

AGENDA - COMMON COUNCIL MEETING – November 18, 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.
6. Communications from the public and petitions:
 1. Notice of Claim from:
 - a.) Devon Dolce for alleged damages sustained to clothing due to contaminated water.
 - b.) Jonie Lasecki, on behalf of Bethennie Lasecki, for alleged injuries sustained at Point Gratiot Park.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 93. Resolution introducing Local Law #3-2014 amending Chapter 31, Article III, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled "Rate Structure."
 94. Resolution authorizing agreement to provide drug/alcohol testing (Langford Drug Testing and Consulting).
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

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 damages sustained by me as hereinbelow detailed:

Claimant Name:
Claimant Address:

Devon Dolce
25 Pennsylvania Ave
Dunkirk NY 14048
(716) 679-8713

Claimant Telephone Number:

This claim is for (injuries/damages alleged): damage

This claim is alleged to have arisen on the 21 day of October, 2014 at approximately 6 a.m./p.m. on that date at _____.

The injuries and/or damages sustained by the Claimant arose in the following manner:
damaged personal belongings due to contaminated water

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: several articles of clothing ruined

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

Respectfully yours,
Devon M. Dolce 10/24/14
Claimant (date)

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

_____ 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
3 day of November, 2014.

Kathy J. Dolce
Notary

KATHY J. DOLCE
Notary Public, State of New York
Qualified in Chautauqua County Rev. May 2012
No. 01DO600643
Commission Expires December 22, 2017

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014-10-24 PM 3:32

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHAUTAUQUA

IN THE MATTER OF THE CLAIM OF
JONIE M. LASECKI, Individually, and as
Adoptive Parent and guardian of
BETHENNIE R. LASECKI,

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

2014 NOV 10 AM 11:27
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

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:

JONIE M. LASECKI, Individually, and as
Adoptive Parent and guardian of
BETHENNIE R. LASECKI
28 Pine Street
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 23, 2014, in the evening, at Point Gratiot Park, on park grounds near a playground and sand volleyball court, in the City of Dunkirk, State of New York.

(4) The nature of the claim is for personal injuries sustained by the infant Claimant, Bethennie Lasecki when, she was walking through the aforesaid area when she unexpectedly encountered a deep hole and/or depression in the grass on park grounds generally to the east of the aforementioned playground and volleyball court (a photograph of said deep hole/depression is attached as **Exhibit A**), created and allowed to exist due to the negligence, carelessness and recklessness of 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 park grounds by creating and/or allowing the aforesaid hole or depression to exist in the aforesaid location; by failing to place proper signage, barriers, cones, warning lights, or to provide other warning to pedestrians and/or other persons frequenting the area of the existence of the aforementioned hazard. 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 infant Claimant, BETHENNIE R. LASECKI, as known at this juncture, include injuries to her right ankle and foot, including multiple fractures in her right fibula, requiring casting, crutches, and the possibility of future surgery. 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. Claimant, JONIE M. LASECKI sustained, and will continue to sustain costs associated with medical care and equipment.

Dated: Eden, New York
October 23, 2014



JONIE M. LASECKI



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

VERIFICATION

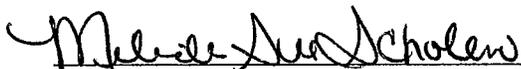
STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

JONIE M. LASECKI, 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.



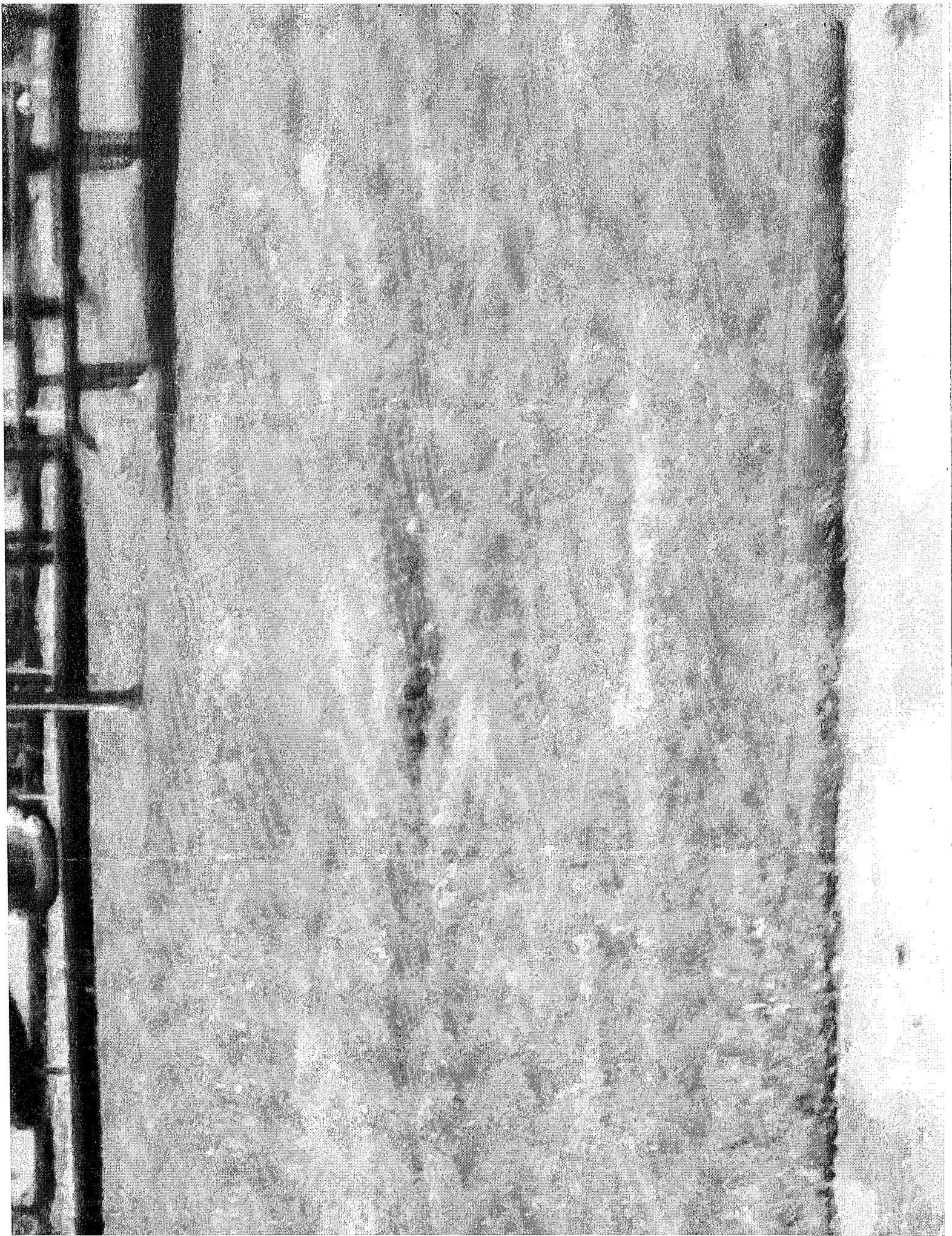
JONIE M. LASECKI

Sworn to before me this 29th
day of October, 2014.



Notary Public

MELINDA SUE SCHOLENO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SC6303387
Qualified in Chautauqua County
My Commission Expires May 12, 2015





RESOLUTION #93-2014
NOVEMBER 18, 2014

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #3-2014
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO AMEND THE DUNKIRK CITY CODE, CHAPTER 31, ARTICLE III,
SECTION 31-19 ENTITLED "RATE STRUCTURE"**

BE IT ENACTED by the City 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 III, Section 31-19 "Rate Structure", to amend the Quarterly and Monthly Water Rates, in order to generate additional required income necessary to retire the capital debt incurred as a result of the construction and improvements necessitated by compliance with certain regulatory agency mandates arising out of a Consent Order (October 2009) between the City of Dunkirk and the Chautauqua County Department of Health.

Section 2 Amendment of City Code.

Dunkirk City Code Chapter 31, Article III, Section 31-19 is hereby amended as follows:

ARTICLE III

Water Rate Schedule
[Adopted 6-18-1992 as L.L. #6-1992]

§ 31-19. Rate structure. [Amended 10-27-1993 as L.L. #11 (Intro No.15) 1993; Amended 6-6-1995 as L.L. #16-1995; Amended 10-28-1996 as L.L. #17 (Intro No. 17) 1996; Amended 12-3-2002 as L.L. #4-2002; Amended 12-12-2006 as L.L. #12-2006; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009; Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

The following constitutes the rate structure for water services provided by the City of Dunkirk.

DELETE

EFFECTIVE JANUARY 1, 2013

[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2013):

QUARTERLY

CITY RATE

SUBURBAN RATE

Minimum up to 5,000 gallons

\$33.75

\$59.07

DELETE

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2013): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

MONTHLY

CITY RATE

SUBURBAN RATE

Minimum up to 2,000 gallons

\$11.25

\$19.69

DELETE

EFFECTIVE JANUARY 1, 2014

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2014): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

QUARTERLY

CITY RATE

SUBURBAN RATE

Minimum up to 5,000 gallons

\$45.00

\$78.75

DELETE

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2014): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012]

MONTHLY

CITY RATE

SUBURBAN RATE

Minimum up to 2,000 gallons

\$15.00

\$26.25

ADD

EFFECTIVE JANUARY 1, 2015

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2015):

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$57.00	\$99.75

ADD

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2015):

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$19.00	\$33.25

Section 3 Effective Date.

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

RESOLUTION #94-2014
NOVEMBER 18, 2014

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT TO PROVIDE DRUG/ALCOHOL TESTING
(LANGFORD TESTING AND CONSULTING)**

WHEREAS, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

WHEREAS, the City utilizes a pre-employment screening protocol for various employees; and

WHEREAS, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

WHEREAS, the City has undertaken a vendor comparison which provides that Langford Testing and Consulting can provide the required services in a good and workmanlike manner; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with **Langford Testing and Consulting**, 52 Berry Road, Fredonia, New York 14063, for the administration of the required drug/alcohol testing program for 2015, including providing compliance with Department of Transportation requirements.