

AGENDA - COMMON COUNCIL MEETING – October 04, 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. Notice of Claim from Lance Bronnenkant for injuries allegedly sustained in a bicycle accident between 12:00 and 1:00 PM on June 19th, 2016.
 2. Request from Monica Kemp of the Dog Park Advisory Committee for a Dog Park on Cedar Beach.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 81. Resolution establishing Halloween Trick-or-Treat hours.
9. Pre-filed Resolutions:
 87. Resolution introducing Local Law No. 1-2016 to override the Tax Levy Limit established in General Municipal Law 3-c.
 88. Resolution consenting to New York State Financial Restructuring Board Review.
 89. Resolution authorizing Mayor to Execute Chautauqua County Agreement Amendment (Snow Removal and Ice Control).
 90. Resolution Approving Surplus Equipment Declaration for Disposal.
10. New Business:
11. Adjournment.

Lillian R. Divine
City Clerk

LAW OFFICE

OF

JONATHAN D. ESTOFF

Attorney and Counsellor at Law

135 Delaware Avenue - Suite 405
Buffalo, New York 14202

TELEPHONE: (716) 332-1034

FAX: (716) 854-2797

September 13, 2016

Via Certified Return Receipt Mail

Lillian Divine City Clerk
City of Dunkirk, New York
1st Floor, City hall
342 Central Avenue
Dunkirk, NY 14048

Andrew Brautigam, Esq.
City Attorney of the City of Dunkirk, New York
2nd Floor, City Hall
342 Central Avenue
Dunkirk, NY 14048

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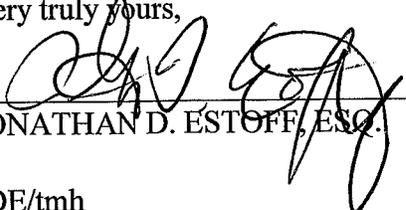
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

RE: *Notice of Claim*
Bronnenkant vs. City of Dunkirk, New York

Dear City Clerk and City Attorney:

I enclose herewith, in duplicate, copies of the Notice of Claim served on behalf of my client, Lance J. Bronnenkant, in accordance with the provisions of the General Municipal Law of the state of New York.

Very truly yours,


JONATHAN D. ESTOFF, ESQ.

JDE/tmh
Enc.

STATE OF NEW YORK
COUNTY OF ERIE

LANCE J. BRONNENKANT

Claimant,

-vs-

NOTICE OF CLAIM

City of Dunkirk, New York

Respondent.

TO: CITY OF DUNKIRK, NEW YORK

PLEASE TAKE NOTICE, that the above identified Claimant, Lance J. Bronnenkant, pursuant to the General Municipal Law, hereby states that he has claim and makes claim against the City of Dunkirk, New York, and in support of said claim, states as follows:

1. The Claimant's name is Lance J. Bronnenkant and he resides at 222 Mt. Vernon Road, Snyder, NY 14226. Claimant's attorney is Jonathan D. Estoff, Esq., 135 Delaware Avenue, Suite 405, Buffalo, NY 14202.
2. The nature of this claim is for the personal injuries sustained by the Claimant in a bicycle accident which occurred on the 19th day of June 2016, between 12:00 noon and 1:00 p.m., in the City of Dunkirk, New York.
3. The date and time when this claim arose was on or about the 19th day of June 2016, between 12:00 noon and 1:00 p.m. The manner in which this claim arose was as follows. On the aforesaid date and time, the Claimant was riding his bicycle in a generally north easterly direction on Lake Front Boulevard in the City of Dunkirk, New York at a point approximately midway between the intersection of Lake Front Boulevard and North Main Street and Wright Park. Claimant was riding on the bicycle path sidewalk adjacent to Lake Front Boulevard and also adjacent to a break wall separating Lake Front Boulevard from Lake Erie. Just prior to the point of the accident, the Claimant had to steer his bicycle around a parked car and in attempting to return to the bicycle path / sidewalk, he struck a raised portion of curbing, causing him to be thrown from his bicycle and suffer the severe, permanent and painful injuries, which are more fully described herein. It

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CITY CLERK'S OFFICE
CITY OF DUNKIRK, N.Y.

will be claimed that the accident was caused by the negligence of the City of Dunkirk, New York and or its agents, servants and/or employees in that, in a recent reconstruction of the sidewalk and roadway in the area where the accident occurred, an apparent ramp was constructed leading from the sidewalk bike path to the adjacent roadway, which ramp was negligently and carelessly designed, constructed and maintained in that, it had sudden and abrupt curb faces along the sides of said ramp, which gave the appearance of being gently tapered and easily ridden over. when in fact, they were not so tapered or otherwise constructed so as to provide a smooth transition from the roadway back onto the sidewalk / bicycle path. It will be claimed that the City of Dunkirk, New York, its agents, servants and/or employees were careless and negligent in the design, construction and maintenance of the aforesaid area, and in failing to properly sign and or mark said area to warn users thereof, including the Claimant, of it's dangerous and unsafe nature. It will be specifically claimed that the City of Dunkirk, New York and/or its agents, servants and/or employees in their affirmative conduct caused and created the hazardous condition described herein, and which caused Claimant's accident.

4. As a result of the aforesaid incident, the Claimant suffered severe, permanent and painful injuries to his head, arms, legs and body, including, but not limited, to a severely fractured left clavicle bone, which required surgical intervention, the insertion of a multi-screw fixation plate; injuries to the left shoulder, together with numerous brush burns and similar injuries to his arms and legs, hands and feet. It will be claimed that Claimant's injuries are permanent and progressive, and that as a result thereof, Claimant has sustained substantial monetary damages, as a result of said injury.

WHEREFORE, the Claimant prays that his injuries and damages be paid for by the City of Dunkirk, New York, together with the costs hereof.

Lance J. Bronnenkant
LANCE J. BRONNENKANT

DATED: September 13, 2016
Buffalo, New York

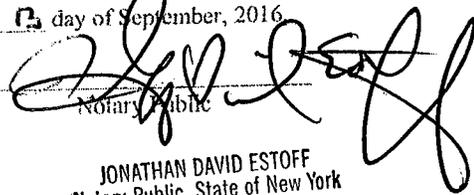
VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

LANCE J. BRONNENKANT, being duly sworn, deposes and says, that he is the Claimant in the above named proceeding and he has read the Notice of Claim, and that the foregoing document is true to the best of his own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes to be true.

Lance J. Bronnenkant
LANCE J. BRONNENKANT

Sworn to before me this
12 day of September, 2016


Notary Public

JONATHAN DAVID ESTOFF
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2018

City of Dunkirk
342 Central Ave
Dunkirk, NY 14048

Dear Lilian Devine, Dunkirk City Clerk:

Thank you for ongoing support in advancing the concept of a dog park into a reality.

I am very interested in continuing to advance this proposal because I believe it is good for the development of the City of Dunkirk. I would like to speak at the October 4, 2016 Common Council Meeting about moving forward on a location for the dog park, specifically Cedar Beach since it is not currently being developed. This was the best location as outlined by the Dog Park Advisory Committee. The dog park amenities are easily movable if a viable development comes to fruition for this location. I believe there will be other individuals that will want to speak as well.

Thank you for your time and consideration,



Monica L Kemp

Monica.kemp@gmail.com

Cell 716-348-6873

2016 SP 26 PM 3:48

CITY OF DUNKIRK
DUNKIRK, N.Y.

Lillian Divine

From: Monica L Kemp [kemp@fredonia.edu]
Sent: Monday, September 26, 2016 11:40 AM
To: Lillian Divine
Subject: RE: Common Council Meeting 10/4/16 - Dog Park
Attachments: Common Council Letter.pdf

Hi Lillian,

Attached is the letter. I would like to speak as an individual. I believe other individuals will be attending to speak about the dog park as well.

Thanks,
Monica

RESOLUTION #81-2016
September 20, 2016

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Monday, October 31, 2016, shall be from 4:00 P.M. to 8:00 P.M.

Councilman Williams made a motion to table Resolution #81-2016. Seconded by Councilman Gonzalez.

Vote to Table:

Ayes: Councilman Williams, Bamonto, Gonzalez and Councilman-at-large Woloszyn.

No: Councilwoman Szukala.

Resolution TABLED, 4-1.

RESOLUTION # 87-2016
October 4, 2016

BY THE ENTIRE COUNCIL:

INTRO NO. 1 TO LOCAL LAW NO. 1-2016
CITY OF DUNKIRK

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c

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

Section 1 Purpose. It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Dunkirk, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and to allow the City of Dunkirk, County of Chautauqua, to adopt a budget for general city purposes and any other special or improvement district governed by the Common Council for the fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.

Section 2 Authority. This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Common Council to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty percent (60%) of the Common Council, adopted prior to the adoption of the budget by the Common Council.

Section 3 Override. The Common Council of the City of Dunkirk, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the City of Dunkirk, for which the Common Council is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.

Section 4 Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.

Section 5 Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION # 88-2016
October 4, 2016

BY: ENTIRE COUNCIL

CONSENT TO NEW YORK STATE FINANCIAL RESTRUCTURING BOARD REVIEW

WHEREAS, the City of Dunkirk is facing serious fiscal issues in the near future, including but not limited to loss of large PILOT payments and the possibility of reaching the constitutional limit on property taxes; and

WHEREAS, the City may benefit from the non-binding advice of the New York State Financial Restructuring Board; now, therefore, be it

RESOLVED, that the City of Dunkirk, as deemed a fiscally eligible municipality by the State Comptroller's Office of the State of New York, requests the financial restructuring board to undertake a comprehensive review of the operations, finances, management practices, economic base and any other factors that in its sole discretion it deems relevant to be able to make findings and recommendations on reforming and restructuring the operations of the City of Dunkirk.

RESOLUTION # 89-2016
OCTOBER 4, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE
CHAUTAUQUA COUNTY AGREEMENT AMENDMENT
(SNOW REMOVAL AND ICE CONTROL)**

WHEREAS, the City is seasonally reimbursed by Chautauqua County for snow removal and ice control on County routes within the City, and

WHEREAS, the County has requested an amendment of the current agreement, 16-25-02A, for said services; now, therefore, be it hereby

RESOLVED, upon the recommendation of Director of Public Works Robert Bankoski, that the Mayor be, and hereby is, authorized and directed to execute an agreement on behalf of the City of Dunkirk, amending appendix D of the current agreement to read as follows:

<u>Mileage</u>	<u>CR and Road Name</u>	<u>Directions</u>
1.21	Brigham Road	C Dunkirk Boundary to W Fourth St
0.35	Middle Road	NY 5 to Ocelot St
0.12	Middle Road	Ocelot St to Warsaw St
0.08	Middle Road	Warsaw St to Conrail Tracks
0.16	Middle Road	Conrail Tracks to C Dunk Bdy
0.67	Roberts Road	Urban Rd/121U to Talcott ST
0.31	Roberts Road	Talcott St to NY 5

RESOLUTION # 90-2016

October 4, 2016

APPROVING SURPLUS EQUIPMENT DECLARATION FOR DISPOSAL

BY: COUNCILMAN WILLIAMS

WHEREAS, it has been determined that several motor vehicles are inoperable or no longer useful for City purposes; and,

WHEREAS, such motor vehicles are to be declared surplus and for disposal; now, therefore, be it hereby

RESOLVED, that the Common Council, based upon the recommendation of the respective Department Heads, has determined and declared the following motor vehicles to be declared surplus:

DEPARTMENT	YEAR	MAKE	MODEL	BODY TYPE	ID NUM
FIRE	1975	WARD LAFRANCE	FIRE TRUCK	PUMPER	80-1072
STREET	1958	GALION	ROLLER	ROLLER	ST-43
STREET	1962	ARMY	CARGO	TRAILER	3498
STREET	1991	GIANT-VAC	6800	LEAF VACUUM	ST-25
STREET	1994	MORBARK	EZ 17	CHIPPER	PK-9
STREET	2006	NEWHOLLAND	LW170B	WHEEL LOADER	ST-62
WATER	1998	CHEVROLET	ASTRO	VAN	WD-8
DPW ADMIN	1999	FORD	EXPED	4 x 4	EN-1
POLICE	1995	CHEVROLET	S-10	PICKUP	NA
POLICE	2002	FORD	EXP	4 x 4	D-6
POLICE	2010	FORD	CROWN VICTORIA	4DSD	D-5

and, be it further

RESOLVED, that the Director of Public Works is hereby authorized to dispose of the above motor vehicles through the eBay internet auction site and that for those items not receiving bids, the Director of Public Works is hereby authorized to dispose of such motor vehicles in the best interest of the City, consistent with obtaining the highest price for such motor vehicles, at the discretion of the Director of Public Works; and, be it finally

RESOLVED, that the Director of Public Works submit to the Council a report of the disposition of such motor vehicles, including purchaser, purchase price and method of sale.