. on Saturday, August 31, 2013 from 8 a.m. until 4 p.m. and also on Sunday, September 1, 2013 from 8 a.m. until 4 p.m. The Muscular Dystrophy Association will once again provide insurance coverage.

Once again, on behalf of "Jerry Kids" and ourselves, We thank you! May the Good Lord above Bless you and continue to Bless this America that we love so very much.

Joseph C. Gullo III

Susan M. Gullo

Dunkirk-Fredonia MDA Coordinators

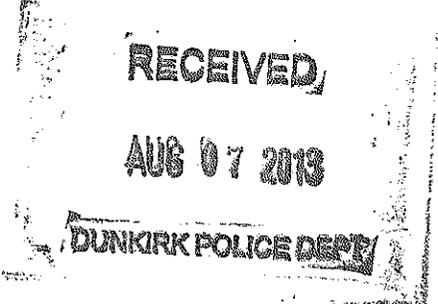
Muscular Dystrophy Associations of America, Inc.



DUNKIRK CITY SCHOOL DISTRICT

620 Marauder Drive
Dunkirk, New York 14048
Telephone (716) 366-9300
Fax (716) 366-9399

MR. KENNETH KOZLOWSKI
President
Board of Education
MR. GARY CERNE
Superintendent



8/7/2013

Chief Ortolano:

We would like to request additional police officers for coverage of the following home football games for the 2013 Fall season:

- Friday, September 20th vs. Pioneer – 7:00 – 10:00pm – SRO plus 2
- Friday, September 27th vs. Olean – 7:00 – 10:00pm – SRO plus 2
- Friday, October 4th vs. Depew – 7:00 – 10:00pm (Homecoming) – SRO plus 3
- Friday, October 18th vs. Fredonia – 7:00 – 10:00pm – SRO plus 3

Thank you in advance and we appreciate all you and your force do for the City of Dunkirk and the Dunkirk City School District.

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 7 PM 12:42

Respectfully,

Al Gens
Director of Athletics

HOLLYLOFT SKI AND BIKE



600 Fairmount Ave. W.E.
Jamestown, New York 14701

716-483-2330 Fax 716-483-1942

e-mail -- info@hollyloft.com web site -- www.hollyloft.com



August 10, 2013

Dunkirk City Council
Dunkirk, New York
Dear Councilmen,

I am Les Johnson from Hollyloft Ski and Bike, 600 Fairmount Ave. Jamestown. I am writing as per a phone conversation with your city clerk, Lacy. I would like permission to use part of the city park adjacent to the Dunkirk Pier, Wednesday, August 21. We would like to set up a Specialized bicycle demo evening to showcase the Specialized bicycle line to your area. High end demonstrator bicycles will be available to approved bike riders for a short duration to test the new models in the Specialized road bike line. Representatives from the Specialized company and Hollyloft Ski and Bike in Jamestown will be there to oversee, set up and demonstrate the new models. We have liability insurance and Dunkirk is listed on the certificate. The Certificate is attached to this letter.

We have many customers in the Dunkirk - Fredonia area and enjoy the Lake Erie area immensely. This is a customer service event that is looked forward to in our area and will be advertised in your area also. We are also holding a demo evening the night before at our store Tuesday, August 20. We normally get about 100 riders at our store for this event. I do not expect more than a couple dozen riders to attend your evening event. There will be no other vendors, only us. The area will be picked up and I anticipate no impact on the grounds afterwards. We will be retiring to a local restaurant afterward for food and beverages.

Thank you for your consideration. You may contact me via our fax number 483.1942.

Yours Truly,

Les Johnson, owner, Hollyloft

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 12 PM 12:24

Dear City of Dunkirk Clerk/ Common Council,

As a Members of the DK Bandits Motorcycle Club I would like to ask permission for our Club members and supporters to hold a Community School Supply/back to school give away for children in need in the community.

We would like the event to be held at Washington Park in Dunkirk NY on Saturday. August 24rd, 2013 from 1:00 pm to 4:00 pm, and are requesting your approval to hold this event. This event will be open to the community.

The Members and supporters of DK Bandits Motorcycle Club are in the process of gathering together the items to be given away for free to schoolchildren in the area, and are kindly asking for your support in allowing this event to happen as the Club members are planning.

If you have any questions or need more details or have constructive suggestions, please contact the following club member; Ramon Ramos Sr. at (716) 680-1391.

This event will be covered by the local newspaper, The Observer.

We sincerely thank you for your consideration, and Thank you for your anticipated approval,



Ramon Ramos Sr.

DK Bandits Motorcycle Club Member

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 14 AM 10:41

August 8, 2013

Mayor Dolce & Members of the Common Council

Please let this serve as notice of a dangerous tree that is adjacent to my property at 235 Lord Street. My lot runs from Lord St. to Bucknor St. on the south side of the tracks. The tree in question is located on Bucknor St. The entire tree is dead, if it should come down it could injure people who work at the collision shop; or damage my fence and pool.

Mr Gugino was made aware of the situation; he stated it is located on Norfolk & Southern Railroad property. I've been in contacted with the railroad, they claim the property does not belong to them. Please find a copy of that correspondence attached.

Thank you for your time, I would hope this situation can be addressed to avoid any future claims against the city.

Sincerely,



Chris Dillenburg
235 Lord Street
Dunkirk, NY
366-5135

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CLERK'S OFFICE
DUNKIRK, N.Y.
2013 AUG 12 PM 3:48

IN THE MATTER OF THE CLAIM OF
CARMEN RIVERA,

NOTICE OF CLAIM AND
INTENTION TO SUE

Claimant,

-vs-

CITY OF DUNKIRK

Defendant.

TO: CITY OF DUNKIRK

PLEASE TAKE NOTICE, that CARMEN RIVERA, pursuant to the statute in such cases made and provided, does hereby make claim against CITY OF DUNKIRK, and in support of such claim does state the following:

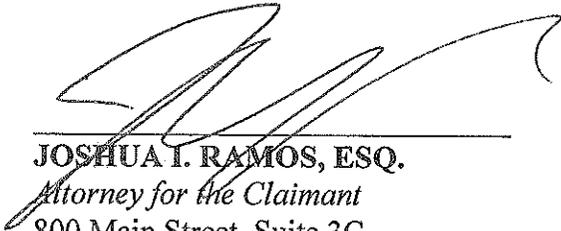
1. The claimant resides at 58 Ruggles Street, Dunkirk, New York.
2. The claimant is represented by JOSHUA I. RAMOS, ESQ., 800 Main Street, Suite 3C, Niagara Falls, NY 14301.
3. This claim is one for money damages for personal injuries on behalf of the claimant for injuries to his shoulder, neck, back, leg while he was a pedestrian on Ruggles Street; said injury occurred on or around May 6, 2013, on the sidewalk of Ruggles Street, County of Chautauqua and State of New York. It is alleged that the sidewalk was improperly, carelessly, recklessly and/or negligently maintained, or failed to be maintained by the City of Dunkirk, its employees and or agents.

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CLERK'S OFFICE
DUNKIRK, N.Y.
2015 APR -1 PM 12:30

5. A substantial factor in causing the aforesaid incident was negligent, careless, improper, and/or reckless maintenance, supervision, etc., by the City of Dunkirk its agents and/or employees, which caused and/or contributed to the claimant sustaining serious personal injuries.

6. Notice is hereby given that in the event that this claim for money damages is not paid within thirty (30) days of the service herein, it is my intention to commence litigation to recover for the damages which have been sustained.

DATED: July 31, 2013
Niagara Falls, NY



JOSHUA I. RAMOS, ESQ.

Attorney for the Claimant
800 Main Street, Suite 3C
Niagara Falls, NY 14301
(716) 810-6140

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

CARMEN RIVERA, being duly sworn deposes and says that I am the lead claimant in this action, that I have read the foregoing Notice of CMM and know the contents thereof; that the same is true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.



CARMEN RIVERA

Sworn to before me this 31
day of July, 2013.



Notary Public

JOSHUA I. RAMOS
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires Sept. 6, 2016

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: Dawn Wood
Claimant Address: 106 Gardner St.
Fredonia NY
Claimant Telephone Number: (716) 673-9216

This claim is for (injuries/damages alleged): to my vehicle

This claim is alleged to have arisen on the 8 day of June, 2013 at approximately 5:15 a.m./p.m. on that date at _____

The injuries and/or damages sustained by the Claimant arose in the following manner:
driving down Brigham and hit man hole cover
which did not have any orange cone or identification
of hazard.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: please see report by Fredonia Chrysler Dodge Jeep

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

Respectfully yours,

Dawn Wood 8/2/13
Claimant (date)

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

Dawn Wood, 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
2 day of August, 2013.

Lori M. Richardson
Notary

LORI M. RICHARDSON
Notary Public, State of New York
Qualified in Chautauqua County
No. 01RI6252902
My Commission Expires December 12, 2015

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2013 AUG - 2 PM 3:51

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: Cornelia Helwig
Claimant Address: 60 Wilson Ave.
Dunkirk, N.Y. 14048
Claimant Telephone Number: (716) 366-4322

This claim is for (injuries/damages alleged): Water Tower on Willowbrook Avenue. We were driving on Willowbrook and as we passed the water tower there was something being blown out of the tower and went over the road. I had my car washed that afternoon and noticed all the white dots on my car.
This claim is alleged to have arisen on the 8th day of August, 2013 at approximately 10:55 a.m./p.m. on that date at The Water Tower.

The injuries and/or damages sustained by the Claimant arose in the following manner: Paint was spraying out of the top of the new water tank.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: white paint on 2010 Mercury Milan.

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

Respectfully yours,

Cornelia Helwig 8/12/13
Claimant (date)

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CLERK'S OFFICE
DUNKIRK, N.Y.
2013 AUG 13 PM 2:03

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

Cornelia Helwig, 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
12 day of August, 2013.

Terrri L Helwig
Notary
TERRI L. HELWIG
Notary Public - State of New York
NO. 01HE0272172
Qualified in Chautauqua County
My Commission Expires 11/13/2016

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

DATE OF APPLICATION (must be 30 days Prior to event):
 * No more than 3 days TOTAL per Individual or Group - per year

EVENT SPECIFICS * EXCLUDES HARBORFRONT AREA

DATE: 8/23/13 TIME: 1-4 PM LOCATION OF EVENT: Weshington Park

SPONSOR: DK Bandit's

NAME: Ramon A Ramos PHONE NO. 716 1680-139

ADDRESS: 135 wst 2nd st Dunkirk NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: *Edwin Ortiz* PHONE: 716-366-3321

ADDRESS: 214 Plover St Dunkirk NY 14048

REASON:

Charity

AUDIO DEVICE TO BE USED:

DS System

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF:

NO

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

Signature: *Ramon A Ramos*

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT		
DEPT OF PUBLIC WORKS		
DEPT OF LAW		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 14 PM 1:02

RESOLUTION #54-2013
AUGUST 20, 2013

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING AGREEMENT FOR SENIOR AIDE
THROUGH SENIOR AIDE PROGRAM SPONSORED BY CHAUTAUQUA COUNTY**

WHEREAS, the Dunkirk Senior Center has and continues to serve the needs of the City' s Senior Citizens; and

WHEREAS, in order to continue to maintain the high level of service provided through the Senior Center, certain administrative services and duties are required; and

WHEREAS, the SENIOR AIDE PROGRAM, with the County of Chautauqua Office for the Aging serving as the Sponsor Agency, will be able to provide for these services which may otherwise not be performed due to lack of funds or personnel, with no direct cost to the City of Dunkirk; and

WHEREAS, the City has utilized such services, and wishes to continue to utilize such services, as appropriate, in order to serve the needs of the City' s Senior Center, with direction provided in conjunction with the Senior Center Board of Directors; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement, on behalf of the City of Dunkirk (as Host Agency) with **Senior Service America, Inc.** and the **New York State Office for the Aging Senior Community Service Employment Program**, for Senior Aide, for a period through June 30, 2014.

RESOLUTION #55-2013
AUGUST 20, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING SCHOOL RESOURCE OFFICER AGREEMENT
(DUNKIRK CITY SCHOOL DISTRICT)**

WHEREAS, the City of Dunkirk and the Dunkirk City School District (the "District") desire to provide law enforcement and related services at the District's High School through the use of a School Resource Officer provided by the City; and,

WHEREAS, the City and the District have enjoyed a mutually-beneficial relationship utilizing a School Resource Officer in the past and wish to continue the relationship; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter into an Agreement with the **Dunkirk City School District**, 620 Marauder Drive, Dunkirk, New York 14048, for the City to provide a School Resource Officer for the period July 1, 2013 through December 31, 2013, at a charge of Ten Thousand Four Hundred Ten Dollars and Seventy-Seven Cents (\$10,410.77) per month.

RESOLUTION #56-2013
AUGUST 20, 2013

BY: THE ENTIRE COUNCIL

AUTHORIZING VENDING MACHINE TERMINABLE LICENSE AGREEMENT
(Steven Sek d/b/a Lakeside Vending)

WHEREAS, the City of Dunkirk, which owns various buildings throughout the City, believes that it would be desirable to and a convenience for the public for the provision of vending machine services in various locations; and

WHEREAS, STEVEN SEK d/b/a Lakeside Vending, 14 Armadillo Street, Dunkirk, New York 14048, has proposed to provide such vending machine services available in a good and workmanlike manner, satisfactory to the City; and

WHEREAS, it would be in the best interests of the City to enter into a terminable license Agreement with STEVEN SEK d/b/a Lakeside Vending for the provision of vending machine services in various locations 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 License Agreement with **STEVEN SEK d/b/a Lakeside Vending**, 14 Armadillo Street, Dunkirk, New York 14048, for vending machine services in various City-owned properties for a period of six (6) months, from September 1, 2013 through February 28, 2014, at a charge of Twenty Dollars and Zero Cents (\$20.00) per machine, per month.

RESOLUTION #57-2013
AUGUST 20, 2013

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING PARTICIPATION IN SEX OFFENDER COMPLIANCE AND
ENFORCEMENT PROGRAM
(DEPARTMENT OF JUSTICE)**

WHEREAS, the City of Dunkirk has an opportunity to participate in a sex offender compliance and enforcement program conducted through the auspices of the U.S. Department of Justice (U.S. Marshals Service); and

WHEREAS, the City's participation in this program, commonly known as "Jumping Fish," will provide for reimbursement of up to \$1,339.92 in overtime expenses to the City; and,

WHEREAS, the City is ready, willing and able to participate in such program, which would be in the best interests of the community; now, therefore, be it

RESOLVED, that the Mayor and/or the Chief of Police is hereby authorized to execute contracts and agreements with the U.S. Department of Justice (U.S. Marshals Service) for participation in the sex offender compliance and enforcement program, for the period August 26, 2013 through September 30, 2013; and, be it finally

RESOLVED, that reimbursement received for such program be credited to Reimburse Police Department appropriation line:

Overtime

Account No. 001-3120-1001

RESOLUTION #58-2013
AUGUST 20, 2013

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING EMPLOYEE ASSISTANCE PROGRAM CONTRACT
(FAMILY SERVICE OF THE CHAUTAUQUA REGION, INC.)
(AUGUST 1, 2013 THROUGH JULY 31, 2015)**

WHEREAS, Family Service of the Chautauqua Region, Inc., 332 East Fourth Street, 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, 2013 through July 31, 2015; and

WHEREAS, the annual cost for the program will be Three Thousand Four Hundred Twenty-Five Dollars (\$3,425.00); 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.**, 332 East Fourth Street, Jamestown, New York 14701, for the provision of an Employee Assistance Program to cover eligible City employees for the period from August 1, 2013 through July 31, 2015; and, be it finally

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