

AGENDA - COMMON COUNCIL MEETING – September 06, 2016 - 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 SUNY Fredonia to hold a beach cleanup at Point Gratiot Beach on Saturday, September 17, 2016 from 12:00 PM until 2:00 PM.
  2. Request from Iglesia Pentecostal Un Nuevo Nacimiento to have an Evangelistic Service on Saturday, September 10<sup>th</sup> from 2:00 PM until 8:00 PM in Washington Park.
  3. Loudspeaker application from Iglesia Pentecostal Un Nuevo Nacimiento to have speakers and microphone in Washington Park on Saturday, September 10<sup>th</sup>, 2016 from 2:00 PM until 6:00 PM for Evangelistic Service.
  4. Notice of Claim from:
    - a) Clifton Thomas for alleged damages to his vehicle while driving on Lucas Avenue in Dunkirk on Tuesday, August 16<sup>th</sup>, 2016.
    - b) Kimberly Caine for injuries allegedly received while walking on the sidewalk in front of 328 Central Avenue at approximately 12:00 PM on May 31<sup>st</sup>, 2016.
  5. Request from Mark Tredo to purchase the vacant lot located at 633 Deer Street.
  6. Communication from City Treasurer Mark Woods appointing Richard Olrogg as Deputy City Treasurer from 9/6/2016 to 12/31/2017.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
  75. Resolution accepting Interior Coating Bid for Benton Water Tank of City's Water Treatment and Supply System – Phase 3 – under 2009 Consent Order.
  76. Resolution amending Dunkirk City Code (§79-21070).

9. Pre-filed Resolutions:

- 77. Resolution consenting to appointment of Director of Planning and Development.
- 78. Resolution consenting to appointment of Director of Human Resources.
- 79. Resolution authorizing Labor Negotiator Contract Agreement (George Corsoro).
- 80. Resolution terminating Agreement for Independent Contractor (Housing, Building & Zoning Enforcement Department).

10. New Business:

11. Adjournment.

Lillian R. Divine  
City Clerk



RECEIVED  
AUG 15 2016  
MAYOR'S OFFICE

2016 AUG 16 AM 11:30  
MAYOR'S OFFICE  
DUNKIRK, N.Y.

City of Dunkirk  
342 Central Avenue  
Dunkirk, NY 14048

August 11, 2016

Dear Mayor Rosas and Members of the City of Dunkirk Common Council:

I am writing to request your approval for an Adopt-a-Beach event that has been planned to enhance the health and appearance of Point Gratiot Beach in the City of Dunkirk. Specifically, I would like to obtain permission to hold a beach cleanup at Point Gratiot Beach on Saturday, September 17, 2016, which will take place from 12:00 p.m. to 2:00 pm.

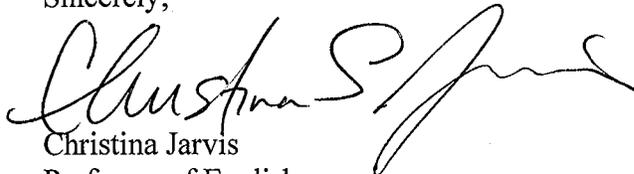
The beach cleanup is sponsored by SUNY Fredonia and is also part of Adopt-a-Beach's ongoing efforts to cleanup and to monitor the health of Lake Erie. In addition to the Alliance for the Great Lakes' Adopt-a-Beach program, the data will be reported to the New York Littoral Society and Ocean Conservancy. In keeping with the Adopt-a-Beach program's requirements, all participants will be required to sign a liability waiver.

The majority of volunteers at the event will be SUNY Fredonia students, staff members, and faculty members, although community members will participate as well. I estimate that approximately 40 to 50 campus volunteers will be involved in the cleanup.

As you may know, the beach cleanup is not a new event. I personally have led beach cleanups at Pt. Gratiot since 2009. There have never been any injuries or problems at any of these events. On the contrary, the events have been well received by Dunkirk residents and have yielded important environmental benefits.

Thank you in advance for your assistance with this proposed project. Should you have further questions about these cleanup events, please contact me at 716 673-3587 or [jarvisc@fredonia.edu](mailto:jarvisc@fredonia.edu).

Sincerely,

  
Christina Jarvis  
Professor of English

Enclosure: Certificate in Lieu of Insurance for the City of Dunkirk

ENGLISH DEPARTMENT

8-28-2016

My name is Exh. Debbie Ocasio  
resident in 208 S Gazette St. Apt 1  
Dunkirk NY 14048. I'm requesting  
Permission to use Washington Park  
on September Saturday 10<sup>th</sup> 2016  
Between the hours of 2:00 P.M.  
to 8:00 P.M. to do an  
Evangelistic Church Service  
for the Dunkirk Community  
We will be using 2 speakers  
and microphones

Thank you  
Debbie Ocasio

Ministerio El Tiempo Es De Dios

Exh. Debbie Ocasio

(716) 467-4570

Email: EL\_TIEMPO\_DE\_DIOS@yahoo.com

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2016 AU 29 AM 11:00

Iglesia Pentecostal Un Nuevo Nacimiento Inc.



Jose & Dixie Pratts  
Pastor

(716) 467-4714

14 West 4th Street  
Dunkirk, NY 14048

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

**DATE OF APPLICATION (must be 30 days Prior to event):** 8/29/16

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

**DATE:** 9-10-16 **TIME:** 2:00 PM-6 **LOCATION OF EVENT:** Washington Park

**SPONSOR:** Iglesia Pentecostal Un Nuevo Nacimiento Inc.

**NAME:** Pastor Jose Bratts **PHONE NO.:** (716) 467-4714

**ADDRESS:** 14 West 4<sup>th</sup> Street Dunkirk NY 14048

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** Debbie Ocasio **PHONE:** (716) 467-4570

**ADDRESS:** 208 S. Gazelle Apt 1 Dunkirk NY 14048

**REASON:** Evangelistic Service

**AUDIO DEVICE TO BE USED:** 2 Speakers and Microphones

PUBLIC EVENT  PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES  NO **IF YES, PROOF:**

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

**Signature:** Debbie Ocasio

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  
17 GEN. S. DEPT.  
DUNKIRK, N.Y.  
2016 AU 29 AM 11:00

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: Clifton Lavar Thomas  
Claimant Address: 59 E. Talcott St  
Dunkirk, N.Y. 14048  
Claimant Telephone Number: (716) 680-0777

This claim is for (injuries/damages alleged): done to my vehicle  
(2005 Chevrolet Equinox) en route to the Claimant's  
place of employment. Due to potholes on Lucas ave  
in the city of Dunkirk. Damage done to right rear bearing & right rear  
CV shaft.

This claim is alleged to have arisen on the 16<sup>th</sup> day of August, 2016 at approximately 4:50 a.m./p.m. on that date at Lucas ave Dunkirk, N.Y.

The injuries and/or (damages) sustained by the Claimant arose in the following manner:  
En route to Claimant's place of employment at 4:50 am  
8/16/16 on Lucas ave in City of Dunkirk, N.Y. My vehicle  
sustained damages to right rear wheel do to potholes on road.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Damages to right rear wheel includes right rear  
wheel bearing damage and right rear CV shaft damage.  
The cost of these damages sustained to Claimant's vehicle totaled: \$337.82

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

Respectfully yours,  
Clifton L. Thomas 8/19/16  
Claimant (date)

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

Clifton L. Thomas, 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  
19 day of August, 2016.

Janice DeKoff  
Notary

JANICE DEKOFF, #01DE6335255  
Notary Public, State of New York  
Qualified in Chautauqua County  
My Commission Expires Jan. 4, 2020

2016 AU 19 PM 3:37  
JIT C...  
DUNKIRK, N.Y.

STATE OF NEW YORK  
SUPREME COURT

:

COUNTY OF CHAUTAUQUA

In the Matter of the Claim of

KIMBERLY J. CAINE

Claimant,

NOTICE OF CLAIM

-vs-

THE CITY OF DUNKIRK

TO THE CITY CLERK OF THE CITY OF DUNKIRK :  
TO THE CITY ATTORNEY OF THE CITY OF DUNKIRK :

PLEASE TAKE NOTICE, that the undersigned, DAVID M. CIVILETTE, ESQ. as Attorney for KIMBERLY J. CAINE, Claimant, states as follows:

1. The name and post office address of the Claimant is:

Kimberly J. Caine  
13 James Place  
Fredonia, New York 14063

2. The name and post office address of the attorney for the Claimant herein is:

David M. Civilette, Esq.  
643 Central Avenue  
Dunkirk, New York 14048  
Telephone: (716)366-2011

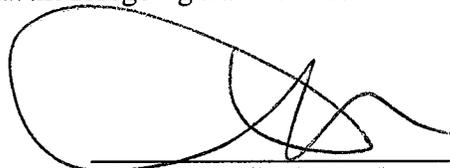
3. This claim is for personal injury arising from the negligence of the City of Dunkirk, its agents, servants and/or employees, in permitting an elevation/depression to be created and/or exist on the sidewalk located in front of 328 Central Avenue, Dunkirk, New York on the 31<sup>st</sup> day of May, 2016 at approximately 12:00 p.m.

4. As a result of the negligence of the City of Dunkirk, Kimberly J. Caine, sustained injuries to her foot, knee, right lower leg, cervical thoracic and lumbar spine together with other further injuries. The foregoing injuries have resulted and will result in damages for medical, hospital and other treatment expenses.

CITY OF DUNKIRK  
DUNKIRK, N.Y.

2016 AU 22 PM 1:29

**WHEREFORE**, Claimant requests that the foregoing claim be audited and be paid by said municipality.

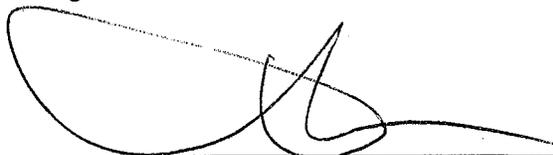


\_\_\_\_\_  
DAVID M. CIVILETTE  
Attorney for Claimant

STATE OF NEW YORK            )  
COUNTY OF CHAUTAUQUA    ) ss:

DAVID M. CIVILETTE, being duly sworn, deposes and says:

That he is the Attorney for KIMBERLY J. CAINE, the Claimant herein, that he has read the foregoing Notice of Claim and knows the contents thereof; that the same are true to his knowledge except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.



\_\_\_\_\_  
DAVID M. CIVILETTE  
Attorney for Claimant

Sworn to before me this  
2nd day of August, 2016

  
\_\_\_\_\_  
NOTARY PUBLIC

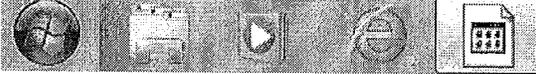


CHERYL A. MEDLEY  
NOTARY PUBLIC, STATE OF NEW YORK  
CHAUTAUQUA COUNTY #4945684  
MY COMMISSION EXPIRES 1/27/2019



79.19-7-18		060300 Dunkirk		Active	R/S: 8	School: Dunkirk Csd																	
City Of Dunkirk		Roll Year: 2017 Curr Yr		Res vac land		Land AV: 2,500																	
633 Deer St		Land Size: 50.00 x 160.00				Total AV: 2,500																	
<b>Owner</b> Total: 1 Name: City Of Dunkirk Addl Addr: City Hall Street: 342 Central Ave PO Box: City: Dunkirk, NY Zip: 14048-				<b>Site</b> Total: 1 Prpcls: Nbhd Cd: Sewer: Water: Utilities: Res vac lar 30500 Comm/pul Comm/pul Gas & ele																			
<b>Taxable Value</b> County: 0 Muni: 0 School: 0 Schl after Star: 0		<b>Miscellaneous</b> Book: 2618 Page: 152 Mortg: Bank: Acct No: 030031980		<b>Land</b> Total: 1 Type: FF: Depth: Acres: Sqft: Primary 50.00 160.00 0 0		RECEIVED CLERK'S OFFICE DUNKIRK, N.Y. 2016 AU 25 PM 3:11																	
<b>Sale</b> Total: 2 <table border="1"> <thead> <tr> <th>Book</th> <th>Page</th> <th>Sale Date</th> <th>Sale Price</th> <th>Owner</th> </tr> </thead> <tbody> <tr> <td>2618</td> <td>152</td> <td>12/29/06</td> <td></td> <td>1 City of Dunkirk</td> </tr> <tr> <td>2608</td> <td>378</td> <td>09/14/06</td> <td>1,244</td> <td>Chautauqua Cou</td> </tr> </tbody> </table>				Book	Page			Sale Date	Sale Price	Owner	2618	152	12/29/06		1 City of Dunkirk	2608	378	09/14/06	1,244	Chautauqua Cou	<b>Building</b> Total: 0		
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<b>Special District</b> Total: 0 <table border="1"> <thead> <tr> <th>Code</th> <th>Units</th> <th>Pct Type</th> <th>Value / Move Tax</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Code	Units	Pct Type	Value / Move Tax																		
Code	Units	Pct Type	Value / Move Tax																				

Double click to open a window



8-25-2016

Mark A Treado  
 629 Deer St.  
 Dunkirk NY 14048  
 517-5215

To The Common Council

I would like to know if i can buy this property next to my house. It would help me if i were to build a new guerage., and or change the entrance to my property.  
 Thank You



**CITY OF DUNKIRK**  
**OFFICE OF THE TREASURER**  
CITY HALL, DUNKIRK, N.Y. 14048



**WILFRED ROSAS**  
Mayor  
716-366-9882  
Fax 716-366-2049

**MARK A. WOODS**  
CITY TREASURER  
(716) 366-9863  
FAX (716) 363-0058

**MEMORANDUM**

To: Mayor, Members of The Common Council  
From: Mark A. Woods, City Treasurer  
Re: Deputy City Treasurer Appointment  
Date: August 29, 2016

Effective September 6, 2016, I do hereby appoint Richard Olrogg as the Deputy City Treasurer, to fill the vacancy created by the retirement of Paula Lakas.

The term of the appointment is to expire on December 31, 2017.

Thank you.

Respectfully submitted,

*Mark A. Woods*

Mark A. Woods

City Treasurer

**RESOLUTION # 75 -2016**  
**AUGUST 16, 2016**

**BY COUNCILMAN WILLIAMS AND COUNCILWOMAN SZUKALA:**

**ACCEPTING INTERIOR COATING BID FOR BENTON WATER TANK OF CITY'S  
WATER TREATMENT AND SUPPLY SYSTEM – Phase 3 – under 2009 Consent Order**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies related to the City's water treatment plant and water distribution system, and the Phase 3 items of the Consent Order are now ready to address according to the schedule dictated by CCDOH; and

**WHEREAS**, by notification letter of December 17, 2015, the City of Dunkirk's application for Phase 3 funding was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (EFC) in the amount of \$2 million of grant funds and \$7 million in low-interest loan funds for this Phase 3 reconstruction of and construction of improvements to the City's water system pursuant to such Consent Order; and

**WHEREAS**, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to be \$3 million; and

**WHEREAS**, the 2016 Phase 3 projects are listed as several items in the EFC grant application, and the Benton tank system improvement completion (Fourth Ward tank and pumps) is a priority on this list; and

**WHEREAS**, the Mayor was authorized and directed by Council Resolution 34-2016 to execute an agreement of services, on behalf of the City of Dunkirk, with HILL ENGINEERING OF NEW YORK, P.C., 8 Gibson Street, North East, PA, for water treatment facility Phase 3 work in regard to the 2009 Consent Order and such contract is so executed; and:

**WHEREAS**, said Council Resolution 34-2016, dated March 15 2016, further authorized and directed "that the EFC funds, and EFC fund administration requirements, for Phase 3 be set up by Fiscal Affairs as an income and expense City Fund, and that Phase 3 engineering services be paid from the engineering expense line of said City Fund for Phase 3"; and

**WHEREAS**, the DPW Committee was informed that the initial 2016 work is to be limited to the required interior re-coating of the Benton Tank because it is the primary active water service supply and fire protection for the Fourth and First Wards and for present and future industries to be served by the North County Water District easterly of the City of Dunkirk, and that following legal notice, sealed bids for this work were received and opened on August 5; and

**WHEREAS**, three bids were received – in the amounts of \$688,000, \$676,000, and \$384,479 – and that the low bid of \$384,479 by Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, has been deemed responsible by DPW Director Gregory Bennice and by Consulting Engineer August Maas, who both recommend quickly accepting this bid so the work can be done during Summer and Fall weather to not delay the City water system being fully ready to supply the North County Water District, and said contract acceptance being subject to the contractor meeting all requirements of the EFC funding process; now therefore,

**BE IT RESOLVED**, that the Mayor is hereby authorized and directed to execute a

contract for the interior re-coating of the City's Benton Water Tank at the low bid amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, but subject to the contractor first supplying all necessary approvals from EFC to meet the EFC funding requirements for this work.

8/16/16: Councilman Gonzalez made a motion to Table Resolution #75-16 until the Bonding Resolution is situated. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

**RESOLUTION #76-2016**

**August 16, 2016**

**BY: COUNCILMAN WILLIAMS**

**AMENDING DUNKIRK CITY CODE  
(§79-21070)**

**WHEREAS**, The Zoning Code of the City of Dunkirk, in §79-21070, regulates the display of "Political Signs"; and

**WHEREAS**, The Supreme Court of the United States of America ruled, in Reed v. Town of Gilbert (2015), that "content based" restrictions of speech violate the First Amendment of the Constitution of the United States; now, therefore, be it

**RESOLVED**, that the City Code be amended, and that code section §79-21070 removed in its entirety. The Code section is included below as reference. The quoted portion of the City Code is removed.

**"CITY CODE §79-21070, POLITICAL SIGNS**

Temporary signs in support of a political party or candidate are permitted in all zones in the City of Dunkirk. Signs may be erected up to three (3) weeks prior to the election and must be removed within seven (7) days following the election. No political signs shall be permitted in the public right of way."

8/16/16: Councilman Williams made a motion to Table Resolution #76-2016 until a Public Hearing to be held on Tuesday, September 6th, 2016 at 5:20PM. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

**RESOLUTION #77-2016**  
**September 6, 2016**

**BY: ENTIRE COUNCIL**

**CONSENT TO APPOINTMENT OF  
DIRECTOR OF PLANNING AND DEVELOPMENT**

**WHEREAS**, Section 2-10.02 of the City Code provides that the Director of Planning and Development 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 Wilfred Rosas has appointed Rebecca Yanus, 101 Longview Avenue, Jamestown, New York, to the position of Director of Planning and Development for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

**RESOLVED**, that Rebecca Yanus, be confirmed as Director of the Department of Planning and Development for the City of Dunkirk, effective September 8, 2016, at Fifty Thousand Dollars and Zero Cents (\$50,000.00) *per annum*.

**RESOLUTION #78-2016**

**September 6, 2016**

**BY: ENTIRE COUNCIL**

**CONSENT TO APPOINTMENT OF  
DIRECTOR OF HUMAN RESOURCES**

**WHEREAS**, Section 2-10.02 of the City Code provides that the Human Resources Department shall be staffed by the Mayor, with the consent of the Common Council; and

**WHEREAS**, pursuant to Section 2-10.02 of the City Code, Mayor Wilfred Rosas has appointed Vicky Westling, 130 South Ocelot, Dunkirk New York, to the position of Director of Human Resources for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

**RESOLVED**, that Vicky Westling be confirmed as Director of the Department of Human Resources for the City of Dunkirk, effective September 7, 2016, at Fifty Thousand Dollars and Zero Cents (\$50,000.00) *per annum*.

**RESOLUTION #79-2016**  
**September 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING LABOR NEGOTIATOR  
CONTRACT AGREEMENT  
(George Corsoro)**

**WHEREAS**, the City of Dunkirk requires expert assistance in its negotiations of its Collectively Bargained Agreements; and

**WHEREAS**, George Corsoro has the necessary expertise, education, and experience to substantially assist the City of Dunkirk in those negotiations, and is ready, willing, and able to supply those services to the City; now, therefore, be it

**RESOLVED**, that the Mayor, Wilfred Rosas, is hereby authorized to execute a contract agreement with George Corsoro, for expert services at a set rate of one thousand dollars (\$1,000) for September, October, November, and December, of 2016.

**RESOLUTION #80-2016**  
**September 6, 2016**

**BY: ENTIRE COUNCIL**

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

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

**WHEREAS**, The City of Dunkirk had entered into an independent contractor agreement pursuant to City Council Resolution #99-2015 with Wendy Spinuzza; and

**WHEREAS**, the City of Dunkirk has created a new position of "Assistant Housing, Building and Zoning Inspector" pursuant to City Council Resolution #40-2016, and no longer requires an independent contractor to fulfill those services, now, therefore, be it

**RESOLVED**, that the Mayor, Wilfred Rosas, is hereby authorized to terminate the Contract of Wendy Spinuzza, entered into Resolution #99-2015, based on the mutual agreement of those parties, and is directed execute any of the documents required for that termination.