

AGENDA - COMMON COUNCIL MEETING – September 15, 2015 - 5:30 PM
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 Fire Chief Edwards to add members to the City of Dunkirk Fire Roll.
 2. Request from Dunkirk Yacht Club to use the City Pier for repairs to their docks.
 3. Loudspeaker application from Iglesia Pentecostal for microphones, amplifiers, drums and speakers on Saturday, October 10th from 5:00 PM until 9:00 PM at the pavilion on Third & Park Avenue.
 4. Notice of Claim from:
 - a) Rudy Thomas for alleged damages to his bicycle while riding on East Second Street and Columbus Avenue.
 - b) Pomco Group for injuries allegedly sustained on City Property.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 68. Resolution authorizing Agreement with Chautauqua County (Dunkirk Harbor Dredging).
 69. Resolution authorizing Renewal Agreement with State of New York Unified Court System (City Court cleaning and minor repairs – Contract No. C300342) (April 1, 2015 to March 31, 2016).
10. New Business:
11. Adjournment.

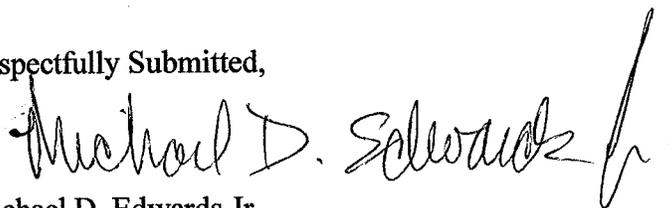
Nicole Joiner
City Clerk

September 9, 2015

City Clerk Nicole Joiner and the Dunkirk Common Council,

Please add William J. Rivera 434 Swan St. Dunkirk to the active city fire roll.

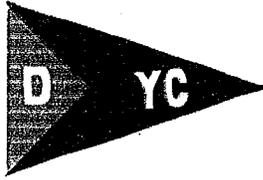
Respectfully Submitted,



Michael D. Edwards Jr.
Fire Chief

CLERK OF THE CITY
DUNKIRK, N.Y.

2015 SP -9 AM 9:47



DUNKIRK YACHT CLUB

P.O. Box 505 Dunkirk, New York 14048

Dunkirk Mayor & Council:

The Dunkirk Yacht Club is planning to replace pilings supporting our docks caused by ice damage due to lack of warm water discharge from NRG power plant into Dunkirk Harbor. Buffalo Marine Construction has indicated we could save a considerable amount of revenue if they were allowed to set their equipment into the lake at the city pier versus pushing it by tug all the way from Buffalo. I have spoken with Benchley construction which said they could accommodate this task with their 80 ton crane. The Barge being set in weighs about 10 ton, excavator needing loaded onto barge about 16 ton plus a truck load of pipe about another 10 ton. All this weight would not be on the pier at once. The crane and one of the others at a time. This would be done on one day and then another at completion. Spoke with City Engineer Randy Woodbury who seemed to indicate this would not be a problem but requested I write this letter for formal approval. We are requesting your timely approval as we would like to get this done this year.

Thank you so much,
Ken Kuwik

Re; Dunkirk Yacht Club
350 Lake Shore Dr. W.
785-0554

2015 AU 31 PM 3:48

DUNKIRK N.Y.
CITY ENGINEER
RANDY WOODBURY

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 9/2/15

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

DATE: 10/10/15 **TIME:** 5-9pm **LOCATION OF EVENT:** Pavilion on 3rd & Park Ave

SPONSOR: Iglesia Pentecostal Area de Salvacion

NAME: Pastor Daniel Hiraldo **PHONE NO.** 716-785-2506

ADDRESS: 410 Eagle Street Dunkirk NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Pastor Daniel Hiraldo **PHONE:** 716-785-2506

ADDRESS: 410 Eagle Street Dunkirk NY 14048

REASON: Church Service

MAIL RESPONSE TO:

AUDIO DEVICE TO BE USED: 107 King Street Dunkirk NY 14048

Microphones, Amplifiers, Drums, Speakers, Guitar, Piano

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES **IF YES, PROOF:**

NO

2015 SEP 2 AM 11:41
DUNKIRK, N.Y.

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

Signature: 

| DEPARTMENTAL REVIEW | DATE SENT | REPORT BACK |
|--|-----------|-------------|
| POLICE DEPT <i>OK 9-3-15</i> | | |
| DEPT OF PUBLIC WORKS <i>KAL 9/8/15</i> | | |
| DEPT OF LAW <i>RS 9/2/15</i> | | |
| OTHER | | |

COMMON COUNCIL ACTION

| | |
|--------------------------|--|
| RECEIPT OF REVIEW | |
| APPROVAL | |
| CONDITIONS: | |
| DISAPPROVED | |

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: Rudy Thomas
Claimant Address: 18 Armachillo St
Dunkirk, NY 14048
Claimant Telephone Number: (716) 413-1887

This claim is for (injuries/damages) alleged: two Brand New Bike
(21 Speed)

This claim is alleged to have arisen on the 27 day of Aug, 2015 at approximately 8:30 a.m/p.m. on that date at 2:58 pm.

The injuries and/or damages sustained by the Claimant arose in the following manner:
Riding Bike going west on East Second St. encounter
a sink hole water receptor that's on Columbus Ave
and East Second St. The water Receptor sits 6-8 inches
below the Road, and is covered with grass & weeds,

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: \$269.00 whole front end and wheel, forks
badly damaged by sink hole, police accident
reports enclosed.

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

Respectfully yours,
Rudy Thomas 8/31/15
Claimant (date)

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

RUDY 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
31st day of August, 2015.

Ronald A. Szot
Notary

RONALD A. SZOT #4906282
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CHAUTAUQUA COUNTY
COMMISSION EXPIRES 8/31, 2017

2015 AUG 31 AM 11:39
CITY CLERK
DUNKIRK, NY



RISK MANAGEMENT

August 31, 2015

City of Dunkirk
342 Central Ave.
Dunkirk, NY 14048

2015 SP -3 AM 10:13
CITY OF DUNKIRK
DUNKIRK, NY

RE: Employer: Chautauqua County Self Insurance Plan
Our Claim #: WC2026305422
Claimant: Paul Holt
D/A: 2/13/2015

Dear Sir or Madam:

POMCO Group is the workers' compensation third party claims administrator on behalf of the above captioned self-insured employer. We are placing you on **formal notice of a claim**.

While in the course of employment, the above-referenced claimant was injured on your property. POMCO Group on behalf of the self-insured employer has provided workers' compensation benefits in the amount of **\$751.11 to date** for the resulting injuries. Since the claimant has chosen not to pursue you in this matter, POMCO Group on behalf of the self-insured employer is doing so in an effort to recoup the monies paid out on this claim.

Please forward this 'Notice of Claim' to your insurance carrier that provides your homeowner's insurance or liability coverage and have them contact me as soon as possible.

Thank you for your anticipated cooperation. Feel free to call me with any questions or concerns.

Sincerely,

Rose

Rosemarie (Wagner) Stevens, C.M.A., A.A.M.A.

Sr. Claims Adjuster

POMCO

Risk Management Division

(w) 315.432.9171 x44065 (f) 315.433.5473 (t) 877.236.7475 – please note my new phone extension & email

(e) rstevens@pomco.com (u) www.pomco.com

DIRECT ALL CLAIM MAIL TO:

POMCO

P.O. Box 325

Syracuse, NY 13206

email: wvvendor@pomco.com - please note our new email address

Fax: 315-433-5473

«Adjuster_Address_2»
«Adjuster_City», «Adjuster_State_Short» «Adjuster_ZIP_Code»

RESOLUTON #68-2015
SEPTEMBER 15, 2015

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT WITH CHAUTAUQUA COUNTY
(DUNKIRK HARBOR DREDGING)**

WHEREAS, a dredging project has been proposed for the Dunkirk Harbor, and with the assistance of Chautauqua County officials and departments, contemporaneous with a similar dredging project proposed by the Town of Hanover for dredging the recreational channel in Cattaraugus Creek; and

WHEREAS, bids for both projects were advertised, noticed in accordance with the law and the Dunkirk Common Council, by and through Resolution No. 54-2015 (July 21, 2015), approved work for the Dunkirk Harbor component of such dredging, for a sum not to exceed One Hundred Sixteen Thousand Five Hundred Dollars and Zero Cents (\$116,500.00) for dredging and disposal of sediment and dredged materials, together with an additional sum of Fifty-Two Thousand Eight Hundred Eighty-Five Dollars and Zero Cents (\$52,885.00), for mobilization, staging and demobilization costs, which sum is one-half of the total mobilization, staging and demobilization costs stated by Dean Marine & Excavating, Inc., for said work in both contracts in the City of Dunkirk and Town of Hanover, to wit: total mobilization, staging and demobilization costs for both are One Hundred Five Thousand Seven Hundred Seventy Dollars and Zero Cents (\$105,770.00); and

WHEREAS, pursuant to Chautauqua County Resolution 58-14, the Chautauqua County Legislature authorized certain funding to assist the City with the cost of such dredging, to wit: One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) from the 2% Occupancy Tax Lakes and Waterways Reserve Fund, and dedicated Sixty Thousand Dollars and Zero Cents (\$60,000.00) from the Lake Erie Management Commission (LEMC), to be distributed equally (Seventy Thousand Dollars and Zero Cents (\$70,000.00) each) to the City of Dunkirk, Town of Hanover, and Town of Westfield to assist with funding their dredging projects; and

WHEREAS, Chautauqua County was awarded Two Hundred Seventy-Five Thousand and Zero Cents (\$275,000.00) from the New York State Department of Environmental Conservation (NYSDEC) funding with One Hundred Thousand Dollars and Zero Cents (\$100,000.00) pledged to the City of Dunkirk to assist with funding their dredging project; and

WHEREAS, the County, through its Department of Planning and Economic Development, is coordinating with New York State, the municipalities, the contractor and the stakeholders to ensure that the project is undertaken in a timely fashion and within budget; and

WHEREAS, the City of Dunkirk and the Town of Hanover, are receiving monies from the State of New York and the County of Chautauqua to finance said project, to wit: One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the State of New York and Seventy Thousand Dollars and Zero Cents (\$70,000.00), from the County of Chautauqua, to each; now, therefore, be it

RESOLVED, that the Mayor, subject to the contingencies required by Common Council Resolution 54-2015, is hereby authorized to enter into an agreement with the County of Chautauqua, Gerace Office Building, Mayville, New York 14757, relative to the funding obligations of the City and County for the dredging of the Dunkirk Harbor with the City accepting from the County an amount not to exceed One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) in such County and/or New York State funds, such funds to be paid out upon completion of the Dunkirk Harbor dredging work; and, be it finally

RESOLVED, that the Fiscal Affairs Officer is authorized and directed to make the following amendments to the 2015 Budget:

009.0009.2285 NYS & Chautauqua County Dredging Grant

RESOLUTION #69-2015
SEPTEMBER 15, 2015

BY: THE ENTIRE COUNCIL

**AUTHORIZING RENEWAL AGREEMENT WITH
STATE OF NEW YORK UNIFIED COURT SYSTEM
(CITY COURT CLEANING and MINOR REPAIRS – CONTRACT NO. C300342)
(APRIL 1, 2015 TO MARCH 31, 2016)**

WHEREAS, the City's five-year contract with the New York State Unified Court System reimburses the City for cleaning and minor repairs for space utilized for City Court; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2015, and terminates on March 31, 2016, and during which reimbursement has been allocated to not exceed Thirty-Four Thousand Three Hundred Eighty-Eight Dollars and Zero Cents (\$34,388.00); 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, 2015 to March 31, 2016) for which reimbursement shall be in an amount not to exceed Thirty-Four Thousand Three Hundred Eighty-Eight Dollars and Zero Cents (\$34,388.00) to compensate the City for cleaning and minor repairs for space utilized by City Court.