

AGENDA - COMMON COUNCIL MEETING – SEPTEMBER 18, 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 S&K Hospitality, LLC (Clarion Hotel) for waiver of 30 day municipality notification for NYS liquor license.
 2. Request from the Dunkirk Fire Department to add four members to the active fire rolls.
 3. Request from SUNY Fredonia for two Inaugural Day of Service events at Wright Park, Point Gratiot & Cedar Beaches on September 22nd from 10:00 AM to 12:30 PM, and approval for Academy Heights/FACE Center Project for Bicentennial Park, pruning Arbor Day 2011 trees in Academy Heights & planting new trees in approved locations.
 4. Notice of Claim from Advanced Production Group, LLC for damages to the components of their boat allegedly caused by the Dunkirk Fire Department at the city pier on June 8th.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 74. Resolution amending Common Council Rules of Order (City Charter, Appendix 1).
 75. Resolution authorizing agreement with KVS Information Systems, Inc.
 76. Resolution authorizing lease termination for Kangaroo Cafe at the Boardwalk.
10. New Business:
11. Adjournment.

Lacy Lawrence
City Clerk

REQUEST FOR WAIVER OF THE 30 DAY MUNICIPALITY NOTIFICATION

Date 09/05/2012

To the Honorable Mayor of Dunkirk:

The NYS Liquor Authority has requested proof of delivery of this Municipality Notice which was mailed to the City Clerk on 02/20/2012. As the receipt was mailed with the application to the Liquor Authority and now cannot be found we are put in the position to produce another Municipality Notification and receipt. As such, we are again formally requesting a waiver for the 30 DAY MUNICIPALITY NOTIFICATION. We are under a tight time restraint to perform this task, so we are humbly asking for your assistance in this pressing matter which will allow us to continue to operate our business. Below is the standard request with contact information. Thank you in advance for your cooperation.

Please be advised that a waiver of the 30 day notification is being requested by S&K HOSPITALITY

LLC DBA CLARION HOTEL MARINA AND CONFERENCE CENTER located at 30

LAKESHORE DRIVE EAST, DUNKIRK, NY 14048 for an ON PREMISES LIQUOR, BEER AND

WINE license. This request is made to expedite the licensing process with the New York State Liquor

Authority for this establishment. If such waiver is granted, please fax, e-mail or forward it to:

Robert Heil
Liquor License Consultant
5008 Mount Vernon Blvd.
Hamburg, NY 14075

FAX : 866-910-5025

E-MAIL : THEHEILS@EMAIL.COM

If you have any questions please contact me at 716-512-5018

Thank You,



Robert Heil
Liquor License Consultant

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
SEP 11 11 12:26 AM

DUNKIRK FIRE DEPARTMENT
311 EAGLE STREET
DUNKIRK, NY 14048
716-366-2577

September 12, 2012

Common Council:

Please add the following names to the active fire rolls in the City of Dunkirk Fire Department:

1. Matthew Slavin
2. Devin Freitas
3. Garret Skelly
4. Juan Cordova Perez

Than k you.

Sincerely,



Keith D. Ahlstrom, Chief

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2012 SEP 12 PM 1:37

SUNY
FREDONIA



RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
SEP 13 PM 2:56

Department of English

City of Dunkirk
342 Central Avenue
Dunkirk, NY 14048

September 12, 2012

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

I am writing to request your approval for two Inaugural Day of Service events that have been planned to enhance specific parks, beaches, and boulevards in the City of Dunkirk. Specifically, I would like to obtain permission to hold beach cleanups at Wright Park Beach, Pt. Gratiot Beach, and Cedar Beach on September 22, 2012 from 10:00 am to 12:30 pm. I also seek the Council's approval to continue a joint Academy Heights/FACE Center project that will involve cleaning up Bicentennial Park, pruning Arbor Day 2011 trees planted throughout the Academy Heights neighborhood, and planting new trees in approved locations.

Both events are part of SUNY Fredonia's Inaugural Day of Service, which will celebrate President Horvath's investiture and the college's broader commitment to community engagement. The beach cleanups are also part of the 2012 Ocean Conservancy International Coastal Cleanup—the world's largest volunteer effort for ocean health.

The majority of volunteers at both events will be SUNY Fredonia students, staff and faculty members, although community members will participate as well. SUNY Fredonia's Swimming and Diving Team along with students from Professor Kuns' "Environmental Biology" class will be the primary participants in the beach cleanups. Students from Dr. Michael Jabot's "Teaching Science in Inclusive Education" class along with Academy Heights Neighborhood Association members will be the primary participants in the Bicentennial Park/tree maintenance and planting project. I estimate that approximately 80 campus volunteers will be involved in the two projects.

Neither event is new. I personally have led beach cleanups at Pt. Gratiot since 2009, and I have worked with the Academy Heights Neighborhood Association on two past events: the 2011 Arbor Day tree planting event and the 2012 "GreenFest" cleanup of Bicentennial Park. 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.

Currently Terry Tzitzis, SUNY Fredonia's Director of University Services, is working with Dunkirk City Attorney Ronald Szot to resolve any insurance and liability issues. If

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: ADVANCED PRODUCTION GROUP, LLC
Claimant Address: 10722 BECKETT ROAD
DUNKIRK NY 14098
Claimant Telephone Number: (716) 366-5090

This claim is for (injuries/damages alleged): DAMAGE TO
YAMAHA M3CL M352LG BOARD.

This claim is alleged to have arisen on the 8 day of JUNE, 2012 at approximately 9:30 a.m./p.m. on that date at THE DUNKIRK PIER.

The injuries and/or damages sustained by the Claimant arose in the following manner: THE DUNKIRK FIRE DEPARTMENT SHOT WATER
TOWARD THE CITY OF BUFFALO BOAT CATCHING THE
ABOVE MENTIONED EQUIPMENT IN THE CROSS FIRE

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: COMPONENT DAMAGE TO ABOVE MENTIONED
EQUIPMENT. COMPONENTS WERE ABLE TO BE REPLACED.
EQUIPMENT WAS NOT A TOTAL LOSS. SEE ATTACHED

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
SEP 13 10:11

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

Respectfully yours,

[Signature]
Claimant (date)

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

Christopher A. Wilson, 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 September, 2012

[Signature]
Notary
JUDY A. KRZYZANOWICZ
Notary Public, State of New York
No. 01KR6169268
Qualified in Chautauqua County
My Commission Expires June 25, 2015

RESOLUTION #74-2012
SEPTEMBER 18, 2012

BY: ENTIRE COUNCIL

**AMENDING COMMON COUNCIL RULES OF ORDER
(CITY CHARTER, APPENDIX 1)**

WHEREAS the City of Dunkirk Common Council, by Resolution No. 13-2012 (January 1, 2012), adopted a set of Rules of Order which are intended to govern the proceedings of the Council; and,

WHEREAS, as part of such Rules of Order, preview workshops are scheduled to commence one-half (1/2) hour prior to regularly-scheduled Common Council meetings; and,

WHEREAS, the Common Council believes that it would be in the best interests of the residents and taxpayers of the City, and would provide a greater opportunity for openness and transparency, if the such workshops were eliminated so that more on-the-record discussions regarding the business of the Common Council was conducted during the formal Council meeting; now, therefore, be it

RESOLVED, that the Rules of Order of the Common Council are hereby amended as follows:

Matter underlined and **bold** is new; matter with ~~strikethrough~~ and **bold** is deleted.

CITY CHARTER, APPENDIX 1, I. MEETINGS

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at ~~6:00 P.M.~~ **5:30 P.M.** in the Common Council Chambers in the City Hall, unless changed at a prior meeting. ~~Preview workshops shall be convened at 5:30 P.M. on the day of each regular meeting.~~

RESOLUTION #75-2012
SEPTEMBER 18, 2012

BY: ENTIRE COUNCIL

AUTHORIZING AGREEMENT WITH KVS INFORMATION SYSTEMS, INC.
(Financial Management and Utility Billing Software Upgrade)

WHEREAS, the City has utilized KVS Information Systems, Inc. to provide and maintain financial management and utility billing software; and

WHEREAS, such software is in need of upgraded and improved software; and

WHEREAS, KVS Information Systems, Inc., is ready, willing and able to provide the requisite services for the upgrade, licensing, support and training for such financial management and licensing software; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with KVS Information Systems, Inc., 821 Maple Road, Amherst, New York 14221, for utility billing and financial management software upgrade, licensing, support and training at a cost of Thirteen Thousand, Ninety Dollars and Zero Cents (\$13,090.00), with financing through KVS for four years at four percent (4%) interest.

RESOLUTION #76-2012
SEPTEMBER 18, 2012

BY: ENTIRE COUNCIL

AUTHORIZING LEASE TERMINATION

Genene (Robertson) Adamczak and Timothy Adamczak
(doing business as *Kangaroo Café*)

WHEREAS, the City is the owner of certain improved real property, commonly known as the Dunkirk Boardwalk Project (the "Boardwalk"), 8-22 Central Avenue, Dunkirk, New York; and

WHEREAS, Genene (Robertson) Adamczak and Timothy Adamczak (doing business as *Kangaroo Café*), 15 East 5th Street, Dunkirk, NY ("*Kangaroo Café*"), and the City are the parties to a certain Commercial Lease Agreement, which provides for the use of 20 Central Avenue, Dunkirk, NY, at the Boardwalk, through March 31, 2013 by *Kangaroo Café*; and

WHEREAS, *Kangaroo Café* and the City desire to modify the terms of the lease agreement, whereby the lease between *Kangaroo Café* and the City will be terminated; now, therefore, be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to terminate the Commercial Lease Agreement with Genene (Robertson) Adamczak and Timothy Adamczak (doing business as *Kangaroo Café*), 15 East 5th Street, Dunkirk, New York 14048, for the use of 20 Central Avenue, Dunkirk, NY.