

AGENDA - COMMON COUNCIL MEETING – November 5, 2013 - 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 Harvest Chapel Church to use Washington Park on December 7th 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.
 2. Notice of Claim from:
 - a) Barbara Sullivan for personal injuries allegedly sustained from a fall in front of 109 Mullet Street.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 78. Resolution consenting to Town of Dunkirk to serve as Lead Agency (Roberts Road Water Service Area).
 79. Resolution approving settlement of Article Seven Tax Certiorari Litigation (Ogden Newspapers of New York, Inc.).
 80. Resolution authorizing participation in Border Patrol Augmentation Program.
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

October 4, 2013

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

RECEIVED

OCT 15 2013

MAYOR'S OFFICE

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, friendship and the meeting of practical needs for our friends in Dunkirk. 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 positive, fun, safe, and free community activities.

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 7th, 2013. 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 7th. 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. This year our event is being held with the support of a NCCCF grant as we provide for practical needs and promote volunteerism in our community. Here is a summary of what we have planned:

- ❖ A Story tent
- ❖ Santa in the gazebo

OCT 21 PM 12:19

DUNKIRK, N.Y.
CLERK'S OFFICE

Harvest Chapel

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

- ❖ Refreshments to include hot chocolate and cookies
- ❖ Train rides (pulled behind a lawn tractor) for young children
- ❖ 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 two 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 (934-2417). 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.

STATE OF NEW YORK

SUPREME COURT

COUNTY OF CHAUTAUQUA

In the Matter of the Claim

-of-

BARBARA A. SULLIVAN

Claimant,

NOTICE OF CLAIM

-against-

CITY OF DUNKIRK,
DONALD A. KLOCEK, JR.,
NOLA HARRISON-KLOCEK

-and-

BOBBIE GREGORY

2013 OCT 30 PM 2:42

TO: SUPERVISOR OR CLERK OF THE CITY OF DUNKIRK, DONALD A. KLOCEK, JR., NOLA HARRISON-KLOCEK, BOBBIE GREGORY and ATTORNEY FOR THE COUNTY OF CHAUTAUQUA

PLEASE TAKE NOTICE that, BARBARA A. SULLIVAN hereby claims and demands from the City of Dunkirk, Donald A. Klocek, Jr., Nola Harrison-Klocek and Bobbie Gregory damages for personal injuries sustained by her by reason of the wrongful, negligent, and careless acts and omissions of the City of Dunkirk, Donald A. Klocek, Jr., Nola Harrison-Klocek and Bobbie Gregory, their agents, servants, or employees, and in support thereof claimant states:

1. Claimant, BARBARA A. SULLIVAN, resides at 115 Mullet Street, Dunkirk, New York 14048.

2. The name and Post Office address of claimant's attorneys are SPANN & SPANN, P.C., 23 East Sixth Street, P.O. Box 262, Dunkirk, New York 14048-0262; (716) 366-2017.

3. Upon information and belief, the time of the happening of the accident in which the injuries were sustained and the time when the claim arose, was on or about the 1st day of September, 2013, at approximately 6:35 a.m. thereof.

4. Upon information and belief, the place of the happening of the accident resulting in the injuries hereinafter alleged and in the claim was at the sidewalk in front of 109 Mullet Street, Dunkirk, New York 14048. Upon information and belief, the said sidewalk is owned by and/or maintained by the City of Dunkirk, Donald A. Klocek, Jr., Nola Harrison-Klocek and Bobbie Gregory, their agents, servants, or employees.

5. Upon information and belief, the claim arose in the following manner: On or about September 1, 2013, the claimant, while lawfully present on the above referenced premises, and fell, suffering certain injuries hereinafter specified.

6. The accident was caused solely by the wrongful, careless, and negligent acts and omissions of the City of Dunkirk, Donald A. Klocek, Jr., Nola Harrison-Klocek and Bobbie Gregory, their agents, servants, or employees, who, acting in the course and scope of their employment failed to properly maintain the sidewalk with the knowledge that the sidewalk was improperly maintained and that persons could be expected to slip, trip and fall on the sidewalk as it was not designed and maintained properly; which acts of omission and commission foreseeably could subject the claimant to an accident and injuries of the nature described herein.

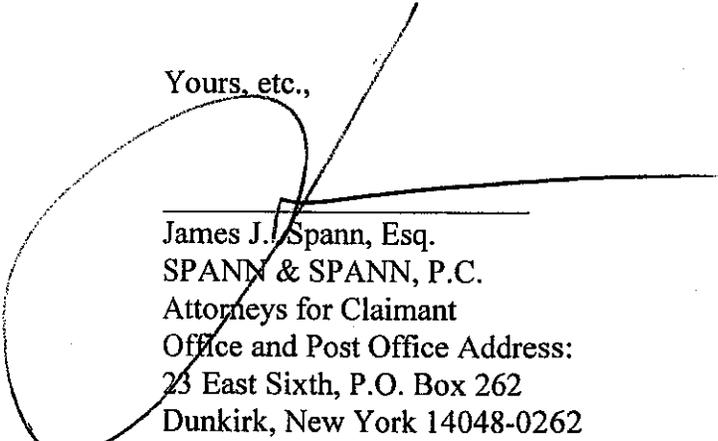
7. As a result of the accident, the claimant suffered severe injuries, including severe pain, bruising, and loss of movement of her left leg.

8. This notice is made and served on behalf of BARBARA A. SULLIVAN in compliance with the provisions of Section 50-e of the General Municipal Law and such other laws and statutes as are in the case made and provided.

YOU WILL TAKE FURTHER NOTICE that claimant demands payment of the claim, and unless the claim is paid within a reasonable time it is the intention of claimant to commence suit against the City of Dunkirk, Donald A. Klocek, Jr., Nola Harrison-Klocek and Bobbie Gregory, their agents, servants, or employees.

Dated: Dunkirk, New York
October 29, 2013

Yours, etc.,


James J. Spann, Esq.
SPANN & SPANN, P.C.
Attorneys for Claimant
Office and Post Office Address:
23 East Sixth, P.O. Box 262
Dunkirk, New York 14048-0262
Tel. No. (716) 366-2017

RESOLUTION #78-2013
NOVEMBER 5, 2013

BY THE ENTIRE COUNCIL:

**CONSENTING TO TOWN OF DUNKIRK TO SERVE AS LEAD AGENCY
(ROBERTS ROAD WATER SERVICE AREA)**

WHEREAS, the Town of Dunkirk is proposing the creation of the Town of Dunkirk Comprehensive Town Water District, Water Service Area No. 1; and

WHEREAS, the Town must conduct an environmental review of the proposed action in accordance with New York State SEQRA regulations and the Town has concluded that it should be designated as the Lead Agency for any coordinated environmental review; and

WHEREAS, involved/interested agencies, including the City of Dunkirk, are being asked to consent to the Town serving as Lead Agency; now, therefore be it

RESOLVED, that the City of Dunkirk consents to the Town of Dunkirk serving as Lead Agency for the proposed creation of the Town of Dunkirk Comprehensive Town Water District, Water Service Area No. 1, and the Mayor is directed to execute any related consents or similar documentation to this effect.

RESOLUTION #79-2013
November 5, 2013

By: The Entire Council

**APPROVING SETTLEMENT OF ARTICLE SEVEN TAX CERTIORARI LITIGATION
(OGDEN NEWSPAPERS OF NEW YORK, INC.)**

WHEREAS, the City of Dunkirk, through its Department of Assessment, is the taxing jurisdiction that provides assessment valuations for all real property within the City of Dunkirk; and,

WHEREAS, the City has set assessments for all such properties and has afforded an opportunity for all property owners to challenge or to contest their assessments; and,

WHEREAS, the City has been served with a Notice and Petition for proceedings, under NY Real Property Tax Law Article Seven, challenging the City's assessment of 8-10 East Second Street, owned by Ogden Newspapers of New York, Inc. with a demand that the assessed valuation be reduced from \$557,400 to \$246,000; and,

WHEREAS, after preliminary Court conferences and negotiations with the petitioner, a settlement has been reached that the Department of Assessment and Law Department believe is in the best interests of the City; now, therefore, be it

RESOLVED, that the City of Dunkirk hereby approves a settlement of the NY Real Property Tax Law Article Seven proceeding regarding 8-10 East Second Street, owned by **Ogden Newspapers of New York, Inc.**, with the assessed value to be set at \$400,000 commencing with the 2013-2014 tax year; and, be it finally

RESOLVED, that all appropriate stipulations or other necessary documents be executed to reflect such settlement.

RESOLUTION #80-2013
NOVEMBER 5, 2013

BY: COUNCILWOMAN SZUKALA

AUTHORIZING PARTICIPATION IN BORDER PATROL AUGMENTATION PROGRAM

WHEREAS, the County of Chautauqua has received certain grant funds in order to enhance law enforcement preparedness and operational readiness along the borders of the United States among federal, State, local and tribal enforcement agencies; and,

WHEREAS, the County of Chautauqua, through Resolution No. 20-12, is authorized to enter into an agreement with the City for such border patrol augmentation services for the period August 1, 2013 through August 31, 2014, with payment in an amount not to exceed \$14,000.00 for overtime wages and an amount not to exceed \$3,500.00 for fringe benefits; and,

WHEREAS, the City is ready, willing and able to provide such augmented border patrol services through overtime details on land and on water in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements with the County of Chautauqua for the City to provide augmented border patrol services through overtime Police Department details on land and on water in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats, for the period August 1, 2013 through August 31, 2014; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and City Treasurer be directed to create General Ledger to record these funds as follows:

Stone Garden Grant Account No. 001-0001-2288; and, further,

Reimburse Police Department appropriation line:

Overtime Account No. 001-3120-1001,

as such funds are received from the County of Chautauqua.