

AGENDA - COMMON COUNCIL MEETING – January 6, 2015 - 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. Petition from Richard J. Clark on behalf of "Score This" requesting the use of roads and facilities to host a triathlon event on August 23, 2015 from 7:00 AM to 1:00 PM in the City of Dunkirk called "Tri Dunkirk". Also requesting to hold a 5K road race and community pig roast BBQ on August 22, 2015.
  2. Notice of Claim from:
    - a) Minerva Maestre as png Eriberto Corraliza vs. City of Dunkirk Police Department.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  1. Resolution introducing Local Law #1-2015 amending Chapter 31, of the Dunkirk City Code entitled "Fees."
10. New Business:
11. Adjournment.

Nicole Joiner  
City Clerk

Adv: 1-5-15



**SCORE THIS!!!, INC.**  
15 RANCH TRAIL CT.  
ORCHARD PARK, NEW YORK 14127

November 24th, 2014

Mr. Tim Gornikewicz  
Recreational Program Director, City of Dunkirk  
342 Central Avenue  
Dunkirk, New York 14048

To whom it may concern from the City of Dunkirk, Town of Dunkirk, Town of Sheridan and the Village of Silver Creek:

On behalf of Score This!!!, I am requesting the use of the roads and facilities in your city or town in order to host our annual multisport event on August 23rd, 2015 in the City of Dunkirk. The name of the event is "Tri Dunkirk" and it will be in a triathlon format that will include an open water swim, a bike race, and a running race. The race will take place on a Sunday and run from approximately 7:00 a.m. to 1:00pm. In addition to the triathlon we would like to host a 5K road race on the triathlon running course, in the City of Dunkirk, Saturday August 22<sup>nd</sup>, 2015 and conclude this event with a community pig roast BBQ. We are hoping the 5K will attract at least 200-250 athletes in its first year and the BBQ will bring more of the community to the event.

This event in its fifth year should attract as many as 325-425 participants and approximately 300 spectators and volunteers. The 2014 race attracted 322 participants in its fourth year. Score This!!! has been organizing multisport events since 1995 and has hosted the 2011-2014 Tri Dunkirk in the City of Dunkirk. This area makes an excellent venue to host these styles of events with athletes commenting on this being their one of their favorite venues.

We are writing this letter in advance to work out all of the details for the course and to help all parties take advantage of this athletic tourism influx. Many triathletes travel beyond their state borders. Many triathletes surveyed travel 150 plus miles to a triathlon which would include participants from as far away as the Syracuse, Albany and other regions of New York State as well as from surrounding cities like Cleveland of states like Ohio, Pennsylvania, Maryland, New Jersey, and Connecticut. In fact we had athletes from New York, Pennsylvania, Ohio and Massachusetts for the 2014 event.

Tri Dunkirk, the new 5K and the BBQ can help increase visitation to Chautauqua County. Multisport athletes and runners like to explore the areas they visit in many different ways. If they are provided the information about the surrounding areas activities they will return to explore this in the future. Advertising for this event would involve, but not be limited to the following:

- Tri Dunkirk oval car stickers were handed out to each participant as well as the throughout the community
- Email updates to a 2900+ athlete Score This!!! dedicated email group
- Email updates to a 35,000 plus athlete online registration email system
- Dedicated webpage(s) at <http://tridunkirk.com> (24,000 plus views in 2014)
- Dedicated ad placement on [score-this.com](http://score-this.com)
- Facebook and Twitter advertising to a dedicated Score This!!! fan pages
- Race listing on [TriFind.com](http://TriFind.com) and [Score-This.com](http://Score-This.com)

Sincerely,

Richard J Clark  
Race Director/Vice President  
Score This!!!, Inc.  
716.940.6294  
[rich@score-this.com](mailto:rich@score-this.com)  
<http://score-this.com>

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CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 DE 19 AM 11:21

STATE OF NEW YORK : COUNTY OF CHAUTAUQUA

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MINERVA MAESTRE as png ERIBERTO CORRALIZA,

Claimants,

**NOTICE OF CLAIM**

vs.

CITY OF DUNKIRK POLICE DEPARTMENT  
342 Central Avenue  
City Hall  
Dunkirk, New York 14048

Respondent.

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**PLEASE TAKE NOTICE**, that Claimants, MINERVA MAESTRE as png ERIBERTO CORRALIZA, by and through their attorneys at LoTempio & Brown, P.C., hereby make a claim against the CITY OF DUNKIRK POLICE DEPARTMENT, and respectfully submit the following in compliance with General Municipal Law §50-e and all other applicable statutes of the State of New York.

1. The post office address of the Claimants, MINERVA MAESTRE as png ERIBERTO CORRALIZA, is 51 2<sup>nd</sup> Street, Dunkirk, New York, 14048, and they were, and are, residents of the County of Chautauqua and State of New York.

2. Claimants are represented by Rafael O. Gomez, Esq., at LoTempio & Brown, P.,C., 181 Franklin Street, Buffalo, New York, 14202.

3. This Notice of Claim is for the assault and unlawful battery of Eriberto Corraliza

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by an employee and agent of Respondent on or about December 13, 2014 while he was at or about 342 Central Avenue in Dunkirk, New York.

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DUNKIRK, N.Y.  
2014 DE 26 PM 4:19

4. Respondent's employee and agent, without provocation or justification, did strike, grab, and slam Eriberto Corraliza on said date causing physical injuries and harm requiring medical treatment.

5. Respondent's actions violated Claimants' protected rights under New York State and Federal Law, including, but not limited to, 42 U.S.C. §1983.

6. Respondent was careless, reckless, and negligent in protecting Eriberto Corraliza resulting in the unlawful actions against him which caused physical harm and violated his civil rights.

7. Respondent was careless, reckless, and negligent in training, monitoring and supervising its employees and agents which resulted in the unlawful actions against Eriberto Corraliza that caused physical harm and violated his civil rights.

8. Claimant respectfully submits this Notice of Claim regarding the intention to proceed with an action against the City of Dunkirk Police Department and its employee and agent who injured Eriberto Corraliza and violated his civil rights, all together for a sum of money to be determined by a jury, which shall include all damages to which he is entitled under New York and Federal Law, including compensatory and punitive damages, and all costs and attorney's fees incurred in the prosecution of the claims identified herein.

Dated: December 22, 2014  
Buffalo, New York



Rafael O. Gomez, Esq.

**LO TEMPIO & BROWN, P.C.**

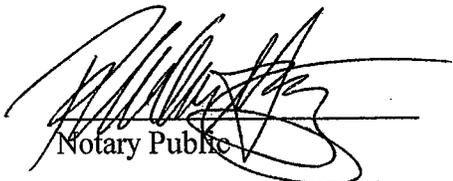
181 Franklin Street  
One Franklin Court  
Buffalo, New York 14202  
(716) 855-3761

**VERIFICATION**

I, MINERVA MAESTRE as png ERIBERTO CORRALIZA, have read the foregoing contents of the Notice of Claim, and hereby certify to the contents therein regarding the incident which occurred and the allegations therein.

Minerva Maestre  
MINERVA MAESTRE as png  
ERIBERTO CORRALIZA

Sworn to before me this  
22<sup>nd</sup> day of December, 2014

  
Notary Public

**RAFAEL OMAR GOMEZ**  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 2/4/20 16

**AFFIRMATION OF TRANSLATION**

I, Rafael O. Gomez, Esq., being duly sworn, and under the penalty of perjury, hereby state as follows:

1. I have translated the NOTICE OF CLAIM in this matter to MINERVA MAESTRE as png ERIBERTO CORRALIZA in her primary language of Spanish.
2. I am fluent in English and Spanish.
3. MINERVA MAESTRE as png ERIBERTO CORRALIZA did, and does, understand the contents of this Notice of Claim.

Dated: December 22, 2014  
Buffalo, New York

  
\_\_\_\_\_  
RAFAEL O. GOMEZ, ESQ.

**RESOLUTION #1-2015**  
**JANUARY 6, 2015**

BY: THE ENTIRE COUNCIL

**INTRO NO. 1 TO LOCAL LAW #1-2015**  
**CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW TO AMEND CHAPTER 31, ARTICLE I, SECTION 31-2**  
**OF THE DUNKIRK CITY CODE**  
**ENTITLED "RECREATION SERVICES FEE SCHEDULE"**

BE IT ENACTED by the Common Council of the City of Dunkirk, New York, as follows:

**Section 1**     **Intent**

It is the intent of this Local Law to amend Dunkirk City Code, Chapter 31, Article I, Section 31-2, to modify and to update various recreation services fees.

**Section 2**     **Amendment of City Code**

Chapter 31, Article I, Section 31-2 of the Dunkirk City Code, is hereby amended as follows:

**DELETE:**

**§31-2. Fee Schedule.**

Effective December 1, 2005, the following fees are hereby established.

<b><u>Type</u></b>	<b><u>Fee</u></b>
<b><u>Facility Rentals</u></b>	
City softball fields:	
Single game	\$ 50.00
Single day	\$ 75.00
Tournament (multiple days)	\$150.00
 Picnic table, per day	 \$ 2.50
<b>[Added 5-21-1992 by L.L. #4-1992]</b>	
(Rental of tables is limited to Churches, Clubs and Schools)	
 Bandstand, per 8x8 section, per day	 \$ 5.00
<b>[Added 5-21-1992 by L.L. #4-1992]</b>	
<b><u>Youth Program</u></b>	
Sports clinics, except for swimming, sailing and tennis	\$ 10.00
Dance program	\$ 10.00
Floor hockey	\$ 10.00

Swim clinic	\$ 25.00
Sailing program	\$ 25.00
Tennis program	\$ 25.00

**Adult Program**

League fees (basketball, football, softball, floor hockey, soccer)	
City Residents	\$ 15.00
Non-Dunkirk City Residents	\$ 20.00
Player disqualification fees	\$ 30.00
Volleyball	\$150.00
Walking	\$ 1.00
Soccer	\$ 2.00
Golf	\$ 30.00
Hockey (daily admission)	\$ 1.00

**Recreation Center:**

**Rollerskating Program**

Youth admissions	\$ 1.00
Adult admissions	\$ 2.00

**Birthday Parties**

1 1/2 hours (maximum of 10 children)	\$ 40.00
Each additional child	\$ 4.00

**Group Rentals (Church, scouts, family)**

25 people and under	
Per hour	\$ 30.00
For 1 1/2 hours	\$ 40.00
26 - 50 people	
Per hour	\$ 35.00
For 1 1/2 hours	\$ 45.00
51 people or over	
Per hour	\$ 40.00
For 1 1/2 hours	\$ 50.00

**Team Rentals (Little League, Babe Ruth, Hockey, etc.)**

Teams of less than 25 people	
Per hour	\$ 15.00

**Ice-Skating Program**

Youth admissions	\$ 1.00
Adult admissions	\$ 2.00

**Summer Camp Program**

[Added 4-29-1992 as L.L. #3-1992; Amended by L.L. #8 (Intro No. 12) 1993]

**City Residents**

First child, per session	\$ 30.00
Each additional child, per session	\$ 20.00

**Non-Dunkirk City Residents**

First child, per session	\$ 40.00
Each additional child, per session	\$ 25.00

**Rental of Pavilions at Point Gratiot [Amended 03-01-11 as L.L. #4-2011]**

**Effective April 4, 2011, the following fees are hereby established:**

**Large Pavilion**

Entire Pavilion (capacity 216)	
City Residents	\$ 75.00
Non-Dunkirk City Residents	\$ 150.00

**Lower Pavilion**

Entire Pavilion (Capacity 96)	
City Residents	\$ 50.00
Non-Dunkirk City Residents	\$ 100.00

**Koch's Pavilion**

Entire Pavilion (Capacity 96)	
City Residents	\$ 50.00
Non-Dunkirk City Residents	\$ 100.00

**NOTE:** There will be no fee charged to groups of handicapped individuals or to groups of Senior Citizens who reserve the pavilions

**AMEND TO:**

**§31-2. Fee Schedule.** [Amended 10-4-2005 as L.L. #2-2005; Amended 5-21-1992 by L.L. #4-1992; Amended 4-29-1992 as L.L. #2-1992, and by L.L. #8 (Intro No.12) 1993]

Effective February 1, 2015, the following fees are hereby established.

**Type**

**Fee**

**Facility Rentals**

City softball fields:	
Single game	\$ 50.00
Single day	\$ 50.00
Tournament (multiple days) (per event day)	\$ 50.00

Picnic table, per day \$ 2.50

**[Added 5-21-1992 by L.L. #4-1992]**

(Rental of tables is limited to Churches, Clubs and Schools)

Bandstand, per 8x8 section, per day \$ 5.00

**[Added 5-21-1992 by L.L. #4-1992]**

**Youth Program**

Sports clinics/activities (per person, per session)

City resident \$ 3.00

Non-City resident \$ 4.00

**Adult Program**

League fees (per team)

Basketball \$150.00

Flag Football \$150.00

Softball (slo- and fast-pirch) \$150.00

Floor Hockey \$150.00

Game Protest Fee \$ 50.00

Player Ejection Fee (per player, per incident) \$ 30.00

Open Play (per person, per session)

Dodgeball, Soccer, Hockey, Basketball, etc. \$ 4.00

**Recreation Center:**

Roller-Skating Program (per person, per session) \$ 1.00

Walking (per person, per session) \$ 1.00

Playday (per person, per session) \$ 1.00

Group/Birthday Rentals

City resident (one hour) \$ 30.00

Non-city resident (one hour) \$ 40.00

Youth Team Rentals (one hour)

\$ 15.00

**Summer Camp Program**

**[Added 4-29-1992 as L.L. #3-1992; Amended by L.L. #8 (Intro No. 12) 1993]**

**City Residents**

First child (per session) \$ 40.00

Each additional child (per session) \$ 30.00

Junior counselor (per session) \$ 15.00

**Non-City Residents**

First child (per session) \$ 50.00

Each additional child (per session) \$ 40.00

**Rental of Pavilions at Point Gratiot [Amended 03-01-11 as L.L. #4-2011]**

**Effective April 4, 2011, the following fees are hereby established:**

<b>Large Pavilion - Entire Pavilion (capacity 216)</b>	
City Residents	<b>\$ 75.00</b>
Non-City Residents	<b>\$150.00</b>
<b>Lower Pavilion - Entire Pavilion (Capacity 96)</b>	
City Residents	<b>\$ 50.00</b>
Non-City Residents	<b>\$100.00</b>
<b>Koch's Pavilion - Entire Pavilion (Capacity 96)</b>	
City Residents	<b>\$ 50.00</b>
Non-City Residents	<b>\$100.00</b>

**NOTE:** No fee will be charged to groups of handicapped individuals or to groups of Senior Citizens who reserve the pavilions

**Section 3      Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State.