

AGENDA - COMMON COUNCIL MEETING – March 3, 2015 - 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.
 1. Appointing and re-appointing members to the Youth Board effective March 4, 2015.
6. Communications from the public and petitions:
 1. Request from Brian Madurski on behalf of the Northern Chautauqua County Youth Hockey Association to use the boat launch at the Pier on March 7th for a Polar Bear swim fundraiser.
 2. Request from Dunkirk City School District to use Promenschenkel Stadium from April 1st through approximately June 6th for practices and games for their modified, junior varsity and varsity softball teams.
 3. Notices of Claim from:
 - a) Russell Leone for damages to his vehicle allegedly caused by a pothole on Central Avenue.
 4. Loudspeaker Applications from:
 - a) Northern Chautauqua Conservation Club, Inc. for live bands and speakers from May 1st thru October 1st.
 5. Harbor Commission requesting approval of Commercial Bait Fishing Application.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 5. Resolution authorizing agreement for Live Burn Simulator.
 6. Resolution authorizing Budget Modifications (March 2015).
 7. Resolution authorizing Beach Study by County/State Grant.
 8. Resolution authorizing extending bid award for elevator maintenance.
 9. Resolution consenting to appointment of Fire Chief.

10. Resolution awarding bid for Benton Water Tank Internal Repairs and rejecting bids for Water Treatment Plant Sedimentation Basin Sludge Collection Systems (Water Treatment Facility – Phase 1 and 2 Continuation).
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk



CITY OF DUNKIRK
A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2015 FEB 26 PM 2:50

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

February 26, 2015

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments and re-appointments to the Youth Board which will become effective March 4, 2015.

3 year terms

Expiration Date

Nicole Joiner	629 Eagle Street	February 5, 2018
Cindy Gotowka	154 S. Ocelot Street	February 5, 2018
Matt Martinez	14 E. Green Street	February 5, 2018
(filling the unexpired term of Peter Rodriguez)		

Re-appointments to additional 3-year term

Ron McWillson	315 Swan Street	February 5, 2018
EJ Hayes	36 Ounce Street	February 5, 2018

Very truly yours,

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: Youth & Recreation Director
City Clerk
Personnel

2015 NCCYHA POLAR PLUNGE SWIM

Mayor Dolce,

I am writing this letter on behalf of the Northern Chautauqua County Youth Hockey Association (NCCYHA) to request the use of the boat launch at the Dunkirk Pier on March 7th 2015 for a Polar Plunge swim event. The proceeds from the 2015 swim fundraiser will be donated to the RO Foundation.

The RO Foundations mission is to raise monies through fundraising events and donations to assist local medical patients and their families with monies to offset cost associated with "transportation" to and from medical appointments for treatments.

Allstar EMS Services will schedule to have a crew onsite for the swim along with Lt. Gary Katta and the Dunkirk Fire Dept. dive team will be in the water once again.

The 2014 Polar Plunge was a very successful event and the NCCYHA would like to continue to build on the success again next year. The NCCYHA thanks the City of Dunkirk for its consideration of this request and anxiously awaits the council's reply.

Sincerely,

Brian Madurski

NCCYHA Board of Directors

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2015 FEB 24 PM 12:46



DUNKIRK CITY SCHOOL DISTRICT

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

MR. KENNETH A. KOZLOWSKI

President
Board of Education

MR. GARY CERNE

Superintendent

February 18, 2015

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 April 1st through approximately June 6th.

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 2015 game schedule as soon as they are available.

Thank you for your consideration and I look forward to your favorable response.

Respectfully,

Michael A. Sarratori
Athletic Director

MAS:tdo

cc: T. Gornikiewicz,
Recreation Dept.

2015 FEB 23 AM 11:16
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: RUSSELL LEONE
Claimant Address: 33 DAY STREET
FREDONIA NY
Claimant Telephone Number: (716) 673-1208

2015 FEB 13 PM 2:51

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

This claim is for (injuries/damages alleged): FEB 12 2015
HIT POT HOLES ON CENTRAL AVE
UNDER KIDDECK AND DAMAGED TIE RODS

This claim is alleged to have arisen on the 12 day of FEB, 2015 at approximately 3 a.m. (p.m.) on that date at CENTRAL AVE.

The injuries and/or damages sustained by the Claimant arose in the following manner:
LOOSENED UP TIE RODS ON FRONT-END
CAR WAS INSPECTED ABOUT
3 WEEKS AGO AND FRONT END WAS FINE

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: \$229.94

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

Respectfully yours,
Russell Leone 2-13-15
Claimant (date)

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

RUSSELL LEONE, 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
13 day of FEB, 2015.

Arthur F. Holzerland
Notary
ARTHUR F HOLZERLAND
Lic. #01HO6027453
Notary Public-State of New York
Qualified in CHAUTAUQUA COUNTY
COMM. EXP. 7-6-2015

MANCUSO SERVICE CENTER

242 E. MAIN STREET
FREDONIA, NY. 14063

Phone: 716-679-0816 Fax: 716-672-5099

MancusoService.com Also on Facebook & Twitter

040901

5070020

Estimate for Services

LEONE APPT, ROD

Estimate Date : 2/13/2015

2000 Mercury - Sable LS -
Lic #: CBZ5710 - NY

Odometer In: 0

Home: 716-679-5263 Office: 716-673-1208

VIN # :

Part Description / Number	Qty	Sale	Ext	Labor Description	Hours	Extended
INNER TIE ROD 1	2.00	18.95	37.90	TIE ROD &/OR END - Remove & Replace - Inner,Both - [Includes: R&I Outer Tie Rod Ends.] - [Includes: Adjust toe-in on all models. DOES NOT include R&I rack & pinion gear. NOTE: Manufacturer recommends removal of rack & pinion steering gear when replacing i	2.20	176.00

Parts/Supplies: 37.90

Labor: 176.00

HazMat/Fees: 0.00

Tax: 16.04

Total : \$ 229.94

MancusoService.com Also on Facebook & Twitter

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the vehicle described for testing and/or inspection. Express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto. SMOG: I understand that I can have emission service and/or adjustments done elsewhere. I hereby waive this right.

TEARDOWN ESTIMATE: I understand that my vehicle will be reassembled within ___ days of the date shown above if I choose not to authorize the service recommended. All Parts removed will be discarded unless instructed otherwise: Save all Parts ___. NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE.

Signature _____ Date _____ Time _____

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 2/3/15

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

DATE: May 1-Oct 1 **TIME:** as allowed 1AM **LOCATION OF EVENT:** 1 Mullet Street

SPONSOR: Northern Chautauqua Conservation Club, Inc.

NAME: Doug Jaffray **PHONE NO.** 366-8836

ADDRESS: P. O. Box 178
Dunkirk, NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Doug Jaffray, President **PHONE:** 366-8836

ADDRESS: P. O. Box 178 1 Mullet Street Dunkirk, NY 14048

REASON: Fundraisers, tournament loud speakers, seminar loud speakers, live bands, recorded music on deck. Various events.

AUDIO DEVICE TO BE USED: Live bands, speakers.

PUBLIC EVENT PRIVATE EVENT

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 CITY CLERK'S OFFICE
 DUNKIRK, N.Y.
 2015 FEB 13 AM 9:13

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: Glenn Ruge V.P.

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>OK 2/13/15</i>		
DEPT OF PUBLIC WORKS <i>OK 2/17/15</i>		
DEPT OF LAW <i>OK 2/16/15</i>		
OTHER		

COMMON COUNCIL ACTION

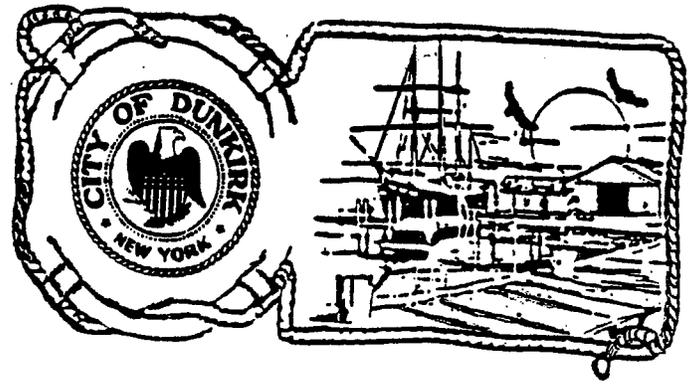
RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

The GREATER DUNKIRK AREA HARBOR COMMISSION



MEMORANDUM

TO: Members of Common Council
FROM: Dunkirk Harbor Commission
DATE: February 17, 2015
RE: Application Permit for Commercial Bait Fishing

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 applications at the January 21, 2015 meeting, it was unanimously agreed upon to approve the application from:

1. Eugene Pauszek Perch Pirates Dunkirk, 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.

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2015 FEB 17 PM 1:05



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

ANTHONY J. DOLCE
MAYOR
(716) 366-9882
FAX (716) 366-2049

NICOLE JOINER
CITY CLERK
(716)366-9766
FAX (716)363-0058

GRACE TARNOWSKI
DEPUTY 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 1st – January 31st.

2015 JA 30 PM 3:23

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

BAIT PERMIT

Date: 01/30/15 Net Tag Number: _____

Name: EUGENE "GENE" PAUSZOK

Street/Road Address: 66 W. DOUGHTY ST.

City: DUNKIRK Zip Code: 14048 County: CHAU

Business Name: PERCH PIRATES

Bait License Serial Number: _____

Home Phone: (716) 366-1772 Business Phone: (716) 467-2079

Applicant's Signature: Eugene Pauszok

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

7981	
BAIT LICENSE NUMBER	
\$ 12.00	NET 5
FEE	TAG NO.

LICENSE TO:

- Operate one seine not over 50 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 Eugene S. Pauszek 66 W. Doughty Street Dunkirk, New York 14048	DATE ISSUED 02/02/2015
	DATE EXPIRES 12/31/2015
	ISSUED BY D. Gill

ORIGINAL COPY



RESOLUTION #5-2015
MARCH 3, 2015

BY: THE ENTIRE COUNCIL

AUTHORIZE AGREEMENT FOR *LIVE BURN SIMULATOR*

WHEREAS, the City and County have a forty-year lease agreement (through October 31, 2041) for the Murphy Fire Training Center (the "Center"), which is utilized for volunteer and professional firefighter training; and

WHEREAS, the Center currently lacks the ability to provide a live-fire training environment to safety training firefighters; and

WHEREAS, the City of Dunkirk Fire Department has been awarded an Assistance To Firefighters Grant to purchase a mobile Live Burn Simulator to be stationed at the Center at a cost of \$400,000 which requires a ten percent (10%) local match; and

WHEREAS, the County – through County Legislature Resolution 267-14 (December 17, 2014) – authorized an agreement with the City whereby the County will contribute \$40,000 to cover the local match for the Live Burn Simulator match and fund a five-year maintenance agreement in the amount of \$49,500; and,

WHEREAS, it is in the best interests of the City to enter in to an agreement with the County of Chautauqua for such Live Burn Simulator; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with the County of Chautauqua regarding the purchase, maintenance and up-keep of a Live Burn Simulator whereby the County will contribute \$40,000 to cover the local cost for the Live Burn Simulator match and the County will re-imburse the City in order to fund the five-year maintenance agreement in the amount of \$49,500; and, the City will insure the apparatus.

RESOLUTION #6-2015
March 3, 2015

BY THE ENTIRE COUNCIL:

AUTHORIZING BUDGET MODIFICATIONS
(March 2015)

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 2015, ending December 31, 2015; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2015 budget:

Fund 3

Description: Replacement of (3) Refrigerated Air Dryers at Waste Water Treatment Plant.

Account Number	Department	Line	Change
003.8130.2000	Wastewater Treatment	Equipment	\$ 11,500
003.8130.4036	Wastewater Treatment	Contracted Services	\$ (11,500)
TOTAL			\$ -

RESOLUTION #7-2015

March 3, 2015

BY THE ENTIRE COUNCIL:

AUTHORIZING BEACH STUDY BY COUNTY/STATE GRANT

WHEREAS, the Chautauqua County Department of Health (CCDOH) has secured New York State grant money to study possible sources of bacteria in underground storm water structures flowing toward the City of Dunkirk's bathing beaches; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement of services with the Chautauqua County Department of Health that includes the City advancing funds from Fund 003.8130.4036, Wastewater Treatment Contracted Services, to cover costs not to exceed \$11,000 and then receiving from the County reimbursement monies for these costs according to the agreement of services prepared by CCDOH and depositing such receipt of grant funds into Fund 003.0003.2770.7706, Wastewater Treatment Unclassified Revenue-Grants; and, be it further

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the Fiscal Year 2015 budget:

Fund 3 - Wastewater Treatment Fund

Account Number	Department	Line	Change
Revenue			
003.0003.2770.7706	Wastewater Treatment	Unclassified Revenue-Grants	\$ 11,000
Appropriation			
003.8130.4036	Wastewater Treatment	Contracted Services	\$ 11,000

RESOLUTION #8-2015

March 3, 2015

BY THE ENTIRE COUNCIL:

EXTENDING BID AWARD FOR ELEVATOR MAINTENANCE

WHEREAS, the City of Dunkirk secured and is using a 2-year-increment renewable maintenance contract for City elevators at City Hall and at the Water and Wastewater Treatment Plants, and

WHEREAS, the New York State Office of General Services (OGS) State contract process was used for this renewable contract, and this OGS process includes provisions for calculating annual increases, and

WHEREAS, the Department of Public Works (DPW) has reviewed the calculations by the vendor, DCB Elevator Co., Inc., PO Box 426, Lewiston, New York 14092, and finds that the 1.57 percent increase per year that said vendor proposes is in accord with the price indexes used in the OGS calculation process, therefore be it hereby

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement of services with **DCB Elevator Co., Inc.**, PO Box 426, Lewiston, New York 14092, to extend the elevator maintenance contract for 2015 at the rate of \$919.43 per month, which is 1.57 percent above the 2014 rate of \$905.22 per month, and for 2016 at the rate of \$933.86 per month, which is 1.57 percent above the 2015 rate, and be it finally

RESOLVED, that costs for this extended maintenance contract be funded, respectively, from the following accounts in the proportions previously calculated by and used by DPW in accord with elevator maintenance work needed by location:

001.1620.4036	20 percent, Building City Hall – Contracted Services
002.8320.4736	35 percent, Water Purification & Pumping – Contracted Services
003-8130-4036	45 percent, Wastewater Treatment – Contracted Services

RESOLUTION #9-2015
MARCH 3, 2015

BY ENTIRE COUNCIL:

CONSENT TO APPOINTMENT OF FIRE CHIEF

WHEREAS, pursuant to Section 2.03 of the Dunkirk City Charter and Section 2-9.02 of the City Code, Mayor Anthony J. Dolce has appointed Michael D. Edwards, Dunkirk, New York 14048, to serve as Fire Chief, with a permanent appointment beginning March 15, 2015, contingent upon successful completion of an eight (8) week probationary period, now therefore, be it

RESOLVED, that this Common Council hereby consents to the appointment of Michael D. Edwards as Fire Chief, at an annual salary for the year 2015 of \$80,000.00 (with percentage salary increases commensurate with those ratified in the Dunkirk Professional Firefighters' Association, Inc. (Local 616)).

RESOLUTON #10-2015
MARCH 3, 2015

BY THE ENTIRE COUNCIL

**AWARDING BID FOR BENTON WATER TANK INTERNAL REPAIRS
AND REJECTING BIDS FOR WATER TREATMENT PLANT SEDIMENTATION
BASIN SLUDGE COLLECTION SYSTEMS
(WATER TREATMENT FACILITY – Phase 1 and 2 Continuation)**

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

WHEREAS, the Common Council, through Resolutions authorized bonding for Phase 1 and Phase 2 of the reconstruction of and construction of improvements to the City's water system with the stated specific purpose to reconstruct and construct improvements to the City water system including, but not limited to, improvements to the water treatment plant and all preliminary work and necessary equipment, materials and site work; and

WHEREAS, following published Legal Notice, sealed bids for the furnishing of portions of this work – including bids for Benton Water Tank Internal Repairs and for Replacing Water Treatment Plant Sedimentation Basin Sludge Collection Systems – were opened and read aloud in the Dunkirk City Clerk's Office at 2:00 p.m. on December 30, 2014; and

WHEREAS, the bids were received and reviewed by the Department of Public Works which found that the Sludge Collection bid(s) contained irregularities that did not meet design specifications and should be rejected as recommended by DPW, and that therefore the Department of Public Works recommends that the Benton Tank lowest responsible bidder for work that is to design specifications be awarded for such Benton Tank work; now, therefore, be it hereby

RESOLVED, that upon review and recommendation of the Director of Public Works, the Sludge Collection Systems bids are hereby rejected and requested to be re-bid as recommended by the Department of Public Works, and be it hereby further

RESOLVED, that upon review and recommendation of the Director of Public Works, the following lowest responsible bid that meets design specifications be accepted and awarded:

<u>Bidder</u>	<u>Item and Funding Line</u>	<u>Cost</u>
H & K Services 1205 Leon Road Leon, NY 14751	Benton Water Tank Internal Repairs, Fund 015-8320-5041-8054	\$216,500.00

and, be it further

RESOLVED, that – after contractors provide satisfactory insurance certificates to the City Law Department, and contractors provide performance bonds and payment bonds reviewed and approved by the design engineer, and having contractors show compliance with Contract Requirements of the New York State Revolving Fund, including but not limited to MWBE procedures – the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named contractor(s), for the Benton Water Tank Internal Repairs and that the City Clerk is hereby authorized to return the bid deposits of the bidders, after contract execution or non-awarded bid, in accordance with the contract specifications, and that the City Clerk shall return unaccepted and unsealed, any and all bids, received after the date and time of the published bid opening.