

AGENDA - COMMON COUNCIL MEETING – December 2, 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).
 95. Resolution authorizing renewal agreement with NYS Unified Court System (April 1, 2014 to March 31, 2015).
 96. Resolution authorizing Information Technology Services Agreement (DFT Communications).
 97. Resolution adopting FY 2015 Budget.
 98. Resolution approving 2015 Appropriations.
 99. Resolution authorizing Warrant for FY 2015 Budget.
 100. Resolution authorizing agreement for Independent Contractor (Housing, Building & Zoning Enforcement Department).

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: Devon Dolce
Claimant Address: 25 Pennsylvania Ave
Dunkirk NY 14048
Claimant Telephone Number: (716) 679-8713

2015-10-25 PM 3:32
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

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. 01DO6000643
Commission Expires December 22, 2017

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

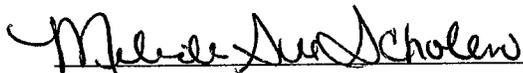
STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

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.



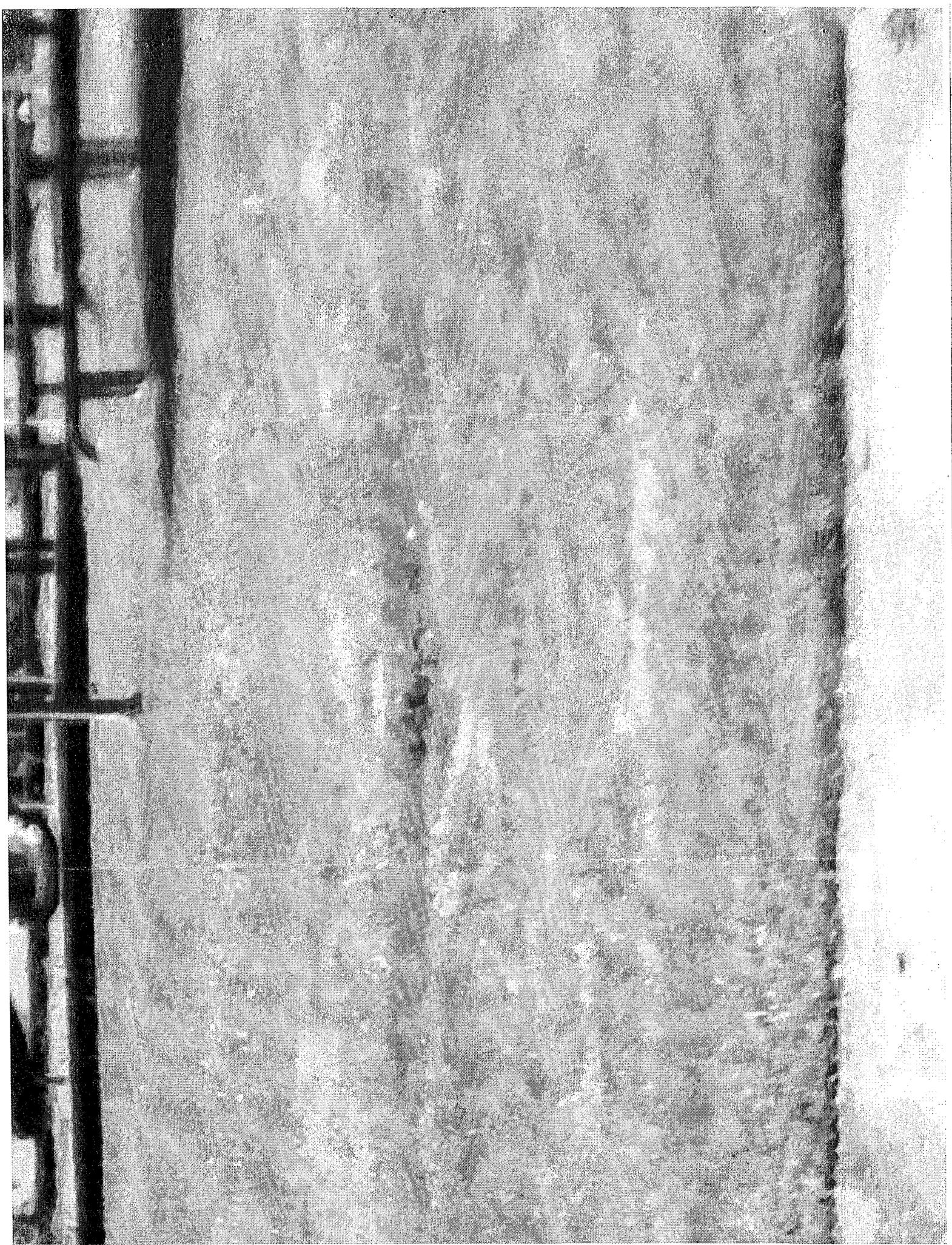
JONIE M. LASECKI

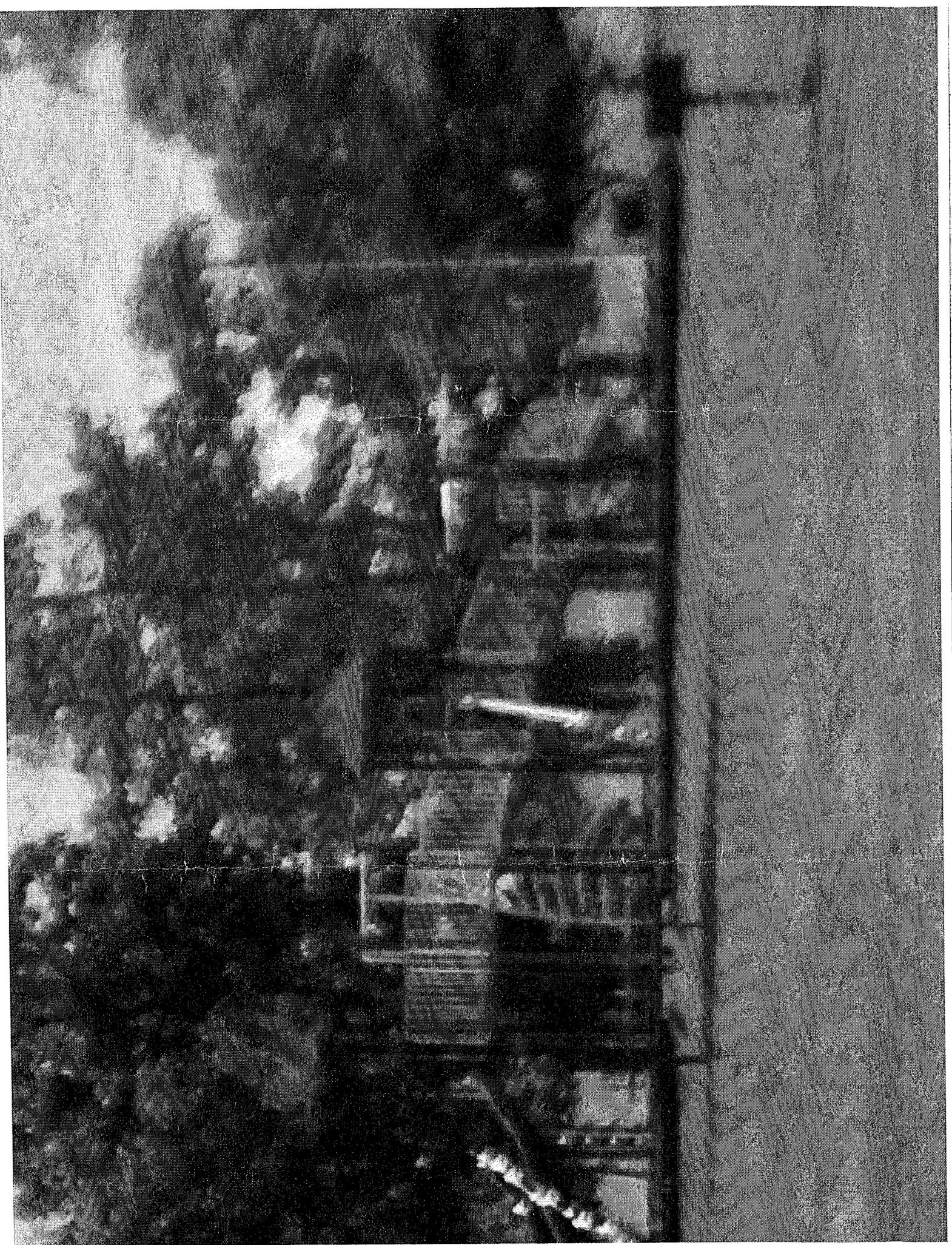
Sworn to before me this 29th
day of October, 2014.



Notary Public

MELINDA SUE SCHOLENO
NOTARY PUBLIC-STATE OF NEW YORK
No. 015C6303387
Qualified in Chautauqua County
My Commission Expires May 12, 2015





**RESOLUTION #93-2014
DECEMBER 2, 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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
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
DECEMBER 2, 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.

RESOLUTION #95-2014
DECEMBER 2, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING RENEWAL AGREEMENT WITH
NYS UNIFIED COURT SYSTEM
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200440)
(APRIL 1, 2014 TO MARCH 31, 2015)**

WHEREAS, the City of Dunkirk's five-year contract with the New York State Unified Court System (the "Court System") reimburses the City for security services in City Court was renewed in 2009 and terminates in 2014; and

WHEREAS, it is in the best interests to renew such agreement for an additional five-year period (April 1, 2014 through March 31, 2019); 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 Two Hundred Thirty-Seven Thousand Dollars and Zero Cents (\$237,000.00); and 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 Two Hundred Thirty-Seven Thousand Dollars and Zero Cents (\$237,000.00) to compensate the Police Department for City Court security services.

RESOLUTION #96-2014
DECEMBER 2, 2014

BY: THE ENTIRE COUNCIL

**AUTHORIZING INFORMATION TECHNOLOGY SERVICES AGREEMENT
(DFT Communications)**

WHEREAS, the City of Dunkirk and its departments have, on a regular basis, the need for professional computer and information technology services; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, the City has, after requesting and reviewing proposals for qualifications, utilized the services of DFT Communications for such services; and

WHEREAS, **DFT Communications** is ready, willing and able to continue to provide such services to and on behalf of the City, in a good and workmanlike manner, and is being recommended for approval; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **DFT Communications**, 40 Temple Street, Fredonia, New York 14063, as an independent contractor to provide independent computer and information technology services for the City for the period January 1, 2015 through December 31, 2015, at the cost of Nine-Hundred Fifty Dollars and Zero Cents (\$950.00) per month, for a minimum of sixteen (16) hours of service per month (with two one-year options at three percent (3%) per year increase); and, be it finally

RESOLVED, that the payments for such services be made from Account No. 001-1680-4036 (Contracted Services).

**RESOLUTION #97-2014
DECEMBER 2, 2014**

BY: ENTIRE COUNCIL

ADOPTION OF FY 2015 BUDGET

WHEREAS, Mayor Dolce submitted the proposed FY 2015 Budget to the Common Council on October 14, 2014, and was received and filed at the October 21, 2014 Common Council meeting; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2015 Budget and desires to make amendments to such Budget as herein below detailed; now therefore, be it

RESOLVED, that Mayor Dolce's proposed FY 2015 Budget, be amended as follows:

General Fund Appropriations

001.1355.1000	Assessment, Personal Services	\$ 300 increase	
001.1490.1001	Public Works, Overtime		\$ 1,500 decrease
001.5010.1000	Streets, Pers Svcs		\$ 2,000 decrease
001.6510.4236	Veterans, Memorial Day Parade		\$ 250 decrease
001.5680.4022	Harbormaster, Equipment	\$ 200 increase	
001.5142.1000	Snow, Pers Services		\$16,944 decrease
001.1900.1990	General, Contingencies Allowance	\$21,644 increase	
Net Change ->			\$ 1,250 increase

General Fund Revenue

001.0001.2410.4112	Chadwick Bay Hotel Rental		\$ 1,250 increase
Net Change ->			\$ 1,250 increase

Water Fund Appropriations

002.1900.1990	General, Contingencies Allowance		\$ 2,000 decrease
002.0002.2650	Water, Sale of Scrap	\$ 2,000 decrease	
Net Change ->			\$ - 0

Waste Water Fund Appropriations

NONE			
		Net Change ->	\$ - 0

and, it is further

RESOLVED, that Mayor Dolce's proposed FY 2015 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2015 Budget, and, it is finally

RESOLVED, that the City of Dunkirk Fiscal Year 2015 Budget requires the raising of taxes in the amount of **\$4,837,477.00**.

Totals by FUND:

Revenues

Expenditures

General	\$14,973,797	\$14,973,797
Water Treatment	\$ 3,255,143	\$ 3,255,143
Waste Water Treatment	<u>\$ 4,139,294</u>	<u>\$ 4,139,294</u>
	\$22,368,234	\$22,368,234

RESOLUTION #98-2014
DECEMBER 2, 2014

BY: ENTIRE COUNCIL

APPROVE FY 2015 APPROPRIATIONS

WHEREAS, the Common Council of Dunkirk, has by resolution, adopted a budget for Fiscal Year 2015; now, therefore, be it

RESOLVED, that the specified amounts in the column labeled Adopted Budget in the General Fund, Water Treatment and Wastewater Budgets be approved for expenditure for such items, effective January 1, 2015.

RESOLUTION #99-2014
DECEMBER 2, 2014

BY: ENTIRE COUNCIL

AUTHORIZING WARRANT FOR FY 2015 BUDGET

WHEREAS, the FY 2015 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure, now, therefore, be it

RESOLVED, that the attached warrant be delivered to the City Treasurer and a tax levy of **\$4,837,477.00** be established at a rate of **\$17.302619** per \$1,000 of assessed valuation based upon the total City assessed valuation of **\$279,580,626.00**.

RESOLUTION #100-2014
DECEMBER 2, 2014

BY: COUNCILMAN RIVERA

AUTHORIZE AGREEMENT FOR INDEPENDENT CONTRACTOR
(Housing, Building & Zoning Enforcement Department)

WHEREAS, the City of Dunkirk, through its Housing, Building & Zoning Enforcement Department (the "Department") has a need for assistance with various projects; and

WHEREAS, the City has issued a Request for Proposals for such assistance and has received one (1) response for such assistance; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Wendy Spinuzza, 175 Eagle Street, Fredonia, New York 14063, is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **WENDY SPINUZZA, 175 Eagle Street, Fredonia, New York 14063**, as an independent contractor to provide independent contracting services and assistance with various projects commencing January 1, 2015, and extending through December 31, 2015, with payment of Six Hundred Fifteen Dollars and Thirty-Eight Cents per week (\$615.38/weekly) for thirty-five (35) hours per week, contingent upon such being made available, with such funds drawn from Account No. 001-3620-4036.