

AGENDA - COMMON COUNCIL MEETING – September 3, 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 Mari Ellen Szwejbka to close Robin Street between Fourth and Fifth Streets with two barricades on each end on Saturday, September 14th from 1:00 PM until Midnight (rain date Sunday, September 15th) for their Annual Block Party.
 2. Notice of claim from:
 - a. Judith Burgos for damages to her vehicle allegedly caused by a city lawnmower.
 3. Prior notice from:
 - a. Julius Bota informing of dangerous trees in front of 435 Woodrow Avenue.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 59. Resolution authorizing agreement for Engineering Services (Hot-In-Place Paving Project).
 60. Resolution authorizing renewal agreement with State of New York Unified Court System (April 1, 2013 to March 31, 2014).
 61. Resolution consenting to appointment of City Clerk.
 62. Resolution authorizing agreement for Independent Contractor (Community Development Block Grant Program).
 63. Resolution confirming support for Community Revitalization Initiative (NYS Office of Attorney General).
 64. Resolution authorizing Budget Line Modifications for FY 2013 (Summer Camp Program).

65. Resolution authorizing Budget Line Modifications for FY 2013 (Bertges Property).
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk

424 Robin Street
Dunkirk, NY 14048

August 22, 2013

Dunkirk Common Council
City Hall
Central Avenue
Dunkirk, NY 14048

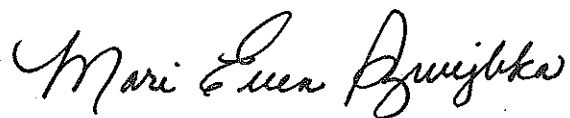
Dear Dunkirk Common Council Members:

This letter will supercede my letter to the Common Council, dated August 15th, 2013. We had to make a *change for the block party date* due to several homeowners on the block who will be on vacation during the weekend of Sept. 7-8th. Therefore, City residents of the 400 Block of Robin Street (between 4th and 5th Streets) are requesting permission to hold our 21st Annual Block Party on Saturday, Sept. 14th, 2013, from 1 PM to 12 Midnight (raindate of Sunday, Sept. 15th).

If granted, we would need the necessary barricades (2 for each end). I appreciate your attention to this request. Please send a copy of your response to my home address listed above.

Thank you for your time and consideration regarding this request.

Best regards,



Mari Ellen Szwejbka

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2013 AUG 23 AM 10:17

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:

Judith Burgos (Business address)

Claimant Address: (Mailing address)

89 E. Sixth St.

10001st Center Rd.
Forestrville NY 14062

Dunkirk NY 14048

Claimant Telephone Number:

(716) 680-1242

This claim is for (injuries/damages alleged):

To my 2002 Windstar
Ford Mini Van, Side door (glass) driver's side

AUG 27 PM 3:01

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

This claim is alleged to have arisen on the 23rd day of August, 2013 at approximately 11:30 a.m./p.m. on that date at 89 E. 6th St. D

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

The city worker was mowing the front lawn of
our business. The worker was cutting grass with the guard
of the lawn mower up so all debris was scattered in the air
Guard of lawn mower should have been down. It hit a pipe ->

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

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

Respectfully yours,

Judith Burgos 8-26-13
Claimant (date)

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

Judith Burgos 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
26 day of August, 2013.

Notary

CARLOS LLERA
Notary Public, State of New York
No. 01LL6043975
Chautauqua County
Commission Expires June 12, 2014

aug. 27/13

Dear Sir or Madam,

As Property owners for 435 Woodrow Ave., A 3 Family corner of Woodrow & 5th St, we recently completed some external painting with the new Everstep installed earlier.

It was about 20 years ago I had to contact your office as one of the two trees on City Property had a dangerous limb on the south side that would soon impare vehicle traffic, that had to be removed, which was done the next day.

currently the two trees are much higher now & between the roads our property the first one of which has a limb and above the Building has 3 high vertical branches leaning over the South Side that (only 5 inches wide) that should be removed, individually to make it safe & easier. It is requested that your equipment because of limb height & size is needed to remove that one limb with its 3 branch extensions, Please notify our home phone of 366-2277, a day before so we can also notify the Tenants a Day before to move their vehicles also.

Sincerely, Julius Bata

366-1121 FOR
ALSO - message

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

AUG 29 PM 2:02

RESOLUTION #59-2013
SEPTEMBER 3, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES
Hot-In-Place Paving Project
(Nussbaumer & Clarke, Inc.)

WHEREAS, the City has an opportunity to undertake a comprehensive program of paving various streets throughout the City utilizing a pool of funds accumulated over two years; and

WHEREAS, it would be in the best interests of the City to undertake such program and requires the bid specification and construction management services in order to insure the cost-effective utilization of such funds; and

WHEREAS, Nussbaumer & Clarke, Inc. is ready, willing and able to provide such services for the City in a good and workmanlike manner; now, therefore be it

RESOLVED, the Mayor is hereby authorized and directed to execute all necessary documents, including an agreement of services, on behalf of the City of Dunkirk, with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494, in an amount not to exceed Nine Thousand Two Hundred Fifty Dollars and Zero Cents (\$9,250.00) to provide such specification and construction management engineering services for the City's paving program; and, be it further

RESOLVED, that the funds for such engineering services be taken from the Department of Public Works – CHIPS Account Number 001-5110-4055.

RESOLUTION #60-2013
SEPTEMBER 3, 2013

BY: THE ENTIRE COUNCIL

**AUTHORIZING RENEWAL AGREEMENT WITH
STATE OF NEW YORK UNIFIED COURT SYSTEM
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200440)
(APRIL 1, 2013 TO MARCH 31, 2014)**

WHEREAS, the City's five-year contract with the New York State Unified Court System reimburses the City's Police Department for security services in City Court was renewed in 2009 and terminates in 2014; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2013, and terminates on March 31, 2014, and during which reimbursement has been allocated to not exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00); and now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2013 to March 31, 2014) for which reimbursement shall be in an amount not to exceed Two Hundred Twenty Thousand Dollars and Zero Cents (\$220,000.00) to compensate the Police Department for City Court security services.

RESOLUTION #61-2013
SEPTEMBER 3, 2013

BY ENTIRE COUNCIL:

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 Nicole Joiner, 621 Eagle Street, 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 Nicole Joiner, 621 Eagle Street, Dunkirk, New York, be confirmed as City Clerk and Registrar of Vital Statistics for the City of Dunkirk, effective September 4, 2013, at the rate of Sixteen Dollars and Zero Cents (\$16.00) per hour, not to exceed thirty-two (32) hours per week.

RESOLUTION #62-2013
SEPTEMBER 3, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR
(Community Development Block Grant Program)

WHEREAS, the City of Dunkirk has a need for independent consulting services to provide assistance in order for the City to administer and to maintain certain requirements for the City's participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program; and

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

WHEREAS, NICOLE M. WAITE ("Waite"), 723 Washington Avenue, Dunkirk, New York 14048, 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 NICOLE M. WAITE ("Waite"), 723 Washington Avenue, Dunkirk, New York 14048, as an independent contractor to provide independent contracting services and assistance with various projects, particularly with regard to the administration of the City's Community Development Block Grant program, commencing September 4, 2013, and extending through August 30, 2014, with payment of Thirty-Two Thousand Dollars and Zero Cents (\$32,000.00) *per annum, pro rata*, with a minimum of thirty (30) hours per week, with such funds drawn from the Department of Development Contracted Services Account No. 001-8020-4036, with reimbursement drawn from CDBG Administrative funding, contingent upon such funds being made available.

RESOLUTION #63-2013
SEPTEMBER 3, 2013

BY THE ENTIRE COUNCIL:

**CONFIRMING SUPPORT FOR COMMUNITY REVITALIZATION INITIATIVE
(NYS OFFICE OF ATTORNEY GENERAL)**

WHEREAS, the City of Dunkirk has a large stock of vacant and abandoned residential properties, but lacks the financial resources to adequately and promptly address this blight on the area; and

WHEREAS, it would be in the best interests of the City to seek funding to demolish such properties; and

WHEREAS, the Chautauqua County Land Bank Corporation ("CCLBC") is seeking funding to develop a program to assist in demolishing vacant and abandoned residential properties located in the City through the NYS Office of the New York Attorney General (Community Revitalization Initiative); now, therefore be it

RESOLVED, that the Common Council confirms that the City of Dunkirk supports the Chautauqua County Land Bank Corporation's request for funding through the NYS Office of the New York Attorney General (Community Revitalization Initiative), and will work to provide such local assistance and resources as are required to utilize the funding to address vacant and abandoned residential properties in the City.

RESOLUTION #64-2013
SEPTEMBER 3, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING BUDGET LINE MODIFICATIONS
FOR FY2013**

WHEREAS, there is a need to make timely adjustments to the 2013 Fiscal Year to address modifications in certain line items for the 2013 Summer Camp program; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the 2013 Fiscal Year Budget:

GENERAL FUND

<u>ACOUNT NO.</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-0001-2005	Gen Fund Revenue	Summer Camp		\$4,855.00
001-7140-4030		Youth Programming	\$4,855.00	

RESOLUTION #65-2013
SEPTEMBER 3, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING BUDGET LINE MODIFICATIONS
FOR FY2013**

WHEREAS, there is a need to make timely adjustments to the 2013 Fiscal Year to address modifications in certain line items to address payment due on "Bertges Property" mortgage; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the 2013 Fiscal Year Budget:

GENERAL FUND

<u>ACOUNT NO.</u>	<u>DEPT.</u>	<u>LINE</u>	<u>INCREASE</u>	<u>DECREASE</u>
001-1900-1990		Contingencies		\$20,000.00
001-8020-4247	Development	DLDC Allotment	\$20,000.00	
001-8020-4036	Development	Contracted Svcs		13,000.00
001-8020-4247	Development	DLDC Allotment	13,000.00	