

AGENDA - COMMON COUNCIL MEETING – February 2, 2016 - 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 Dunkirk City School District to use Promenschenkel Stadium beginning in early April until mid-June for games and practices for their High School softball program.
  2. Notices of Claim from:
    - a) James Kuras for damages to a swing set allegedly caused by tree on city property.
  3. Loudspeaker application from:
    - a) Clarion Hotel for live bands from May 1<sup>st</sup> thru October 1<sup>st</sup>, 2016.
  4. Harbor Commission requesting approval of Commercial Bait Fishing Application.
  5. Communication from Harriet Lane Tower on behalf of Coalition to Solarize Chautauqua County.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  19. Resolution authorizing agreement for Financial Advisory Services (Municipal Solutions, Inc.).
  20. Resolution authorizing agreement with Chautauqua County (Dunkirk Harbor Sea Wall on Lake Erie).
  21. Resolution authorizing Change Order 1 for contract for electrical work at the Water Filter Plant (Water Treatment Facility Phase – 2 – 2013 under 2009 Consent Order).
  22. Resolution authorizing vehicle usage by Director of Public Works.

23. Resolution authorizing Brownfield Opportunity Area (BOA) Grant – Phase II – Consultant Evaluation/Recommendation.
10. New Business:
11. Adjournment.

Lillian R. Divine  
City Clerk



**DUNKIRK CITY SCHOOL DISTRICT**

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

MR. KENNETH KOZLOWSKI  
*President*  
Board of Education

MR. GARY CERNE  
*Superintendent*

January 26, 2016

Mr. Timothy Gornikiewicz  
Youth and Recreation Coordinator  
Dunkirk Youth Bureau and Recreation Department  
City Hall  
342 Central Avenue  
Dunkirk, NY 14048

Dear Mr. Gornikiewicz:

The Dunkirk City School District would like to request the use of Promenschenkle Field for the High School softball program beginning in early April until mid-June for possible games and practices.

Please advise at your earliest convenience if this possible. Thank you for your consideration.

Sincerely,

Michael A. Sarratori  
Athletic Director

2016 JAN 26 PM 3:41  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

MAS:bjt

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: JAMES KURAS  
Claimant Address: 418 TOWNSEND ST  
Dunkirk N.Y. 14048  
Claimant Telephone Number: (716) 366-2562

This claim is for (injuries/damages alleged): Damages to our  
Children swing set.

This claim is alleged to have arisen on the 28 day of October, 2015  
approximately 10 a.m./p.m. on that date at 418 TOWNSEND ST.

The injuries and/or damages sustained by the Claimant arose in the following manner:  
During a wind storm, a tree on city  
property fell on my yard and across the  
swing set.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Original value of the set was  
approx. \$500

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

Respectfully yours,  
JAMES W KURAS 1-14-16  
Claimant (date)

MAUREEN MACHEMER  
NOTARY PUBLIC-STATE OF NEW YORK  
QUALIFIED IN CHAUTAUQUA COUNTY  
#5020671  
MY COMMISSION EXPIRES 11/22/08 17  
State of New York )  
County of Chautauqua ) ss.:

James W. Kuras, 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.

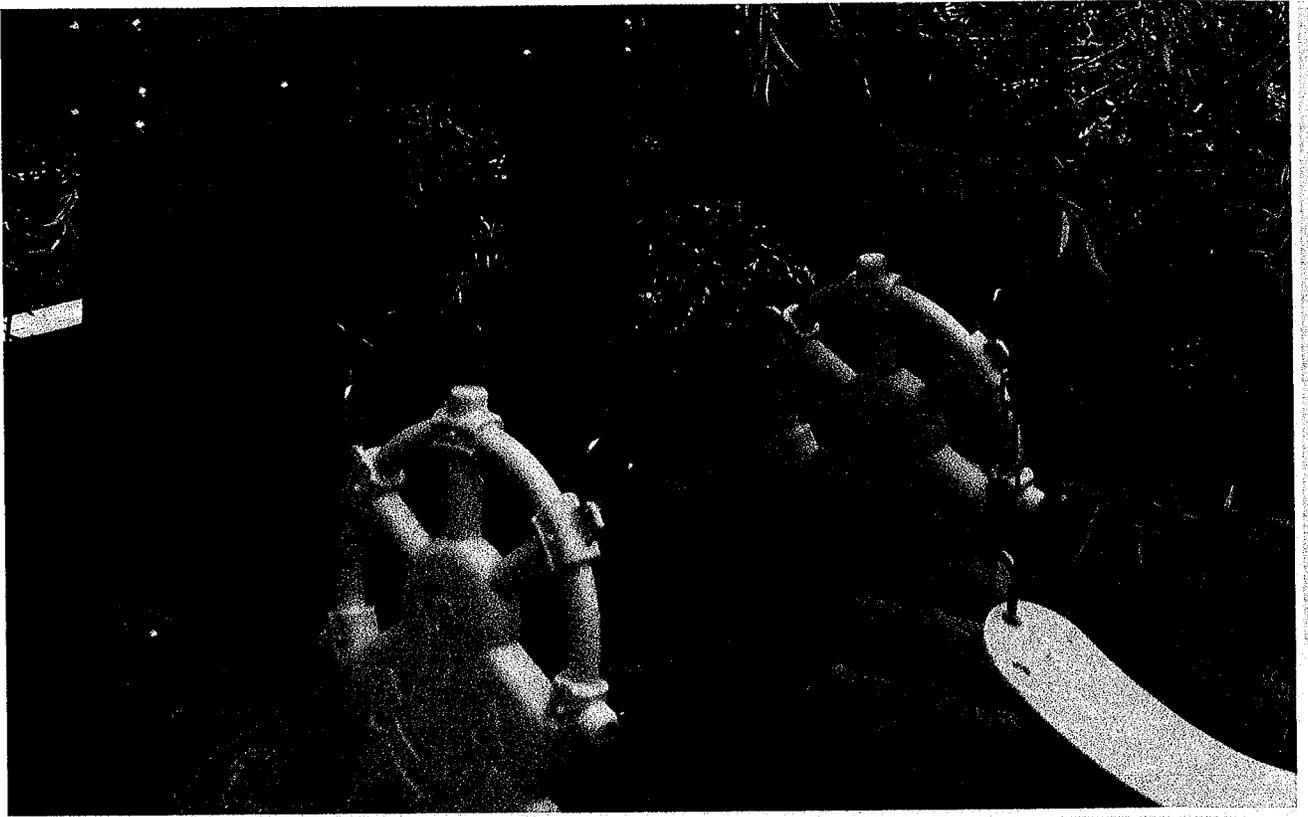
Maureen Machermer  
Notary

Sworn to before me this  
14<sup>th</sup> day of January, 20 16.

2016 JAN 15 PM 1:13  
RECEIVED  
CITY OFFICE  
DUNKIRK, N.Y.



PHOTOGRAPH BY [unreadable]



From: **Kim** giblerkh@hotmail.com   
Subject:  
Date: November 26, 2015 at 4:27 PM  
To: dad jeffreyhornburg@mac.com

Sent from my Verizon Wireless 4G LTE smartphone



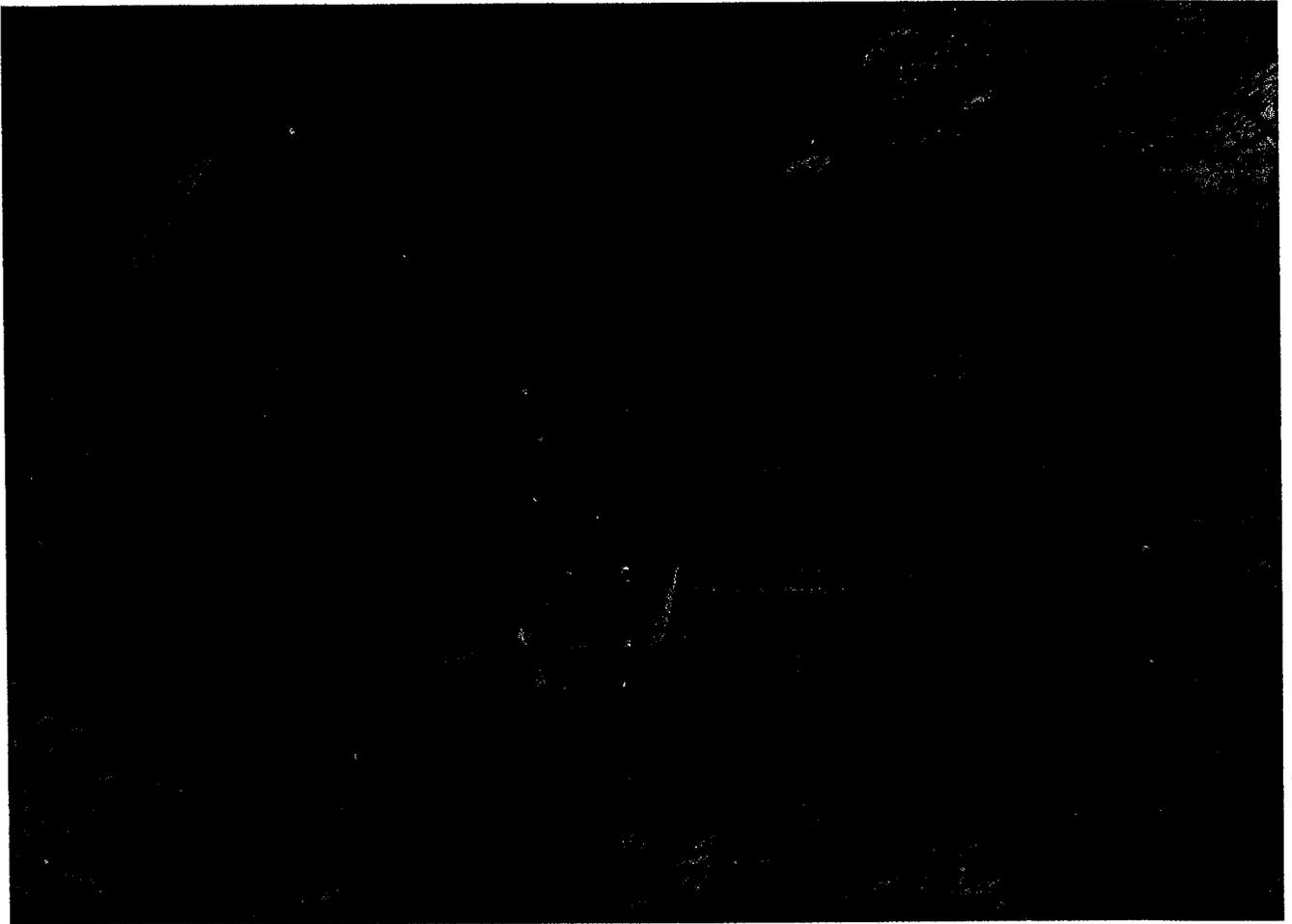
**From:** Kim giblerkh@hotmail.com   
**Subject:**  
**Date:** November 26, 2015 at 4:30 PM  
**To:** dad jeffreyhornburg@mac.com

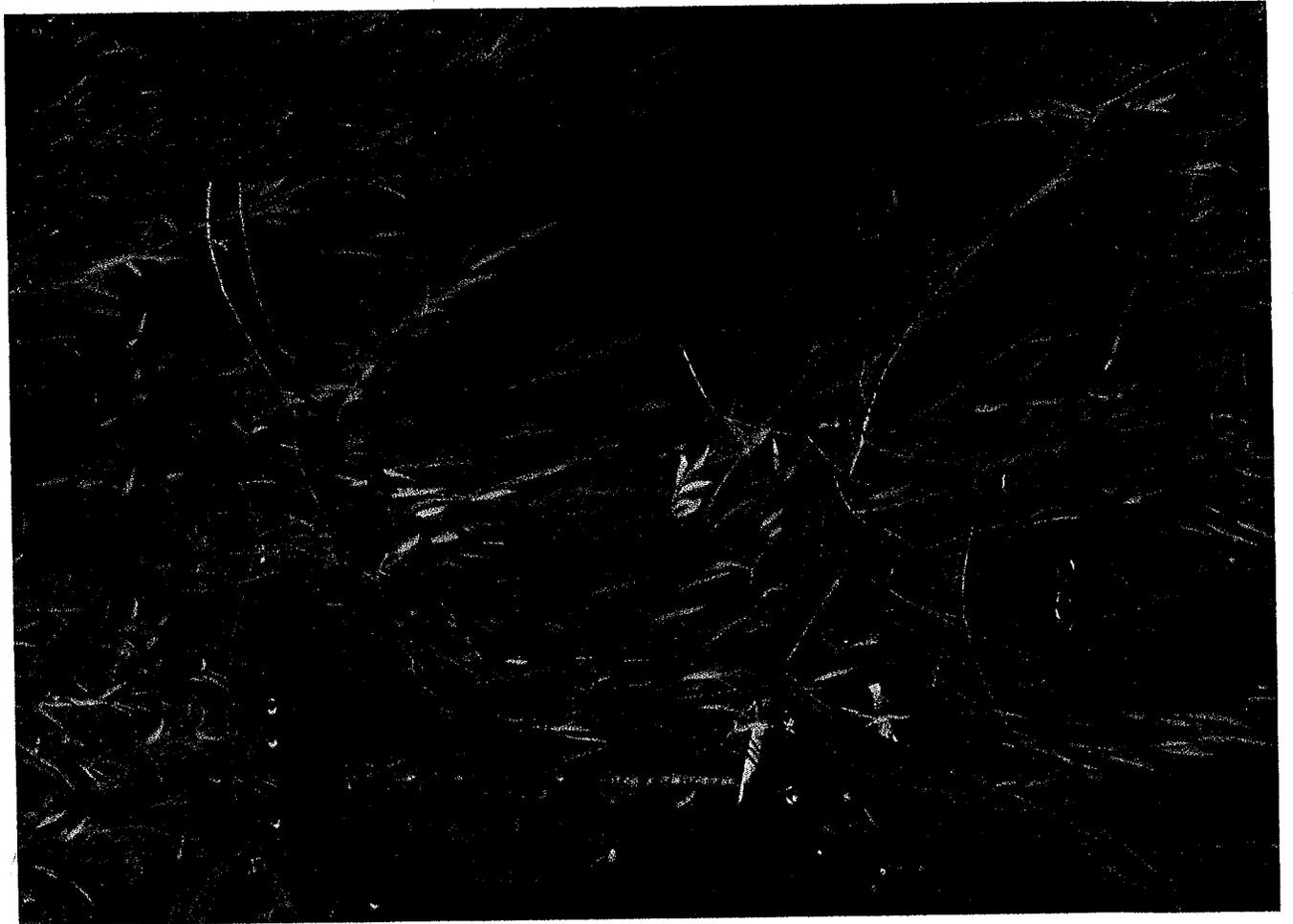
Sent from my Verizon Wireless 4G LTE smartphone











# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO. (DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 1/22/2016

EVENT SPECIFIC: Clarion Hotel

DATE: 5-1 thru 10-1 TIME: 2016 LOCATION OF EVENT: Clarion Hotel

SPONSOR: Clarion Hotel PHONE NO. 266-8350

NAME: Clarion Hotel ADDRESS: 30 Lakeshore Dr. E

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Vic Singh PHONE:

ADDRESS: AS Above

REASON: AS Above

AUDIO DEVICE TO BE USED: outside music/bands

PUBLIC EVENT  PRIVATE EVENT

### NOTIFICATION OF AFFECTED DEPARTMENTS

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: *Mahar Singh*

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>OK 1/22/16 (initials)</u>		
DEPT OF PUBLIC WORKS <u>CB</u>		
DEPT OF LAW <u>ADB</u>		
OTHER		

### COMMON COUNCIL ACTION

RECEIPT OF REVIEW

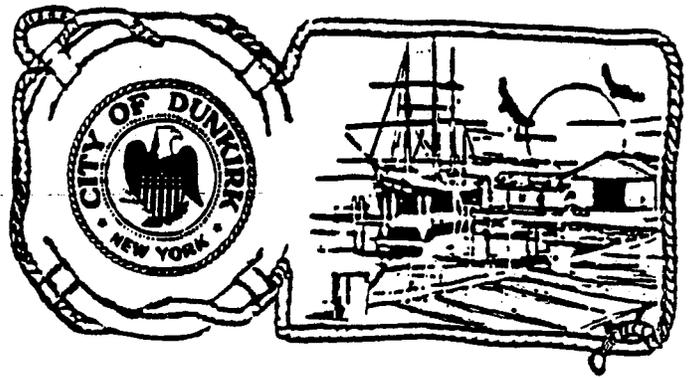
APPROVAL

CONDITIONS:

DISAPPROVED

2016 JAN 22 AM 11:57  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, NY

**The  
GREATER DUNKIRK AREA  
HARBOR COMMISSION**



**MEMORANDUM**

TO: Members of Common Council  
FROM: Dunkirk Harbor Commission  
DATE: January 22, 2016  
RE: Application Permit for Commercial Bait Fishing

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Dear Common Council Members:

According to the City Code Section 24 "L"(5), any applications for commercial bait fishing must be reviewed by this Commission prior to Common Council approval.

After reviewing said application by Harbor Commission members, it was unanimously agreed by phone communication to approve the application from:

1. Ricky Miller Jerome Miller's Bait Store Irving, NY

In order to facilitate this application, we would like to suggest that this Common Council act on the approval of this application as soon as possible.

Thank you.

*Jim Nichols, pp*

Jim Nichols  
Dunkirk Harbor Commission

JN/pjp  
Attach.

2016 JAN 22 PM 3:19  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
RECEIVED



CITY OF DUNKIRK  
OFFICE OF THE CITY CLERK  
CITY HALL, DUNKIRK, NY 14048

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

2016 JA 22 AM 9:50  
GRACE TARNOWSKI  
DEPUTY CLERK  
(716)366-9766  
FAX (716)363-0058

WILFRED ROSAS  
MAYOR  
(716) 366-9882  
FAX (716) 366-2049

LILLIAN R. DIVINE  
CITY CLERK  
(716)366-9766  
FAX (716)363-0058

**CITY OF DUNKIRK**  
**APPLICATION PERMIT FOR COMMERCIAL BAIT FISHING**

Application for permit must be made 60 days prior to bait fishing. Application must be reviewed by the Dunkirk Harbor Commission prior to approval by the Common Council and Harbormaster. Permit is revocable at any time by the Dunkirk Police Department or Environmental Conservation Regulations. Bait fishing will be limited to two (2) permit holders at any one time. City of Dunkirk reserves the right to control the amount of bait taken by any bait fisherman. The bait fishing permit will be effective until the end of the year that it is issued. A new permit application shall be filled out each year. Photo copy of bait license to be presented with application shall be filled out each year. Photo copy of bait license to be presented with application for permit for commercial bait fishing. The window permit time-frame is November 1<sup>st</sup> – January 31<sup>st</sup>.

**BAIT PERMIT**

Date: 1/22/16 Net Tag Number: 103

Name: Ricky J Miller

Street/Road Address: 12707 Allegheny Rd

City: Irving Zip Code: 14081 County: Chaut.

Business Name: Jerome Miller's Bait Store

Bait License Serial Number: 7757

Home Phone: (716) 934-2477 Business Phone: ( ) Same

Applicant's Signature: Ricky J Miller

APPROVED BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Dunkirk City Clerk

\*\*Approved permit application is to be posted in window of vehicle being used to transport bait.



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BAIT LICENSE

7757	
BAIT LICENSE NUMBER	
\$12.50	103
FEE.	TAG NO.

LICENSE TO:

- Operate one seine not over 60 feet long to take bait fish in private ponds with written permission of owner or in *specially designated waters* as listed in Section 35.2 of Title 6 of New York Codes, Rules and Regulations (6NYCRR).
- Operate one cast net not over 10 feet in diameter in the Hudson River south of Troy Dam including tributaries to first barrier.
- Operate \_\_\_\_\_ minnow traps not exceeding 3 x 1 1/2 feet; in private ponds with written permission of owner or in *specially designated waters* as listed in Section 35.2 of 6NYCRR.
- Operate \_\_\_\_\_ minnow fykes, not exceeding 2 foot hoop in private ponds only. Written permission of owner required.
- Sell bait fish at address below.
- Take and sell aquatic insects.

PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL CONSERVATION LAW AND RULES AND REGULATIONS OF THIS DEPARTMENT.

NAME AND ADDRESS OF LICENSEE RICKY J. MILLER JEROME MILLER'S BAIT STORE 12707 ALLEGANY ROAD IRVING, NY 14081 CHAUT. CO.	DATE ISSUED 12/30/2015
	DATE EXPIRES 12/31/2016
	ISSUED BY C. JOHN REG 9 - ALLEG.

ORIGINAL COPY

## **Presentation to Mayor Willie Rosas and City Common Council February 2,2016**

**Dear Mayor Rosas and Common Council Members,**

**I come before you as a volunteer with the Coalition to Solarize Chautauqua County. We intend to follow the successful model of Tompkins County and other campaigns across NYS to jump start residential solar installations in the area by lowering barriers to going solar. We will work with vendors to offer attractive installation packages, facilitate financing and educate the public. We seek the endorsement of the city administration as we move ahead on the effort to launch our campaign on March 12, 2016 at JCC Conference Center on Bennett Road.**

**Other communities in Northern Chautauqua have already expressed support: namely the Town of Portland, the village of Brocton, the Town of Pomfret, and Village of Fredonia A variety of 15 other leading community groups have signed on to support the campaign. SUNY Fredonia is involved and will be offering assistance with website development and management. We believe that it is in the interest of the city to support and encourage sustainable energy and be on the record as an innovative community interested in energy savings, job creation, a carbon neutral region and the well being of the planet.**

**Given the current mothballing of NRG we wish to engage this company which has been a huge part of our community for half a century or more. We want to invite NRG to remain involved with our community thru the installment of wind and solar which NRG promotes actively in other parts of our nation. This can be done beyond the effort currently underway to use the cleaner conversion to gas which is now held up in the courts. Solar Chautauqua in no way diminishes the role of NRG. Rather it is an invitation to them to enhance their role here and bring in more job creation and individual and business energy savings.**

**Solarize campaigns are locally organized community outreach efforts aimed at getting area homes and businesses to install solar. Solar Chautauqua will bring together competitive installers with a limited time offer for cost saving selections to purchase, lease or share in a community solar energy garden. If unable to purchase or lease at private sites, customers can participate in a new shared renewable initiative. New Yorkers can participate even if they don't own their homes, or live in an apartment .**

Our board consists of Mary Croxton, Diane Hofner, Scott Mackay, Mary Jane Wagner and Julia Wilson. Minda Rae Amiran, Board member of the League of Women Voters is an off board consultant. Harriet Tower and Jeffery W. Barr are volunteer outreach coordinators for the City of Dunkirk.

In our effort to entice new companies to come into Dunkirk and young people to stay we have to be on the forefront of thinking related to what is valued and attractive for economic rejuvenation and sustainability. Discussion at the Paris Convention on Climate change confirmed that 50-80% of adaptations must occur at the state and local level. Cities supporting the green economies are those that are thriving in the US and Canada. The Pacific coast collaborative attributes record growth in job creation to green initiatives. They have seen a 19% growth in clean energy and over 70,000 people working in green jobs. California will have 33% of their energy needs met by solar within 4 years. Vancouver has pledged to have 100% renewable energy by 2020 and attributes their astounding growth and new job creation to this effort. Our Governor wants NYS in the forefront of US energy initiatives. We hope you will review this request and consider a formal letter of support and commitment to Solarize Chautauqua.

Sincerely,



Harriet Lane Tower  
Volunteer outreach Coordinator  
438 Swan Street  
Dunkirk, NY 14048  
366-3738  
[Skeeter.tower@gmail.com](mailto:Skeeter.tower@gmail.com)

2016 JA 27 PM 2:07

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

Municipality Letterhead

Date

Diane Hofner, Solar Chautauqua Project Manager  
7554 Prospect Station Rd.  
Mayville, NY 14757

Re: Coalition to Solarize Chautauqua County Board's 2016 Community Solar NY Application

Dear Ms. Hofner:

This letter is in support of the Community Solar NY application to NYSERDA for approval and funding to launch a Solar Chautauqua (SC) campaign in Spring, 2016. The City of Dunkirk Common Council supports SC's effort to facilitate residential solar installations in Northern Chautauqua County. Expansion of residential solar is an important contribution to our region's development of renewable energy production. If unable to purchase or lease at private sites, customers can participate in a new shared renewables initiative. New Yorkers can participate even if they don't own their homes, live in an apartment, or own properties unsuitable for installing solar panels.

The Board launching Solar Chautauqua (SC) currently consists of five volunteers representing a coalition of community organizations active in the Portland, Pomfret and Dunkirk area. Chautauqua Citizens Respond to Climate Crisis (CCRCC) will direct this pilot project. CCRCC was formed in the summer of 2014 with the goal of advancing climate education and action in the region. Other organizations in the coalition include Concerned Residents of Portland, NY + People Like Us (CropPlus); League of Women Voters of Chautauqua County (LWW Chautauqua); and Social Action Committee of Unitarian Universalist Congregation of Northern Chautauqua (UUCNC). The coalition is expected to grow as the project gets underway. The Board has also received assurances of support from SUNY Fredonia, including assistance with website development and management.

The Common Council will support SC's efforts by asking our Code Enforcement Officer to research adoption of NYS Unified Solar Permit and by displaying promotional materials in our building and on our website. Perhaps we can host an educational workshop on the shared solar initiative. If I can be of further assistance on this important project, please feel free to contact me.

Sincerely,

Name  
Title  
Address  
Contract Information

2016 MAY 27 PM 2:07

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

**RESOLUTION #19-2016**  
**FEBRUARY 2, 2016**

**BY: THE ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT FOR FINANCIAL ADVISORY SERVICES**  
**(Municipal Solutions, Inc.)**

**WHEREAS**, the City of Dunkirk and its departments have, on a regular basis, the need for professional financial advisory services; and

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

**WHEREAS**, the City has been engaged in using the financial advisory services of **Municipal Solutions, Inc.** for Bonds, Bond Anticipation Notes (BAN's), Notes, etc., for a number of years, and would like to continue to utilize such services; and

**WHEREAS**, **Municipal Solutions, Inc.** 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 **Municipal Solutions, Inc.**, 62 Main Street, LeRoy, New York 14482, to provide financial advisory services for the City for the period of two (2) years from date of signature, (February 3, 2016 through February 2, 2018); and, be it finally

**RESOLVED**, that the payments for such services be made from Account No. 001-1325-4036 (Fiscal Agents Fees).

**RESOLUTION #20-2016**  
**FEBRUARY 2, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT WITH CHAUTAUQUA COUNTY  
(DUNKIRK HARBOR SEA WALL ON LAKE ERIE)**

**WHEREAS**, the structural failure of Dunkirk Harbor's Sea Wall posed an imminent threat to important municipal infrastructure; and

**WHEREAS**, the City of Dunkirk (CITY) completed the work necessary to rehabilitate the Sea Wall; and

**WHEREAS**, the County of Chautauqua (COUNTY), pursuant to COUNTY Resolutions 253-09, 109-11, and 129-15, the Legislature authorized the use of funds in the 2% Occupancy Tax Lakes and Waterways Reserve Fund to support the rehabilitation of the Dunkirk Sea Wall; now, therefore, be it

**RESOLVED**, the COUNTY shall reimburse the CITY for work done by the CITY to rehabilitate the Dunkirk Harbor Sea Wall; and, be it further

**RESOLVED**, the maximum amount payable to the CITY shall not exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00), and, be it further

**RESOLVED**, the COUNTY shall pay the CITY upon receipt of properly executed, itemized, and certified County claim vouchers in the form and content approved by the County's Director of Planning and Economic Development, or duly authorized subordinate and accompanied by such fiscal records and documentation as the Director may reasonably request; and, be it finally

**RESOLVED**, that Mayor, Wilfred Rosas, is hereby authorized and directed to execute any and all agreements with the COUNTY, to receive an amount not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the 2% Occupancy Tax Lakes and Waterways Reserve Fund.

**RESOLUTON #21-2016**  
**FEBRUARY 2, 2016**

**BY: ENTIRE COUNCIL**

**CHANGE ORDER 1 FOR CONTRACT  
FOR ELECTRICAL WORK AT WATER FILTER PLANT  
(WATER TREATMENT FACILITY – Phase 2 – 2013 under 2009 Consent Order)**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH), to address certain inadequacies related to the City's water treatment plant and water distribution system; and

**WHEREAS**, the Common Council, through Resolution #07-2013 (February 5, 2013) authorized bonding for the 2013 Phase of the reconstruction of, and construction of improvements to, the City's water system through city funding account 015 established for this such Consent Order work; and

**WHEREAS**, the 2013 Phase 2 includes, among other items:

- Electrical work to support ongoing consent order contract work at the filter plant; and

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of electrical work for consent order work at the filter plant were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on May 9, 2014, and a contract with the lowest responsible bidder, BECC Electrical of Dunkirk NY, was authorized by City Resolution #50-2014 on June 3, 2014; and

**WHEREAS**, additional work is required under this contract to complete wiring discovered to be needed for the new sludge collection systems for sedimentation basins No. 1 and No. 2; and

**WHEREAS**, quotes for this extra needed electrical work were solicited from three vendors and BECC Electrical was the lowest cost at Thirty-Four Thousand Five Hundred Seventy Dollars and Zero Cents (\$34,570.00); now, therefore, be it hereby

**RESOLVED**, that upon review and recommendation of the Director of Public Works, the following lowest responsible Change Order quote be accepted and awarded:

<u>Bidder/Contractor</u>	<u>Item</u>	<u>Cost</u>
BECC Electrical 1007 Central Ave., Dunkirk, NY 14048	Electrical Work for Consent Order Work Change Order One	\$34,570

and, be it finally

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor, for the described consent order change order work paid through said funding account 015.

**RESOLUTION #22-2016**  
**FEBRUARY 2, 2016**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING VEHICLE USAGE BY THE DIRECTOR OF PUBLIC WORKS**

**WHEREAS**, the Mayor of the City of Dunkirk, has appointed Gregory Bennice as his Director of Public Works, to manage and direct that department; and

**WHEREAS**, the City of Dunkirk owns, insures, and maintains a vehicle for use by the Director of Public Works to assist the Director of Public Works in the course of his duties; now, therefore, be it

**RESOLVED**, that the Director of Public Works, Gregory Bennice, is hereby authorized to use the vehicle owned by the CITY at all times while employed by the city, including times that the Director of Public Works is not within the CITY. Such usage is limited to those tasks reasonably related to the Director's duties as the Director of Public Works.

**RESOLUTION #23-2016**  
**FEBRUARY 2, 2016**

**BY: COUNCILMAN GONZALEZ**

**AUTHORIZING BROWNFIELD OPPORTUNITY AREA (BOA) GRANT – PHASE II –  
CONSULTANT EVALUATION/RECOMMENDATION**

**WHEREAS**, the City of Dunkirk submitted an application for a grant to the NYS Department of State for a Brownfield Opportunity Areas Grant (BOA) regarding the Dunkirk AI Tech Area Project; and

**WHEREAS**, by Resolution #85-2012 on October 16, 2012, the BOA grant was approved and awarded to the City of Dunkirk; and

**WHEREAS**, the BOA has recommended Barton & Loguidice the contract for Phase II of the BOA program; now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized to execute any and all documents to proceed with the process of awarding Barton & Loguidice the contract for Phase II of the BOA program.