

AGENDA - COMMON COUNCIL MEETING – September 4, 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 Mari Ellen Szwejbka to close Robin Street between Fourth and Fifth Streets with two barricades on each end on Saturday, September 15th from 1:00 PM until Midnight (rain date Sunday, September 16th) for their Annual Block Party.
 2. Notice of Claim from:
 - a) Darlene Miga for personal injuries and alleged damages sustained from a fall on the corner of Park Avenue and Lake Shore Drive East.
 - b) Mary Ellen Ganey for sewer backup damage at 65 Leming Street allegedly sustained by the new waterline pipe project installation.
 - c) Lance Ehrhardt for damages to his boat allegedly sustained by debris from the Firework Display.
 - d) Lillie Clyde for personal injuries allegedly sustained from a fall near N. Beaver Street.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 70. Resolution authorizing agreement for Independent Contractor (Community Development Block Grant Program).
 71. Resolution authorizing agreement for Independent Contractor (Community Development Block Grant Program).
 72. Resolution authorizing Budget Line Transfers.
 73. Resolution rescinding Resolution 22-2012 and approve revised FY 2012 CDBG Annual Action Plan to HUD.
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk

424 Robin Street
Dunkirk, NY 14048

August 23, 2012

Dunkirk Common Council
City Hall
Central Avenue
Dunkirk, NY 14048

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 24 AM 11:15

Dear Dunkirk Common Council Members:

Permission is requested from City residents of the 400 Block of Robin Street (between 4th and 5th Streets) to hold our 20th Annual Block Party on Saturday, Sept. 15th, 2012, from 1 PM to 12 Midnight (raindate of Sunday, Sept. 16th).

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

Notice of Claim
City of Dunkirk, N.Y.

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 26 PM 1:30

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: Darlene Miga
Claimant Address: 323 Mullet Street
Dunkirk, N.Y. 14048
Claimant Telephone Number: (716) 410-1019 or (716) 579-2333

This claim is for (injuries/damages alleged): FALL ON CITY OWNED SIDEWALK/ REQUESTING \$10,000 FOR MANY MONTHS OF REHAB AND PARTIAL LOSS OF FINGER DUE TO ME HAVING OSTEO + RHEUMATOID ARTHRITIS. ALSO REQUESTING ALL BILLS PAID BY ME TO BE REFUNDED TO ME. ALSO REPLACEMENT VALUE OF MY 47YR. OLD WEDDING RING, BECAUSE REPAIRING WILL CAUSE FLAWS.

This claim is alleged to have arisen on the 1ST day of August, 2012 at approximately 7:15 a.m./p.m. on that date at 55 L.S.D.E, CORNER OF PARK AVE. + L.S.D.E

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

TRIPPED OVER A LIFTED SIDEWALK BLOCK CAMOUFLAGED BY GRASS.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: SCRAPES, BRUISES, BROKEN FINGER (PHALANX FRACTURE) PAIN AND SUFFERING. PLUS A 47 YEAR OLD WEDDING BAND REMOVED IN THE EMERGENCY ROOM.

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

Respectfully yours,

Darlene Miga 8-6-12
Claimant (date)

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

Darlene Miga, 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.

Sharon A. Bottita
Notary

Sworn to before me this
6th day of August, 2012.

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:

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
8/22 AM 10:25

Claimant Name: Mary Ellen Ganey
Claimant Address: 65 Leming Street
Dunkirk, New York 14048
Claimant Telephone Number: (716) 366-7198

This claim is for (~~injuries and/or~~) damages alleged: Flooded basement (approximately two feet of water) which damaged water heater and boiler. Total of \$669.99.

This claim is alleged to have arisen on the 23 day of July, 2012 at approximately 5:30 ~~AM~~ /p.m. on that date at 65 Leming Street, Dunkirk, New York 14048

The (~~injuries and/or~~) damages sustained by the Claimant arose in the following manner: Water line crew installed new pipe from the street to the shut off valve at residence. The existing water line from the valve to my residence was damaged. Water leaked from the damaged pipe and caused my basement to flood.

The amount and type (~~of injuries and/or~~) damages sustained by the Claimant consist of the following: Pump out flooded basement. Maintenance of and replacement of damaged controls on boiler and water heater. Refer to the attached invoices.

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

Respectfully yours,

Mary Ellen Ganey 8/22/12
Claimant (date)

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

Mary Ellen Ganey, 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
22 day of August, 2012.

Deborah Paul
Notary

DEBORAH J. PAUL
Notary Public, State of New York
No. 01PA5050178
Qualified in Chautauqua County
Commission Expires October 2, 2013

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: LANCE L. EHRHARDT
Claimant Address: 8490 HAHN Rd.
FREDONIA N.Y. 14063
Claimant Telephone Number: (716) 672-4282 (Home)
716-713-6002 (Cell)

This claim is for (injuries/damages alleged): BURN MARKS (3) ON TOP OF BOAT IN JELL COAT CAUSED BY FIREWORKS DISPLAY, PORT SIDE OF BOAT WHILE DOCKED AT D-14 CHADWICK BAY MARINA

This claim is alleged to have arisen on the 4 day of July, 2012 at approximately 10:15 a.m. (p.m.) on that date at CHADWICK BAY MARINA.

The injuries and/or damages sustained by the Claimant arose in the following manner:
July 4, 2012 10:15 pm FIREWORKS DISPLAY AN CITY PIER DEBRIE FROM FIREWORKS FELL OUT OF SKY ON TO BOW OF BOAT AND LEFT 3 BURN MARKS THRU JELL COAT ON PORT SIDE OF BOW WHILE DOCKED AT D-14 CHADWICK BAY MARINA ESTAMATED AT 1022.25

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: 3 BURN ON FRONT OF BOW IN NON-SKID SURFACE PORT SIDE (LEFT) # 1022.25 ESTIMATE FROM FIBERGLASS SPECIALTIES. COPY OF ESTIMATE INCLOSED AND CHAUTAQUA COUNTY SHERIFF INCIDENT REPORT

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

Respectfully yours,

Lance L. Ehrhardt 08/17/12
Claimant (date)

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

Lance L. Ehrhardt, 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 17 day of August, 2012.

Stephanie L. O'Dell
Notary

Stephanie L. O'Dell
010Q6079743
Notary Public, State of New York
Qualified in Chautauqua County
My commission expires SEPTEMBER 3rd, 2014

2012 AUG 17 PM 3:12
CLERK'S OFFICE
DUNKIRK, N.Y.

RECEIVED

Notice of Claim
City of Dunkirk, N.Y.

Aug 27 2012

Dunkirk City Attorney

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: Willie Clyde
Claimant Address: 1510 main street apt. 72
Dunkirk ny 14048
Claimant Telephone Number: (716) 363-1057

This claim is for (injuries/damages alleged): July 10, 2012

This claim is alleged to have arisen on the 10 day of July, 2012 at approximately 8:40 a.m./p.m. on that date at _____

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

I was taking my morning walk just like I always do and on the street behind north Beller where the worker had been working there was a lot of stone on the side walk and in the street I fell on some stone

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

Knee Wrist Elbow Forearm / Wrist - Shoulder Calcifying

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
AUG 27 2012
PM 1:50

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

Respectfully yours,
Willie Clyde 8/27-12
Claimant (date)

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

Willie P Clyde 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.

Jena Willebrandt
Notary

Sworn to before me this
27th day of August, 2012.

JENA WILLEBRANDT
Notary Public, State of New York
No. 01W16065864
Qualified in Chautauqua County
Commission Expires 10-29-2013

RESOLUTION #70-2012
SEPTEMBER 4, 2012

BY: 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 for the City to comply with certain requirements for its participation with the U.S. Department of Housing & Urban Development ("HUD") Community Development Block Grant ("CDBG") program, including but not necessarily limited to coordinating the development and completion of the required five-year comprehensive plan; and,

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

WHEREAS, Travis Gordon is ready, willing and able to provide such services in a good and workmanlike manner as an interim, independent contractor; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **Travis Gordon**, 97 Water Street, Fredonia, New York 14063, to provide independent consulting services on behalf of the City in regard to the City's participation with the U.S. Department of Housing & Urban Development Community Development Block Grant program at a total cost of Five Thousand Dollars and Zero Cents (\$5,000.00).

RESOLUTION #71-2012
SEPTEMBER 4, 2012

BY: 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 comply with certain requirements for 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, H. Sichermann & Company, Inc. is ready, willing and able to provide such services in a good and workmanlike manner as an interim, independent contractor; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **H. SICHERMANN & COMPANY, Inc.**, 5852 Forest Creek Drive, East Amherst, New York 14051-1961, to provide independent consulting services on behalf of the City in regard to the City's participation with the U.S. Department of Housing & Urban Development Community Development Block Grant program (including but not necessarily limited to the provision of technical and compliance assistance necessary for the administration of the CDBG program) at a cost not to exceed Fifteen Thousand Dollars and Zero Cents (\$15,000.00).

RESOLUTION #72-2012
SEPTEMBER 4, 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>
001-1900-1910	Unallocated Ins.	\$ 8,182.62	
001-1900-1990	Contingency Allow		\$ 8,182.62
001-1310-4036	Cont Ind Services	3,765.00	
001-1310-1000	Fisc Aff Pers Svcs		3,765.00
001-1490-4018	Cent Cln Prod/Supp	853.80	
001-1490-4002	Supplies		193.80
001-1490-4023	Rep & Maint Veh		160.00
001-1490-2000	Equipment		500.00
001-1310-2000	Equipment A/C	705.28	
001-1310-4002	Supplies		705.28
001-1900-1960	Unpd School Taxes	533.69	
001-1900-1990	Conting Allow		533.69
001-3120-4150	Rent/Lease	969.26	
001-3120-4036	Contracted Servces		969.26
002-1900-1910	Unallocated Ins	3,938.50	
002-1900-1990	Contingency Allowance		3,938.50
003-1900-1910	Unallocated Ins	3,938.50	
003-1900-1990	Contingency Allowance		3,938.50

**RESOLUTION #73-2012
SEPTEMBER 4, 2012**

BY: ENTIRE COUNCIL

**RESCIND RESOLUTION 22-2012 and APPROVE REVISED FY 2012 CDBG
ANNUAL ACTION PLAN 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 describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year; and

WHEREAS, the City, through Council Resolution #22-2012, had approved and submitted a FY2012 *Action Plan*, which *Action Plan* is in need of revision due to a proposed reallocation of funds; and,

WHEREAS, the City has convened the required public hearings and obtained public input; now, therefore, be it

RESOLVED, that Council Resolution #22-2012 (February 7, 2012) is hereby rescinded and, be it further

RESOLVED, that the following activities are approved for the City's 2012 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan and are to be submitted to HUD for its approval.

ADMINISTRATION	Administration	\$ 90,000.00	\$ 90,000.00
PUBLIC FACILITY	Parking Facilities - Sr. Ctr.	\$ 2,500.00	\$ 46,500.00
	Streets Improvement	\$ 24,000.00	
	Sidewalk Improvement	\$ 20,000.00	
PUBLIC SERVICE	Employment Training	\$ 10,000.00	\$ 50,815.00
	Homeownership Training	\$ 18,315.00	
	Senior Services	\$ 7,500.00	
	Youth Services	\$ 15,000.00	
ECO DEVELOPMENT	DLDC/Eco Development	\$ 122,500.00	\$ 122,500.00
HOUSING	Owner-occupied Rehab	\$ 100,000.00	\$ 100,000.00
OTHER	Code Enforcement	\$ 20,000.00	\$ 50,000.00
	Demolition	\$ 30,000.00	
		\$ 459,815.00	