

AGENDA - COMMON COUNCIL MEETING – October 21, 2014 - 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.
 1. Mayor's Budget Message & Proposed Budget for 2015.
6. Communications from the public and petitions:
 1. Notice of Claim from Jeffrey Kane for alleged injuries sustained while operating a bicycle on Maple Avenue.
 2. Request from Boys & Girls Club of Northern Chautauqua County in conjunction with the Career Club from Dunkirk High School to host a beach cleanup on October 22nd from 3:00 PM until 4:00 PM.
 3. Request from Harvest Chapel Church to use Washington Park on December 6th from 2:00 PM until 4:00 PM with an additional hour at each end for set-up and clean up for their "Courtney Street Christmas." Also requesting to set-up tents and bring in a lawn tractor for train rides, and horses for horse and carriage rides and or a petting zoo.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 88. Resolution Awarding Bid for Consent Order Contract 4-2014 for demolition and removal of old existing Willowbrook Avenue elevated water storage tank.
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk



2015 BUDGET MESSAGE

For the Dunkirk Common Council and Dunkirk's Residents, Taxpayers, Industrial & Retail community --

I hereby present the City of Dunkirk's 2015 Budget. Much time, effort, and thought were put into the compilation of the document before you.

First, I would like to thank the City's Department Heads and all City personnel who expended a great deal of their time and expertise in helping to provide a realistic outlook on the needs of their respective departments *and* the realities of what our residents and taxpayers can afford. I would especially like to thank Fiscal Affairs Officer Rich Halas, City Treasurer Mark Woods, and City Attorney Ron Szot for their constant efforts throughout the process.

Be assured – we will continue to research cost-cutting measures and expand our efforts regionally with the goal of stabilizing our tax- and rate-base moving forward, while ensuring that all essential capital projects are prioritized and completed.

By no means do I consider this a "final" document, but more of a working one that is subject to our City's changing needs. Every Department remains focused on changes that may occur which affect the operations of the City, thereby affecting the City's fiscal condition.

FUND 1 (General)

Revenues remained relatively stable from 2014 into 2015. The City is scheduled to incur a revenue reduction of approximately \$50,000 based upon the current NRG PILOT structure.

Department Items of Note...

Fiscal Affairs Office has cut their contracted services amount by nearly fifty percent (50%) over the last two years by taking on previously outsourced tasks and handling such critical tasks within the Department.

The City is beginning to realize the savings of making office supply purchases through a central office supply budget line.

A proposed increase to the contingencies line with approximately one-half (50%) earmarked for three (3) planned International trucks with snow blades as a lease-purchase expense in 2016 (a Fund 1 contribution of \$35,000 as well as strategic use of CHIPs funding).

Increased opportunities in Youth and Recreation programming are offset by league/program fees with the additional possibility of future grant funding through County Youth Board.

All City contributions to our cultural bodies remained steady for 2015.

A reduction of \$25,000 in our HUD repayment is proposed with a subsequent increase in the repayment amount run through our CHIPS program allowing repayment flexibility and an opportunity to increase our already significant focus on upgrading waterlines and road reconstruction in target areas.

The increased DLDC allotment of \$10,000 is the necessary amount for the DLDC to operate and make audit and insurance fee payments.

A savings of approximately \$15,000 in 2015 will be realized through the efforts of Access 12 Coordinator, Mr. William Smock, and a community building partnership with the Dunkirk City School District.

*One significant appropriations increase of note is tied to the State's Retirement System contribution—between the two designated Fund 1 budget lines the City is slated for an increase of approximately \$85,000.

Through cost-saving measures and numerous department budget line reductions we were able to absorb the \$50,000 PILOT reduction and an \$85,000 Retirement contribution increase within the existing budget parameters—allowing us to present for the 2nd consecutive year—

A zero percent (0%) tax increase.

FUND 2 (Water)

Two major contributors lead to the following proposed rate increase: significantly lower revenues and additional bond re-payments associated with the 2009 Consent Order (an increase of approximately \$225,000 from the 2014 budget).

In- City ratepayers will see their bills increase approximately \$4 per month and Out-of-City ratepayers are slated for a \$7 per month increase. Every affected ratepayer will share equally in the proposed increase to the minimums on their quarterly bill.

This fund is obviously a point of much consternation; therefore, we will continue to devote much time and effort to researching what future necessary steps are needed to stabilize our rates for industry and consumers.

FUND 3 (Sewer)

Increased revenues have allowed the City to significantly increase our contingencies amount. This will be used in conjunction with our long term plan for necessary equipment upgrades.

Also of note – the City increased the Wastewater Fund Administration Fee transfer by \$50,000 in order to more accurately reflect the amount of time and effort expensed by non-Fund 3 personnel.

Difficult decisions have been made and will continue to be made in order to realistically manage the City's resources as efficiently and as effectively as possible. This spending plan will be our guideline moving forward and one that we will all need to work within to provide the greatest value to City taxpayers and ratepayers.

Sincerely,

Anthony J. Dolce, Mayor
City of Dunkirk, New York

**Copies of the proposed 2015 Mayor's budget are made available in the City Clerk's office, at the Dunkirk Free Library and online at Dunkirktoday.com*

2015 Proposed Budget
City of Dunkirk
Summary
Of
Estimated Revenues, Appropriations, and Real Property Taxes

Totals (By Fund)	Revenues	Appropriations
General	\$ 14,973,797	\$ 14,973,797
Water	\$ 3,255,143	\$ 3,255,143
Waste Water	\$ 4,139,294	\$ 4,139,294
 Total	 \$ 22,368,234	 \$ 22,368,234
 Revenue – Real Property Taxes		 \$ 4,837,477
Total Assessed Value		\$ 279,580,626
Tax Rate/\$1,000 Assessed Valuation		\$ 17.302619

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHAUTAUQUA

2014 OCT 10 AM 9:56
CLERK OF SUPREME COURT
DUNKIRK, N.Y.

IN THE MATTER OF THE CLAIM OF
JEFFREY KANE,

NOTICE OF CLAIM

Claimant,

-vs-

CITY OF DUNKIRK,

Respondent.

TO: CITY OF DUNKIRK
City Attorney
Second Floor, City Hall
342 Central Avenue
Dunkirk, New York 14048

PLEASE TAKE NOTICE that the Claimant herein makes claim and demand against the
CITY OF DUNKIRK as follows:

- (1) The name and post office address of the Claimant is:

JEFFREY KANE
713 Grant Avenue
Dunkirk, New York 14048

- (2) The name and post office address of the Claimant's attorney is:

Thomas F. Kirkpatrick, Jr., Esq.
CAMPBELL & SHELTON LLP
8274 North Main Street
Eden, New York 14057

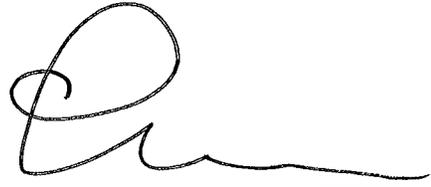
- (3) The date, time and location of the happening of the occurrence wherein the
Claimant sustained injury was August 3, 2014, in the afternoon, at or near the intersection of
Grant Avenue and Maple Avenue, in the City of Dunkirk, State of New York.

(4) The nature of the claim is for personal injuries sustained by the Claimant when, as he operated his bicycle along Maple Avenue, near its intersection with Grant Avenue, he unexpectedly encountered asphalt millings, and/or other debris placed along the side of the roadway by the CITY OF DUNKIRK, its employees, agents and/or representatives. It is alleged, upon information and belief, the incident/accident was caused by the negligence of the CITY OF DUNKIRK, by and through its employees, agents, and/or representatives and without any fault on the part of the Claimant herein. It is alleged, upon information and belief, that they negligently, carelessly or recklessly maintained said roadway, by placing, depositing and/or allowing the aforestated asphalt millings and/or other debris to remain on the roadway as a result of the road repair or resurfacing project underway at the time of the alleged incident; by failing to place proper signage, barriers, cones, warning lights, or to provide other warning to bicyclists, motorists, pedestrians frequenting the area of the existence of the aforementioned hazards. Said actions on the part of the CITY OF DUNKIRK resulted in a dangerous condition they created and/or had notice thereof and of which failed to remedy or warn.

(5) The items of damages and injuries sustained by the Claimant, JEFFREY KANE, as known at this juncture, include injuries to his right wrist and arm, including a distal radial fracture, requiring surgical intervention and the placement of plates, screws and pins. Claimant will require future medical treatment. Claimant also sustained costs associated with medical care and treatment relating to said injuries. Upon information and belief, the injuries aforementioned are permanent, the full nature and extent of which are unknown at this time.

Dated: Eden, New York
September 2, 2014


JEFFREY KANE



Thomas F. Kirkpatrick, Jr., Esq.
CAMPBELL & SHELTON LLP
Attorneys for Claimant
8274 North Main Street
Eden, New York 14057
(716) 992-9300

VERIFICATION

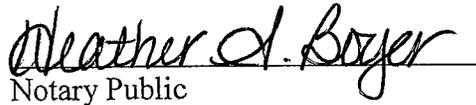
STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

JEFFREY KANE, being duly sworn, deposes and says that he is the Claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.



JEFFREY KANE

Sworn to before me this 24th
day of September, 2014.


Notary Public

HEATHER BOYER
Notary Public, State of New York
No. 01BO6303884
Qualified in Chautauqua County
My Commission Expires May 19, 2018

OCT 08 2014
MAYOR'S OFFICE

The **Positive Place For Kids**



BOYS & GIRLS CLUB
of Northern Chautauqua County

October 7, 2014

Second Floor, City Hall
342 Central Ave.
Dunkirk, NY 14048

296 Lake Shore Drive E.
Dunkirk, NY 14048
(716) 366-1061
(716) 366-2418 Fax
www.bgcnc.org

To whom this may concern,

Dunkirk High School students that are participating in the Career Club with the Boys and Girls Club are interested in cleaning up the local beaches on October 22nd, 2014.

Community Service is one of the ways the Club delves into the workforce skill development. The Club wants to enable all young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens. We provide a safe place to learn and grow ongoing relationships with caring, adult professionals, life-enhancing programs and character development experiences, and hope and opportunity.

For this specific event, roughly 20 students will participate from 3:00-4:00 on October 22nd, 2014. At the very minimum three chaperones will accompany the students during the clean-up. Trash bags, gloves, and any other material will be provided by The Boys and Girls Club. All garbage will be disposed of at the Boys & Girls dumpster. Also, students will also be responsible for their own transportation to and from the Wright Park Beach.

All questions related to the event will be directed to Kate Piazza, Boys and Girls Club Executive Director or Angelica Aponte, student intern.

Thank you for your time and consideration. We look forward to hearing from you soon.

Sincerely,

Angelica Aponte
(716)476-3825

Kate Piazza
Executive Director BGC of NCC
(716) 366-1061

2014 OCT 16 AM 9:51

BOYS & GIRLS CLUB
DUNKIRK, NY



RECEIVED

SEP 17 2014

MAYOR'S OFFICE

39 Matteson Street, Fredonia, NY 14063 716-679-0987 www.harvestfmc.com

September 2, 2014

Mayor Anthony Dolce
Mayor's office
City Hall
342 Central Ave.
Dunkirk, NY 14048

Dear Mayor Dolce,

Thank you for partnering with us in your granting us permission to utilize Washington Park for our 5-Day Club closing carnival and cook out this past July. We had a great turn out at our event we were able to bless our community with a great time of food, fun and friendship. We trust that you were pleased with the condition in which we left the park and also with the knowledge that the families of Dunkirk were able participate in a positive, fun, safe, and free community event.

As we plan ahead for this coming Christmas season I am writing to request the use of Washington Park once again for a free community event. Please consider our request to utilize the park on Saturday, December 6th, 2014. Our event will run from 2:00-4:00 pm with set-up and clean up requiring another hour at each end. Below you will find an overview of what we have planned.

Here is what we have planned for our "Courtney Street Christmas" in Washington Park on December 6th. Our Christmas celebration is not just for the children and families that live on Courtney St. and attend our programs there, but it is for any families living in the neighboring community as well. Our celebration will be fully staffed by Harvest Chapel and community volunteers and is entirely free to those who come. Here is a summary of what we have planned:

- ❖ A Story tent
- ❖ Santa in the gazebo
- ❖ Refreshments to include hot chocolate and cookies
- ❖ Train rides (pulled behind a lawn tractor) for young children

Where God is Seen ... Love is Felt ... and Lives are Changed.

RECEIVED
MAYOR'S OFFICE
DUNKIRK, NY
2014 OCT 16 PM 12:12

Harvest Chapel

39 Matteson Street, Fredonia, NY 14063 716-679-0987 www.harvestfmc.com

- ❖ Horse and carriage rides and or a petting zoo
- ❖ Gifts for all children and young people

To do all of this we will be setting up tents, tables and bales of hay for sitting on under the tents. There will also be some "elves" joining us as Santa's helpers as well as Christmas carolers adding to the festivities and we expect a great fun afternoon for people of all ages just as in the past several years in which we held "Christmas in Washington Park."

As we seek your support and permission to utilize Washington Park this Christmas we want to assure you that our intention is to bring a fun, positive, supervised activity for children and their families to attend. As always, there will be no fee associated with participating in our event.

If you have any questions I may be reached at Harvest Chapel Church at the number above or at my home (785-3578). Lastly, I have included a copy of our liability insurance in hopes that it will assist you in making your decision to grant us permission to utilize Washington Park and have a permit for the use of an audio system.

Sincerely,



Lisa Leavitt
Children's Ministry Director
Harvest Chapel Church

Where God is Seen ... Love is Felt ... and Lives are Changed.

RESOLUTION #88-2014
OCTOBER 21, 2014

BY: COUNCILMAN RIVERA AND COUNCILWOMAN SZUKULA

**AWARDING BID FOR CONSENT ORDER CONTRACT 4-2014 FOR
DEMOLITION AND REMOVAL OF OLD EXISTING WILLOWBROOK
AVENUE ELEVATED WATER STORAGE TANK**

WHEREAS, following published Legal Notice, seven (7) sealed bids for Consent Order Contract 4-2014, for demolition and removal of the old existing Willowbrook Avenue elevated water storage tank, were received and opened at 2:00 p.m. on October 14, 2014, and

WHEREAS, Director of Public Works Gugino has reviewed the bids and finds the low bid of Fifty-Four Thousand Four Hundred Eighty Dollars and Zero Cents (\$54,480.00), to be from a responsible bidder, and in accord with specifications prepared by the consulting engineer, and

WHEREAS, Director of Public Works Gugino recommends awarding the bid quickly so the structurally unsound old existing Willowbrook Avenue elevated storage tank can be demolished and removed this construction season, now therefore, be it

RESOLVED, that the following low bid be accepted for Consent Order Contract 4-2014 for demolition and removal of old existing Willowbrook Avenue elevated water storage tank:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Wargo Enterprises, Inc. 5055 Havens Road Akron, NY 14001	Demolish and Remove Old Existing Willowbrook Tank per contract specifications	\$54,480.00

and, be it further

RESOLVED, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with Wargo Enterprises, Inc., 5055 Havens Road, Akron, NY 14001, for the described consent-order work to be paid from funding line 015-8320-5043-8068, and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders, after contract execution or non-awarded bid, in accordance with the contract specifications.