

AGENDA - COMMON COUNCIL MEETING – February 18, 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 First Ward Falcon Club to use the Stadium and School #7 softball fields on May 10th for the Early Bird Fast Pitch Softball Tournament.
  2. Request from First Ward Falcon Club to use the Stadium & Veterans Fields on July 18th to the 20th, waiver of the curfew for all three days, and permission for a food stand around the Stadium for that weekend.
  3. Request from Chautauqua County Exceptional Senior All-Star Baseball/Softball Committee to use Promenschenkle Stadium on June 19<sup>th</sup> (June 20<sup>th</sup> rain date) to host the 2014 Chautauqua County Exception Senior All-Star Softball game.
  4. Request from Dunkirk City School District modified softball team (as well as the varsity/junior varsity teams) to use Promenschenkel Stadium for practices and games from March 4<sup>th</sup> until approximately May 30<sup>th</sup>.
  5. Loudspeaker application from Dunkirk Memorial Post #62 for a live band from 3:00-7:00 PM for a Chicken BBQ.
  6. Notice of Claim from:
    - a) William Narraway for damages to his vehicle allegedly caused by a pothole on the intersection of Willow Road and Smith Street.
    - b) Chautauqua County for damages to the North County Transfer Station money attendant booth allegedly caused by a City garbage truck.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  20. Resolution authorizing extension of Tax Collection Agreement (County of Chautauqua).
  21. Resolution authorizing Budget Modifications (February 2014).
10. New Business:
11. Adjournment.

Nicole Joiner  
City Clerk

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

2014 JA 31 PM 3:31

January 31, 2014

Members of the Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

On behalf of the First Ward Falcon Club, I would like to request the use of the Stadium and School #7 softball fields on May 10, 2014.

The purpose of this request is for the Early Bird Fast Pitch Softball Tournament.

Thank you.

Very truly yours,

TIM WDOWIASZ, Chairman

A handwritten signature in black ink, appearing to read "Tim Wdowiasz", with a long horizontal flourish extending to the right.

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 JA 31 PM 3:31

January 31, 2014

TO: Members of the Common Council

Dear Council Members:

On behalf of the First Ward Falcon Club I would like to request several items in conjunction with our Annual Fast-pitch Softball Tournament, scheduled for July 18, 19 and 20, 2014.

- (1) Use of the Stadium and Veterans Fields for all three days.
- (2) Waive the curfew at the Stadium Field for all three days.
- (3) Permission to operate a food stand in the area around the Stadium Field for the entire weekend.

As I am sure you are aware, a tournament such as this can bring in thousands of dollars and hundreds of people into the area. I would like to thank you in advance for your time and consideration.

Yours truly,

TIM WDOWIASZ  
Chairman



Wednesday, January 22, 2014

City of Dunkirk - Common Council  
342 Central Avenue  
Dunkirk, NY 14048

Dear Common Council Members,

The Chautauqua County Exceptional Senior All-Star Baseball/Softball Committee would like to request the use of Prommenschenkle Stadium on the evening of Thursday, June 19<sup>th</sup>, 2014 (rain date: Friday, June 20<sup>th</sup>, 2014) for the purpose of hosting the 2013 Chautauqua County Exceptional Senior All-Star Softball game. Attached to this letter is our application for use of the field as well as proof of our insurance - specifically naming the City of Dunkirk as additionally insured.

Thanks to the Common Council graciously approving our request, the last two softball games were each a huge success. Dunkirk has been very well represented - as a Marauder student-athlete was selected the North Team's most valuable player - in each of our three games.

With your approval, we would like to continue this great tradition and give the 2014 softball game the proper stage that it deserves. We will be in contact the Parks and Recreation Department and, pending your approval, will coordinate parking with the City of Dunkirk Police Department.

Please note, a copy of our proof of insurance may have preceded this letter and our application. Please know that we did not assume any decision on behalf of the Common Council. On the contrary, we simply wanted to confirm that our insurance was in place before making this request.

We thank you for your consideration of our request and hope to have the opportunity to continue to share a great event with the City of Dunkirk!

Sincerely,



Timothy Cowan, Senior All-Star Game Coordinator

32 Risley Street  
Fredonia, New York 14063  
Phone: 716.673.6508  
E-Mail: timothycowan@hotmail.com

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 FEB -5 AM 10:59



## DUNKIRK CITY SCHOOL DISTRICT

620 Marauder Drive  
Dunkirk, New York 14048  
Telephone (716) 366-9300  
Fax (716) 366-9399

MR. KENNETH KOZLOWSKI  
*President*  
Board of Education

MR. GARY CERNE  
*Superintendent*

January 22, 2014

To Whom It May Concern,

The Dunkirk City School District is requesting the use of Promenschenkel Stadium for practices and games for our modified softball team. The season runs from March 4 until approximately May 30<sup>th</sup>.

Please note that there may be times, due to field conditions, that the varsity or junior varsity teams may have to use the stadium.

I will forward a practice schedule and a 2014 game schedule as soon as they are finalized.

Thank you and I am looking forward to your response.

Sincerely,

Michael A. Sarratori

Athletic Director

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 JAN 31 PM 3:17

**APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.**

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 2/11/14

\*No more than 3 days TOTAL per Individual or Group - per year **EVENT SPECIFICS** EXCLUDES HARBORFRONT AREA

DATE: 5/26/14 TIME: NOON - 7PM LOCATION OF EVENT: 211 CENTRAL AVE

SPONSOR: DUNKIRK MEMORIAL POST 62

NAME: " " " " PHONE NO. 366-6262

ADDRESS: 211 CENTRAL AVE DUNKIRK

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: JOHN MIGA PHONE: 680-2377

ADDRESS: 188 E. PINE ST DUNKIRK NY

REASON: CHICKEN BBQ - NOON till sold out, USED TO BE HELD AT THE AQUAVIA POST!

AUDIO DEVICE TO BE USED: LIVE BAND FROM 3-7 PM - <sup>OUTSIDE</sup> PAVILLION.

\* PROCEEDS TO SUPPORT VETERANS AND AMERICAN LEGION PROGRAMS

PUBLIC EVENT  PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES IF YES, PROOF:

NO

I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.

Signature: John Miga

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>OK 2/12/14</u>		
DEPT OF PUBLIC WORKS <u>2/13/14</u>		
DEPT OF LAW <u>OK 2/12/14</u>		
OTHER		

**COMMON COUNCIL ACTION**

RECEIPT OF REVIEW

APPROVAL

CONDITIONS: 2014 FEB 12 AM 10:26

DISAPPROVED

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

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: William A. Narraway  
Claimant Address: 10689 Wilbur Road  
Dunkirk, NY 14048  
Claimant Telephone Number: (716) 467-1699

This claim is for (injuries/damages) alleged: My 2001 Chevy Silverado was damaged by a huge pothole

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 FEB - 5 PM 12:10

This claim is alleged to have arisen on the 10<sup>th</sup> day of January, 2014 at approximately 7 a.m./p.m. on that date at the intersection of Willow Road with Smith

The injuries and/or damages sustained by the Claimant arose in the following manner:  
I was attempting to turn on to Smith Street from Willow Road and struck a deep large pothole in the middle of the street.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following:  
Damaged exhaust flange and hanger plus the tailpipe insulator. One of the tires was damaged & replaced.

6.48  
48.00  
10.00  
64.48  
+ 4.84 tax  
69.32  
+ 20.00 tire  
89.32

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

Respectfully yours,  
William A. Narraway  
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  
4<sup>th</sup> day of Feb, 2014.

Notary Public, State of New York  
No. 01CR050393  
Qualified in Chautauque County  
Commission Expires April 20, 2015



INSURANCE

RECEIVED

FEB 6 2014

Dunkirk City Attorney

SLONE-MELHUIH & CO. 306 SPRING ST JAMESTOWN NY 14702-0878 716/483 1591

3 Feb. 2014

Ms. Kim Robbins  
City of Dunkirk  
324 Central Ave.  
Dunkirk, NY 14048

Re: Insured -Chautauqua County  
Claimant-City of Dunkirk  
DA 12/31/13  
Claim#50478

Ms. Robbins,

Slone Melhuish & Co. insures Chautauqua County and we are a third party claims administrator for smaller claims. This notice of claim packet is a follow-up to our recent telephone call.

Enclosed is a completed notice of claim form and supporting documentation. This claim is for damages to the attendant booth at the North County Transfer Station. One of your garbage trucks driven by Stephen Zatorski hit a vehicle that was driven into the booth. It is my understanding you had someone take photos of the damages.

The total damage is \$1,265.61. The check should be made out to Chautauqua County and sent to the attention of Muchell Vahl at the County Ins. Dept., 1-3 North Erie St., Mayville, NY 14757. Should you have any further questions feel free to contact me at (716)640-9867. Thank you for your cooperation in this matter.

Jon R. Stahley TPA  
Slone Melhuish & Co.  
PO Box 878  
Jamestown, NY 14701

CC: Muchell Vahl  
Maureen Langebartel

2014 FEB -6 PM 1:06  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

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: Chautauque County  
Claimant Address: 1-3 N. Erie St.  
Mayville, NY 14757  
Claimant Telephone Number: (716) 253-4291 Muchell Vahl

This claim is for (injuries/damages alleged): damages to the County's  
money attendant Booth.

This claim is alleged to have arisen on the 31 day of December, 2013 at approximately 11:30 a.m./p.m. on that date at N. County Transfer Station

3688 Webster Rd., Fredonia, NY 14063

The injuries and/or damages sustained by the Claimant arose in the following manner:

A City of Dunkirk garbage truck hit a vehicle and  
pushed it into the attendant booth.

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

STRUCTURAL damage to wood frame and  
electrical wiring and REINSTALLATION of SERVICE

WHEREFORE, the undersigned respectfully requests that the within claim be allowed and paid to me: Chautauque County

Respectfully yours,

Jon R. Stahler 1/30/14.  
Claimant (date)

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

Jon R. Stahler, 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.

JoAnn Murray  
Notary

Sworn to before me this  
4th day of February, 2014.

JOANN MURRAY  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN CHAUTAUQUA COUNTY  
#01MU507865  
COMMISSION EXPIRES MAY 12, 2015

Rev. May 2012

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

2014 FEB -6 PM 1:06

**RESOLUTION #20-2014**  
**FEBRUARY 18, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING EXTENSION OF TAX COLLECTION AGREEMENT**  
**(County of Chautauqua)**

**WHEREAS**, pursuant to Resolution No. 50-2010 (July 20, 2010), the Common Council authorized an agreement with the County of Chautauqua for a new joint tax collection agreement providing that collection and enforcement of real property taxes for the City (and Dunkirk School District within the City) would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the city, including the guarantee of all such taxes; and

**WHEREAS**, pursuant to Resolution No. 251-13 (December 2013), the Chautauqua County Legislature authorized and empowered the County Executive to execute an extension of the existing joint tax collection agreement for a three (3) year term covering the 2014, 2015 and 2016 tax levies; and

**WHEREAS**, it would be appropriate to extend the agreement with the County of Chautauqua under the same terms and conditions for a period of three (3) years; now, therefore, be it

**RESOLVED**, that the Mayor is authorized and empowered to execute an extension of the existing joint tax collection agreement with the County of Chautauqua for a three (3) year term covering the 2014, 2015 and 2016 tax levies.

**RESOLUTION #21-2014**  
**FEBRUARY 18, 2014**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING BUDGET MODIFICATIONS**  
**(February 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**

<b><u>ACCOUNT NUMBER</u></b>	<b><u>DEPARTMENT</u></b>	<b><u>LINE</u></b>	<b><u>CHANGE</u></b>
001.3310.4040	Traffic Control	Traffic & Street Signs	\$ 1,500.00
001.1640.4061	Central Garage	Vehicle Fuel	<u>\$ (1,500.00)</u>
<b>TOTAL</b>			\$

**FUND 3**

<b><u>ACCOUNT NUMBER</u></b>	<b><u>DEPARTMENT</u></b>	<b><u>LINE</u></b>	<b><u>CHANGE</u></b>
003.8131.2000	Laboratory	Equipment	\$ 8,886.23
003.8130.4036	Waste Water	Contracted Services	\$ (5,386.23)
003.8130.4021	Waste Water	Repair / Maintenance	<u>\$ (3,500.00)</u>
<b>TOTAL</b>			\$