AGENDA - COMMON COUNCIL MEETING - May 21, 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 July 12th and August 16th from 5:00 PM until 8:30 PM, permission to bring in grills, coolers and use of electric power for their popcorn and snow cone machines. Also requesting permission to bring in ponies for pony rides.
 - Request from the Kosciuszko Polish Home Association to close traffic between E. Doughty Street and Courtney Street on June 28th and June 29th from 5:00 PM until 12:30 AM for their Annual Street Dance. Also, requesting the support of the City Parks Department, Police Department, Streets Department and Fire Department.
 - 3. Request from Cynthia Karnes to use Promenschenkle Stadium and Koch's Field on July 13th from 8:00 AM until 10:00 PM; also requesting permission for vendors, a tent for alcohol sales and a Chinese Auction for the "Fourth Annual Joe Karnes Memorial Co-Ed Softball Tournament."
 - 4. Notice of Claim from:
 - a) Michele Stevens for injuries allegedly sustained due to a fall on the front steps of City Hall.
 - 5. Loudspeaker applications from:
 - a) Harvest Chapel Church for a band, speakers, amplifiers, microphones and a sound system in Washington Park on July 12th and August 16th from 6:00 PM until 7:30 PM.
 - b) Kosciuszko Polish Home Association for bands and speakers on June 28th and June 29th from 7:00 PM until 11:00 PM for their "Annual Street Dance."
 - c) Cynthia Karnes for loudspeakers and amplifiers on July 13th from 6:00 PM until 10:00 PM at Promenschenkle Stadium for the "Fourth Annual Joe Karnes Memorial Co-Ed Softball Tournament."
- 7. Reports of Standing Committees, Boards and Commissions.
- Unfinished Business:
- 9. Pre-filed Resolutions:

- 30. Resolution authorizing participation in Northern Chautauqua County Local Waterfront Revitalization Program.
- 31. Resolution authorizing approval of Site Plan (Northern Chautauqua Conservation Club, Inc.).
- 32. Resolution authorizing Local Cable Program Director Agreement (TRR Productions).
- 33. Resolution authorizing Budget Line Transfers (Safety Inspections).
- 10. New Business:
- 11. Adjournment.

Lacy L. Lawrence City Clerk



Harvest Chapel

RECEIVED

MAY 012013

39 Matteson Street, Fredonia, NY 14063 Tel: 716-679-0987 Fax: 716-672-3417

MAYOR'S OFFICE

April 30th, 2013

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

Dear Mayor Dolce,

For the last several years the City of Dunkirk has partnered with us for the benefit of the community by granting us permission to utilize Washington Park for several free, fun, family events. In 2012, we utilized the Park for our annual "5-Day Club Street JAM" closing carnival and block party cook out in July as well as for our "Courtney Street Christmas in the Park" this past December. We did an additional event in August in which we had fun water games and activities for children, live music, refreshments and our "Give and Take" clothing, grocery and house wares exchange. All of our events were well attended and provided a great time of food, fun and festivities with our friends in Dunkirk. We trust that the City and Parks administrators and staff were pleased with the condition in which we left the park after our events and also with the knowledge that the families of Dunkirk were able participate in several fun, safe, and free community events.

I am writing today to once again request the use of Washington Park for two evenings this summer. Please consider our request to utilize the park on July 12th and August 16th, 2013. Our events will run from 6:00–7:30 pm with set-up and clean up requiring another hour at each end. Our time in the park will be less than 4 hours and we will be cleaned up and gone before dark.

With our requests in the past we have provided the city with an overview of our Harvest Chapel "track record" with regard to community events, outreaches and our efforts to make a difference in the local community by meeting practical needs and providing for positive, fun and free community activities on an ongoing basis. With our recent history of activities in Washington Park we assume that the issue of our integrity and our heart for the community has shown through and that you do not require such an account of our track record with this request. As we seek your support and permission to utilize Washington Park this summer 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 events.

Here is what we have planned for the early evening of Friday, July 18, 2013. On that evening we will be holding a closing celebration Community Block Party and Carnival to wrap up our 12th annual 5-Day Club Street JAM. The carnival is not just for the children and their families that attended our program during the week, but is for any families living in the neighboring community as well. Our

carnival will be fully staffed by Harvest Chapel volunteers and is entirely free to those who come. Here is a summary of what we have planned:

- Hamburger and hot dog cookout to include drinks, cookies and chips
- Face painting
- Pony rides (as always, the "Party Pony" team cleans up after their ponies!)
- Carnival games with prizes
- Door prize drawings
- We will have live music and will be using a microphone for announcing the arrival of the ponies and the winners of the door prizes. No preaching or teaching will be a part of our event.

For our cookout we will have the need to bring in grills, coolers and so forth and we will also require the use of power for our popcorn and snow cone machines. We will also be setting up a few pop up tents and tables and chairs for facilitating our many activities and will bring along garbage cans, bags, a first aid kit and all that is needed for our event. Lastly, I understand that we will require a permit to be granted for the use of an audio system for us to play music and to utilize a microphone. Again, there will be no preaching or teaching during our carnival but rather the playing of music and the announcing of door prize winners on the microphone that require the use of an audio system. Please grant us this permit in addition to permission for the use of Washington Park.

Here is what we have planned for the evening of August 16th. We will provide fun activities for children in the park in the form of "Imagination Stations". We are planning to have a "Chalk the Walk", sidewalk chalk art contest, "Bubblepalooza" bubble station, "All Aboard" train rides, "Artrageous" crafts and "Make a Splash" water station. We will serve refreshments and we will also have music or entertainment in the gazebo during 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). If you would like to speak with references about our community activities, partnerships or programs I would be happy to provide those references for you upon request. Lastly, I have included both a Loudspeaker Permit request and a copy of our current liability insurance as per years past.

Sincerely,

Lisa Leavitt

Children's Ministry Director

Harvest Chapel Church



KOSCIUSZKO POLISH HOME ASSOCIATION, INC.

252 Nevins Street Dunkirk, NY 14048-2912 (716) 366-1044

May 14, 2013

Dunkirk Common Council

Dunkirk, NY

Dear Dunkirk Common Council.

SUBJECT: KOSCIUSZKO CLUB ANNUAL STREET DANCE

We would like to request that Nevins Street be closed to traffic between East Doughty Street

And Courtney Street on the following days for our annual street Dance:

Friday June 28th 2013 from 5:00 TO 12:30 am

Saturday, June29th 2013 from 5:00 to 12:30 am

We are asking that the street be closed only for the safety of the people attending this affair. All Activities will be on Club property as last year.

Also we would like to ask for the support of the City Parks Department (use of picnic tables and band Stand), Police Department (patrolling of area), Street department (closing of the street), Loud Speaker Permit (4 hours in length each day) and Fire Department.

As in previous years we will contact our insurance carrier for Liability Insurance naming the City of

Dunkirk as Certificate Holder.

Thank you in advance for your help and Cooperation.

Sincerely,

James Stelmack

President

Kosciuszko Polish Home Association Inc.

Dear City of Dunkirk Common Council,

I am writing to ask permission to hold the fourth annual Joe Karnes Memorial Co-Ed Softball Tournament on Saturday, July 13th, 2013. The past three years have been incredibly successful, a great way for the community to come together in memory of an incredible coach. The proceeds from this tournament are going to an annual scholarship at Dunkirk High School, we are looking for many other ways to help the community.

We are asking for use of Promenschenkle Stadium as well as Kock's Field in Point Gratiot. This event will go from approximately 8 a.m. until 10p.m. We are asking for use of the fields as well as a loud speaker permit for the evening.

We are also planning to have Laskeshore Grillworks there to provide food for the players and fans. We are asking for permission to have Rookies Sports Bar provide alcohol throughout the day. We plan to have a Chinese auction.

Thank you so much for you time. Please feel free to contact me with any questions.

Surgerery

Cynthia Karnes

Joe Karnes Memorial Tournament

(716) 366-4405

142 West 5th Street

Dunkirk, NY 14048

cell 485-1681

S PH CO

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:	Michele J. Stevens	
Claimant Address:	1.850 Eggleston Hill Rd	
	Sherman Ny 14781	
Claimant Telephone Number:	(716) 782-2607	
This claim is for (injuries/damages alleged)	: Right anklo	

This claim is alleged to have arisen on the approximately 10^{30} (a.m./p.m. on that date	ne <u>26</u> day of <u>April</u> , 20 <u>13</u> at te at <u>Count</u> .	
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County of Chautauqua) ss.:		
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information and belief, and, as to those matter		
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Sworn to before me this	Notary	

ROSE M. VAN VOLKENBURG 4625503 Notary Public, State of New York Qualified in Chautauqua County My Commission Expires April 30, 20_1

Rev. May 2012

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RESOLUTION #30-2013 MAY 21, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING PARTICIPATION IN NORTHERN CHAUTAUQUA COUNTY LOCAL WATERFRONT REVITALIZATION PROGRAM

WHEREAS, the City of Dunkirk has been invited to participate in the Northern Chautauqua County Regional Local Waterfront Revitalization Program (LWRP); and

WHEREAS, such participation will require the creation of a local advisory committee, participation in local workshops, assistance in facilitating local workshops and public meetings, and a local financial contribution from the members; and

WHEREAS, such participation will also include providing assistance in gathering local information and reviewing local land use plans and plans for local projects from the participating municipalities; now, therefore, be it

RESOLVED, that subject to funding from the New York State LWRP and other identified financial contributors, the City of Dunkirk will participate in the Northern Chautauqua County Regional Local Waterfront Revitalization Program, and will contribute in-kind services and funding in support of the LWRP, which support will include:

a cash contribution of Two Thousand Dollars and Zero Cents (\$2,000.00) in FY2014;

volunteer work on advisory committees; assistance in gathering local information; providing plans of local projects; providing local land use plans and zoning laws; participation in local workshops; and assistance with facilitating workshops and local meetings.

RESOLUTION #31-2013 MAY 21, 2013

BY THE ENTIRE COUNCIL:

APPROVAL OF SITE PLAN (Northern Chautauqua Conservation Club, Inc.)

WHEREAS, an application for a building permit for permission to construct an expansion of the existing parking lot located at the applicant's place of business, 176 Lake Shore Drive West, Dunkirk, New York 14048 (79.01-1-20), has been submitted by the Northern Chautauqua Conservation Club, Inc.; and

WHEREAS, such application has been referred by the Housing, Building and Zoning Enforcement Officer and to the required Boards, Departments and Agencies for review, comment and recommendation, including the Greater Dunkirk Area Harbor Commission ("Harbor Commission") and the Dunkirk Planning Board ("Planning Board"); and

WHEREAS, the Harbor Commission and Planning Board have both recommended approval of the application; and

WHEREAS, the Dunkirk City Code, Section 79-28020(2), authorizes the Common Council to review the site plans submitted, has followed the procedure outlined in Dunkirk City Code Chapter 79, Article XVII (Site Plan Review), and has fully investigated all of the facts and circumstances regarding such application; now, therefore, be it

RESOLVED, that this Common Council determines and finds that:

- (A) A proper application for a building/use permit has been made by the Northern Chautauqua Conservation Club, Inc., 176 Lake Shore Drive West. SBL 79.01-1-20;
- (B) All interested Boards, Departments and Officials have been notified pursuant to Local Law for their comments and review of this application;
- (C) All comments from such interested parties have been received, or such parties have waived their right of review and comment under local law;
- (D) The applicant established:
 - That the strict application of the provisions of Chapter 79 of the Dunkirk City Code would deprive the applicant of the reasonable use of the property;
 - (ii) That the approval of the special permit is necessary for the reasonable use of the property; and
- (E) The applicant established that there are special circumstances or conditions applying to the land or building for which the approval is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the vicinity or neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this Chapter 79 of the Dunkirk City Code;
- (F) The applicant established that the approval of this special permit will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood, and will not alter the essential character of the locality; and
- (G) Approving the building/use permit will promote the health, safety and welfare of the residents of the City of Dunkirk, and, be it further

RESOLVED, that the application is approved.

RESOLUTION #32-2013 MAY 21, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZE LOCAL CABLE PROGRAM DIRECTOR AGREEMENT (TRR Productions)

WHEREAS, it would be in the best interests of the City of Dunkirk to revitalize the opportunities for local programming on the City's local cable access channel; and

WHEREAS, TRR PRODUCTIONS (d/b/a V3 Studios) (V3) provides a unique prospect for such opportunities and has agreed to provide the primary production oversight and operational management for the City's local access channel; and

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

WHEREAS, V3 is ready, willing and able to provide such services to and on behalf of the City, 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 TRR PRODUCTIONS (d/b/a V3 STUDIOS), 214 Central Avenue, Dunkirk, New York 14048, to provide primary production oversight and operational management for the City's local access channel for the period May 22, 2013 (subject to provision of appropriate insurance) through December 31, 2013 (including the solicitation of possible program underwriting/sponsorship from the public, for a 25% commission of such underwriting/sponsorship received by the City), at the cost of One Thousand Dollars and Zero Cents (\$1,000.00) per month, pro rata; and, be it further

RESOLVED. that the Fiscal Affairs Officer and Treasurer make the following modifications:

Acct No 001-8050-2005 Equipment Decrease \$5,000 Acct No 001-8050-4036 Contracted Svcs Increase \$5,000;

and, be it

finally

RESOLVED, that the payments for such services be made from Account No. 001-8050-4036-0000 (Contracted Services).

RESOLUTION #33-2013 MAY 21, 2013

BY COUNCILMAN MICHALSKI:

AUTHORIZING BUDGET LINE TRANSFERS (Safety Inspections)

WHEREAS, it is necessary to transfer funds in order to continue to fund CDBG Code Enforcement Inspection services; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make certain budgetary changes as follows:

001-3620-4036 Safety Inspections – Contracted Services

Decrease \$5,000.00

001-3620-4440

Safety Inspections - CDBG Code Enforcement Inspections

Increase \$5,000.00