

AGENDA - COMMON COUNCIL MEETING – November 4, 2014 - 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. Request from The United States Flag Football Association to use the Pangolin Street and Fourth Street Fields on December 6th and 7th. Also requesting the use of trash barrels.
 2. Notice of Claims from:
 - a) Jason Berneski for damages to his vehicle allegedly caused by tree branch.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 89. Resolution authorizing renewal agreement with State of New York Unified Court System (April 1, 2014 – March 31, 2015).
 90. Resolution authorizing Budget Modifications (November 2014).
 91. Resolution authorizing lease agreement with Chautauqua County Fair Association.
 92. Resolution authorizing Boardwalk lease extension (L. Campese & Sons d/b/a Campi's Pizza).
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

October 22, 2014

Dear Dunkirk Common Council:

The United States Flag Football Association is requesting your approval to use the Pangolin Street Field and the Fourth Street Field for our National Championship Tournament on Saturday, December 6 and Sunday, December 7. The USFFA Championship Tournament will host roughly 20 teams from New York, Pennsylvania, Ohio, Virginia, West Virginia and Maryland.

All field preparation including lining the field will be done by the USFFA. We are only requesting trash barrels at these two fields. Other games will take place at the Dunkirk High School.

Thank you for your consideration of our request.

Rudy Thomas - 413-1887
Western New York USFFA Representative

2014 OCT 28 AM 11:15
RECEIVED
CITY OF DUNKIRK
DUNKIRK, NY

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: Jason R Berneski
Claimant Address: 7874 Prospect Station Rd
Westfield, NY 14787
Claimant Telephone Number: (716) 581-0263

This claim is for (injuries/damages alleged): My 2008 Hummer H3 was
struck by a tree branch that fell. Damage to front grill, hood
and a chip in windshield also damage to Radio Antenna

This claim is alleged to have arisen on the 8 day of October, 2014 at
approximately 11:32 a.m. (10.m) on that date at ~~Lakeshore~~ Lakeshore Drive East. P N. Gazelle St

The injuries and/or damages sustained by the Claimant arose in the following manner:
I was driving home on Lake Shore Dr East when a tree branch fell
and hit my vehicle. This caused damage to the hood, front grill and
scraps and a chip windshield and damage to Radio Antenna

The amount and type of injuries and/or damages sustained by the Claimant consist of the
following: Please see Attach Quote

2014 OCT 27 PM 1:42
NOTARIES OFFICE
DUNKIRK, NY

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

Respectfully yours,
Jason R Berneski 10-27-14
Claimant (date)

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

JASON Berneski, 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
27 day of October, 2015.

Judy A. Krzyzanowicz
Notary
JUDY A. KRZYZANOWICZ
Notary Public - State of New York
No. 01-2619268
Qualified in Chautauqua County
My Commission expires June 25, 2015

RESOLUTION #89-2014
NOVEMBER 4, 2014

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, 2014 TO MARCH 31, 2015)**

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, 2014, and terminates on March 31, 2015, and during which reimbursement has been allocated to not exceed Thirty-Two Thousand Four Hundred Forty-Five Dollars and Zero Cents (\$32,445.00); 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, 2014 to March 31, 2015) for which reimbursement shall be in an amount not to exceed Thirty-Two Thousand Four Hundred Forty-Five Dollars and Zero Cents (\$32,445.00) to compensate the City for cleaning and minor repairs for space utilized by City Court.

RESOLUTION #90-2014
NOVEMBER 4, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(November 2014)

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2014, ending December 31, 2014; now, therefore be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

FUND 1

Description: Treasury Department – Unanticipated purchase of new commercial printer.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1325.2000	Treasury	Equipment	\$ 1,125
001.1325.2005	Treasury	Equipment Non-Capital	\$ (300)
001.1325.4002	Treasury	Supplies	\$ (825)
		TOTAL	\$ -

FUND 2

Description: Water Purification – Repair and maintenance to vehicles expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4023	Water Purification	Repair & Maint to Veh	\$ 250
002.8320.2000	Water Purification	Equipment	\$ (250)
		TOTAL	\$ -

FUND 2

Description: Water Purification – Contracted Services expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4736	Water Purification	Contracted Services	\$ 1,500
002.8320.4115	Water Purification	Sewer Fees	\$ (1,500)
		TOTAL	\$ -

FUND 2

Description: Water Distribution System – Water Main Maintenance line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8340.4125	Water Distribution	Water Main Maint	\$ 15,500
002.8320.4115	Water Purification	Sewer Fees	\$(15,500)
002.8340.4125	Water Distribution	Water Main Maint	\$ 10,000
002.1900.1990	Water General Serv	Contingencies Allow	\$(10,000)
		TOTAL	\$ -

FUND 2

Description: Water Laboratory – Other Expense line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8330.4003	Water Laboratory	Other Supplies	\$ 100
002.8330.2005	Water Laboratory	Equipment-Non-Capital	\$ (100)
		TOTAL	\$ -

FUND 1

Description: Snow Removal – Repair to equipment expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.5142.4022	Snow Removal	Repair to Equipment	\$ 500
001.5142.1000	Snow Removal	Personnel Services	\$ (500)
		TOTAL	\$ -

FUND 1

Description: Building City Hall – Repair and maintenance expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1620.4021	Building City Hall	Repair & Maintenance	\$ 2,500
001.8120.1000	Sanitary Sewer	Personnel Services	\$ (2,500)
		TOTAL	\$ -

FUND 1

Description: Fire Department – Equipment line expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3410.4023	Fire	Equipment	\$ 3,000
001.3410.4021	Fire	Repair & Maintenance	\$ (3,000)
		TOTAL	\$ -

FUND 1

Description: Fire Department – Travel & Training line expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3410.4001	Fire	Travel & Training	\$ 3,500
001.3410.4036	Fire	Contracted Services	\$ (3,500)
		TOTAL	\$ -

FUND 1

Description: Police Department – Guns & Ammo transfer necessary for purchase of new guns.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3120.4336	Police	Guns & Ammo	\$ 2,500
001.3120.4020	Police	Uniform Allowance	\$ (2,500)
		TOTAL	\$ -

FUND 1

Description: Legal Department – Retained Counsel line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1420.4037	Legal	Retained Counsel	\$ 1,200
001.1420.4034	Legal	Law Library Purchases	\$ (800)
001.1420.4001	Legal	Travel & Training	\$ (200)
001.1420.4002	Legal	Supplies	\$ (200)
		TOTAL	\$ -

FUND 3

Description: Waste Water Treatment – Contracted Services line item expense higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4036	Waste Water Treat	Contracted Services	\$ 15,000
003.1900.1990	General Services	Contingencies Allowance	\$(15,000)
		TOTAL	\$ -

RESOLUTION #91-2014
NOVEMBER 4, 2014

BY: COUNCILMAN MICHALSKI

**AUTHORIZING LEASE AGREEMENT WITH
CHAUTAUQUA COUNTY FAIR ASSOCIATION**

WHEREAS, the CHAUTAUQUA COUNTY FAIR ASSOCIATION (the "Fair Association") is the owner of certain premises commonly known as the Chautauqua County Fair Association Agricultural and Commerce Building (the "Premises"), formerly known as the Roll Arena, which is located on the Fair Association's property on Central Avenue, Dunkirk, NY, at the Chautauqua County Fairgrounds; and

WHEREAS, the City wishes to lease the Premises from the Fair Association in order to utilize it for recreational programs and activities; and

WHEREAS, the Fair Association is ready, willing and able to lease the Premises to the City for such uses; now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized to execute a Lease Agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the Roll Arena building at the Fairgrounds from December 15, 2014 through April 15, 2015, at a cost of Two Hundred Dollars and Zero Cents (\$200.00) per month, plus the cost of the ordinary and customary utilities for such building (*e.g.*, natural gas, electricity, *etc.*); and, be it finally

RESOLVED, that the funds for such payments be made from

Account No. 001-7140-4150

RESOLUTION #92-2014
NOVEMBER 4, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING BOARDWALK LEASE AGREEMENT EXTENSION
(L. Campese & Sons d/b/a Campi's Pizza)**

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") located at 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk currently has lease arrangements for space in the Boardwalk with **L. Campese & Sons**, to lease a portion of the Boardwalk for retail sales of pizza and related foodstuffs; and

WHEREAS, **L. Campese & Sons** has properly requested a two-year renewal of the lease for such premises; now, therefore, be it

RESOLVED, that the Mayor, is hereby authorized to execute a lease agreement with **L. Campese & Sons d/b/a Campi's Pizza**, 12340 Hanover Road, Silver Creek, New York 14136, for rental of 8 Central Avenue, Dunkirk, New York 14048, for a two (2) year period (May 1, 2015 through April 30, 2017) at an annual rental of Six Thousand Three Hundred Seventy-One Dollars and Zero Cents (\$6,371.00).