

AGENDA - COMMON COUNCIL MEETING – July 15, 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. Harbor Commission requesting approval of Commercial Bait Fishing application.
 2. Request from Gabriel Taylor, Youth Pastor for Gethsemani Church, to use Washington Park on Saturday August 2nd and Saturday August 16th from 3:00 PM until 9:00 PM for a fellowship gathering.
 3. Request from Ted Sharon, Professor for the Department of Theatre and Dance at Fredonia, to use Point Gratiot for a video production shoot during daylight hours between Wednesday, July 30th thru Friday, August 1st for approximately 3 hours.
 4. Request from James Muscato II, on behalf of the City of Dunkirk Fire Department, to hold a Firemen's Hose Race in conjunction with a benefit on Sunday, August 17th as well as the use of barricades to close Central Avenue between Second and Third Street from 2:00 PM until 6:00 PM.
 5. Request from Scott Wise, on behalf of Family Church Fredonia, to use the City lot between the Clarion and Tim Hortons on August 24th from 10:30 AM until 2:00 PM for church services.
 6. Notice of Claim from Michael Meyers for alleged damages to his boat during the Fourth of July Fireworks
 7. Loudspeaker application from:
 - a) Getsemani Church for loudspeakers, drums, and microphones on August 2nd and August 16th from 3:00 PM until 7:00 PM for a fellowship gathering with the community.
 - b) Exempt Firemans Club for a live band and DJ equipment August 17th from 12:00 until 4:00 PM.
 - c) Craig Rosplock for DJ equipment in the Lower Pavilion at Point Gratiot on August 23rd from 3:00 PM until 5:00 PM.
 - d) Blessed Mary Angela Parish for Radio equipment and live music August 10th from 12:00 PM until 4:00 PM.

- e) Family Church to use speakers and microphones at the City lot between the Clarion and Tim Hortons on August 24th from 10:30 AM until 2:00 PM for church services.

7. Reports of Standing Committees, Boards and Commissions.

8. Unfinished Business:

9. Pre-filed Resolutions:

58. Resolution authorizing budget modifications (July 2014).

59. Resolution authorizing change for first August 2014 Common Council Meeting.

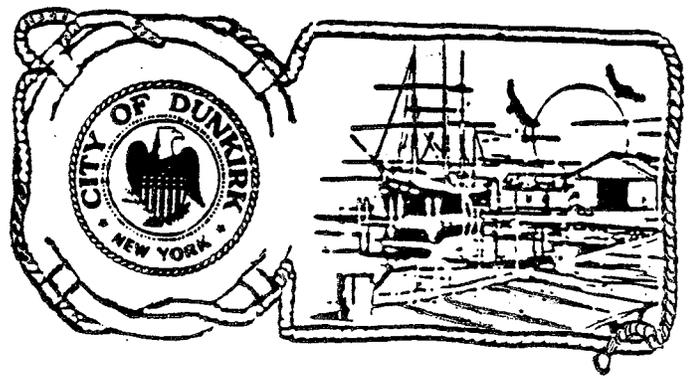
60. Resolution authorizing contract with Selective Insurance Company of NY for General Liability, Property, Auto and Professional Insurance.

10. New Business:

11. Adjournment.

Nicole Joiner
City Clerk

The GREATER DUNKIRK AREA HARBOR COMMISSION



MEMORANDUM

TO: Members of Common Council
FROM: Dunkirk Harbor Commission
DATE: June 30, 2014
RE: Application Permits 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 March 19, 2014 meeting, it was unanimously agreed upon to approve the application from:

1. David E. Watts Dave's Bait & Tackle Store Derby, NY

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

Thank you.

Jim Nichols
Jim Nichols
Dunkirk Harbor Commission

JN/pjp
Attach.

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 JUN 30 PM 3:40



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.

BAIT PERMIT

Date: 02-22-14 Net Tag Number: 117
Name: David E. Watts
Street/Road Address: 6798 WELLINGTON DRIVE
City: DERBY Zip Code: 14047 County: ERIE
Business Name: DAVE'S BAIT & TACKLE STORE
Bait License Serial Number: 7827
Home Phone: (716) 440-3976 Business Phone: (716) 947-5990
Applicant's Signature: David E. Watts
APPROVED BY: _____ Date: _____
Signature of Dunkirk City Clerk

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

(Rev) 82-19-25 (10/11)



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BAIT LICENSE

7827	
BAIT LICENSE NUMBER	
\$ 10.00	117-net
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 Dave's Bait & Tackle Store 6798 Wellington Drive Derby, NY 14047	DATE ISSUED 1 / 9 / 2014
	DATE EXPIRES 12 / 31 / 2014
	ISSUED BY O. Gill

ORIGINAL COPY

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 JUN 27 PM 3:57

Gabriel Taylor
539 Washington Avenue
Dunkirk, NY 14048
716-951-0947

To whom it may concern,

My name is Gabriel Taylor, Youth Pastor at Gethsemani Church. We are located on 115 Central Avenue.

The reason for this letter is that we are seeking to use the Washington park pavilion. The dates we are requesting are August 2 and 16.

We are planning to have days of fellowship where we will be providing music, free food, bounce houses, and reaching out to the community to see there different needs and how we as part of the city can begin to provide help. Time we are requesting would be 3pm-9pm.

I am anxious to hear about what the next step is. If there are any further questions or if any applications need to be filled out I can be reached at: 716-951-0947.

Thank You



Gabriel Taylor

Carlos Llera

Senior Pastor

July 3, 2014

Members of the Dunkirk Common Council:

I have been asked to submit a letter requesting permission to schedule a video production shoot at Point Gratiot in Dunkirk, NY.

I am a professor in the Department of Theatre and Dance at Fredonia and will be hosting the *Action Film Workshops* at the Dunkirk Technology Incubator from July 28-August 2. Six (6) area middle school students along with four (4) guest faculty from the film industry would be shooting on location in Dunkirk. This is an extension of *Playground Drama Day Camp* and focuses the students' work on camera.

We would schedule this shoot at some point during daylight hours between Wednesday, July 30 – Friday August 1. The shoot would last approximately three (3) hours.

Thank you for your consideration and please contact me with any additional questions at (716) 410-3597 or sharon@fredonia.edu.

Sincerely,

Ted Sharon

Head of Performance

Department of Theatre and Dance

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 JUL -3 AM 9:50

July 7, 2014

City of Dunkirk Common Council

342 Central Ave

Dunkirk, N.Y 14048

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 JUL - 8 AM 10: 04

Dear Council Members:

On Sunday August 17, 2014 the City of Dunkirk Fire Department will be holding a Firemen's Hose Race in conjunction with a benefit for Mikey Edwards who is battling stage 4 Colon Cancer.

At this time we are requesting the closing of Central Ave between Second Street and Third Street for a period of time between 2:00 pm and 6:00 pm. We would also request the use of barricades at the intersections of Second and Third Streets.

If you have any questions please do not hesitate to contact me on my cell at 673-5101.

Thank you for your time and consideration for this important event.

Respectfully,

James A. Muscato II

James A. Muscato II



Ms. Joiner,

Family Church Fredonia is seeking to reserve some time and space in the City of Dunkirk for a public event. Here are the details about this event:

Title: "Church at the Lake" (subject to change)

Date: Sunday, August 24, 2014

Time: 10:30 a.m. until no later than 2 p.m.

Schedule and outline of event:

We are planning for a 'service' to begin at 10:30 a.m. on 8/24/14. This service is open to everyone in the community to attend, and will not be denominationally focused. This service will open with a time of worship, led by our church's worship team. We will bring and set up our own sound equipment.

We will be renting a tent for this event, and have chairs inside this tent for guests to sit. There will be water made available to guests. It is estimated that the service will last for approximately one hour, after which we'd like to have music playing and invite guests to stay and get to know one another.

We have a food vendor who will be setting up with us, and would also plan on using the opportunity to direct guests to the Dunkirk businesses on the Boardwalk.

We'd like to reserve the lot between the Clarion Hotel and Tim Horton's for this event.

While we plan on having a tent with sides in the event of rain, a backup location would be at Family Church in Fredonia, where we would host our weekly service.

Additionally, I have attached a proof of liability insurance for the church for off-site events.

It should be noted that events similar to this take place on Chautauqua Lake in southern Chautauqua County, and have garnered much success and publicity for the waterfront communities. While we are based in Fredonia, it's our desire to provide an event for the community at large.

Thanks for your time,

Rev. Scott Wise
Family Church Fredonia

2014 JUL 10 AM 10:56

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: Michael Meyers
Claimant Address: 1580 Bedell Rd
Grand Island NY 14072
Claimant Telephone Number: (716) 830-8723

This claim is for (injuries/damages alleged): BURNS INTO GELCOAT
ON MY 1998 SEARAY 290 SUN DANCER
BOW

This claim is alleged to have arisen on the 4th day of JULY, 2014 at approximately 10:15 a.m. (p.m.) on that date at CHADWICK BAY MARINA.

The injuries and/or damages sustained by the Claimant arose in the following manner:
FIRE WORKS LANDED ON BOW OF BOAT AND
STARTED TO IGNITE BEFORE I PUT
IT OUT WITH HOSE WATER

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: MANY SMALL BURNS ON BOW AND
4 LARGER BURNS

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

Respectfully yours,
[Signature] 7/10/14
Claimant (date)

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

Michael Meyers, 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
10th day of July, 2014.

[Signature]
Notary

KIM M. ROBBINS #01R05060886
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires May 28, 2018

2014 JUL 10 PM 2:28
RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

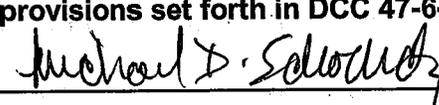
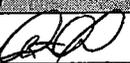
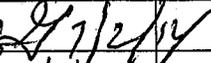
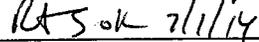
(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 6/27/14		
EVENT SPECIFICS * EXCLUDES HARBORFRONT AREA		
*No more than 3 days TOTAL per Individual or Group - per year		
DATE: Aug. 2 @ 11a	TIME: 3pm - 7pm	LOCATION OF EVENT: Washington Park
SPONSOR: Getsemani Church		
NAME: Gabriel Taylor		PHONE NO.: 716-951-0947
ADDRESS: 539 Washington Ave. Dunkirk, NY 14048		
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input checked="" type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY		
RESPONSIBLE INDIVIDUAL:		
NAME: Gabriel Taylor		PHONE: 716-951-0947
ADDRESS: 539 Washington Ave. Dunkirk, NY 14048		
REASON: fellowship with community		
AUDIO DEVICE TO BE USED: Loudspeakers, drums, mics.		
<input checked="" type="checkbox"/> PUBLIC EVENT		<input type="checkbox"/> PRIVATE EVENT
NOTIFICATION OF AFFECTED PERSONS		
<input type="checkbox"/> YES	IF YES, PROOF:	
<input type="checkbox"/> NO		
I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.		
Signature: <u><i>[Signature]</i></u>		
COMMON COUNCIL ACTION		
DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>OK 6/30/14 [Signature]</i>		
DEPT OF PUBLIC WORKS <i>6/30/14 [Signature]</i>		
DEPT OF LAW <i>OK 6/30/14 [Signature]</i>		
OTHER		
RECEIPT OF REVIEW		
APPROVAL		
CONDITIONS:		
DISAPPROVED		

RECEIVED
 CITY CLERK'S OFFICE
 DUNKIRK, N.Y.
 2014 JUN 27 PM 3:57

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event):		7/1/2014
*No more than 3 days TOTAL per Individual or Group - per year		
EVENT SPECIFICS * EXCLUDES HARBORFRONT AREA		
DATE:	8/17/14	TIME: 12:00 - 4:00
LOCATION OF EVENT:	203 Central Ave	
SPONSOR:	Exempt Firemans club	
NAME:	James Stoyle	PHONE NO. 366-3454
ADDRESS:	203 Central	
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input checked="" type="checkbox"/> CHARITABLE <input checked="" type="checkbox"/> COMMUNITY		
RESPONSIBLE INDIVIDUAL:		
NAME:	James Stoyle	PHONE: 680-5828
ADDRESS:	203 Central Ave.	
REASON:	Benefit and hose races	
AUDIO DEVICE TO BE USED:	outdoor speakers for band and D.S.	
<input type="checkbox"/> PUBLIC EVENT <input checked="" type="checkbox"/> PRIVATE EVENT		2014 JUL - 1 AM 11:40 CITY CLERK'S OFFICE HUNKING, N.Y.
NOTIFICATION OF AFFECTED PERSONS		
<input type="checkbox"/> YES	IF YES, PROOF:	
<input type="checkbox"/> NO		
I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C		
Signature:		
COMMON COUNCIL ACTION		
DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT OK 7/1/14 		
DEPT OF PUBLIC WORKS 		
DEPT OF LAW 		
OTHER		
RECEIPT OF REVIEW		
APPROVAL		
CONDITIONS:		
DISAPPROVED		

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 7-7-14

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

DATE: Aug 23rd TIME: 3-5 pm LOCATION OF EVENT: Lowe Pavillion at Point

SPONSOR: Self

NAME: Craig Roslock PHONE NO. 716-366-8169

ADDRESS: 40 North Beagle St Dunkirk NY 14048 Call #

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Same as above PHONE:

ADDRESS:

REASON: Graduation/Birth day Celebration

AUDIO DEVICE TO BE USED:

D.J. Audio Speaker Amp for Music

PUBLIC EVENT PRIVATE EVENT

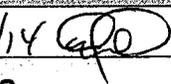
RECEIVED
 CITY CLERK'S OFFICE
 DUNKIRK, N.Y.
 2014 JUL -7 AM 10:46

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: 

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT OK 7/7/14 		
DEPT OF PUBLIC WORKS		
DEPT OF LAW OK 7/7/14 AS		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW	
APPROVAL	
CONDITIONS:	
DISAPPROVED	

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

DATE OF APPLICATION (must be 30 days Prior to event): July 9, 2014

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

DATE: 8/10/14 **TIME:** 12:00PM-4:00PM **LOCATION OF EVENT:** 296 Lake Shore Drive East

SPONSOR: Blessed Mary Angela Parish

NAME: Fr. Matt Nycz **PHONE NO.** 366-2307

ADDRESS: 324 Townsend Street
Dunkirk, NY

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Fr. Matt Nycz/Pastor Paulette Pacos/Virginia Larson **PHONE:** 366-2307
Co-Chairmen of Event

ADDRESS: 324 Townsend Street

REASON: Blessed Mary Angela annual festival

AUDIO DEVICE TO BE USED: Noon - 2:00 PM WDOE/Dan Palmer; 2:00PM - 4:00 PM Andy & Nicky Lopez Music

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: Paulette Pacos

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>at 7/10/14</i>		
DEPT OF PUBLIC WORKS		
DEPT OF LAW <i>at 7/10/14</i>		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

2014 JUL -9 AM 11:10
 RECEIVED
 CLERK'S OFFICE
 DUNKIRK, N.Y.

RESOLUTION #58-2014
JULY 15, 2014

BY THE ENTIRE COUNCIL:

AUTHORIZING BUDGET MODIFICATIONS (July 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

Description: Police - Unanticipated repairs to aging police patrol fleet earlier in year depleted line item; replenish necessary for normal preventive maintenance and inspections.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3120.4023	Police Dept.	Rep & Maint of Vehicles	\$ 5,000
001.1900.1990	General Services	Contingencies Allowance	\$(5,000)
		TOTAL	\$ -

FUND 1

Description: Replacement of tines on beach cleaning equipment at cost of \$1,360 which exceeds original budget amount.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7180.4003	Beach Operations	Other Supplies	\$ 1,200
001.7110.4023	Parks	Rep & Maint of Vehicles	\$(1,200)
		TOTAL	\$ -

FUND 1

Description: Large expense to truck E-4 for fuel tank and fuel lines depleted budgeted line item.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3410.4023	Fire Dept.	Rep & Maint of Vehicles	\$ 10,000
001.3410.2000	Fire Dept.	Equipment	\$(10,000)
		TOTAL	\$ -

FUND 1

Description: Electrical supplies for bike path along the water front behind the Clarion.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7110.4016	Parks	Electrical Supplies	\$ 1,300
001.7110.4021	Parks	Rep & Maint	\$(1,300)
		TOTAL	\$ -

RESOLUTION #59-2014
JULY 15, 2014

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CHANGE FOR
FIRST AUGUST 2014 COMMON COUNCIL MEETING**

WHEREAS, the Common Council wishes to change the date of their first meeting in August, and

WHEREAS, the Tuesday, August 5th meeting will be changed to Monday, August 4th in order to enable participation in the **National Night Out** program, now, therefore, be it

RESOLVED, that the August 5, 2014 Common Council Meeting shall be re-scheduled to August 4, 2014, in order to enable participation in the **National Night Out** program, with the pre-file date to be Wednesday, July 30, 2014.

RESOLUTION #60-2014
JULY 15, 2014

BY ENTIRE COUNCIL:

**AUTHORIZING CONTRACT WITH SELECTIVE INSURANCE COMPANY OF NY
FOR GENERAL LIABILITY, PROPERTY, AUTO AND PROFESSIONAL INSURANCE**

WHEREAS, the City's General Liability, Property, Auto and Professional insurance has been bid by the City of Dunkirk's broker of record, Lawley Tradition, LLC; and

WHEREAS, Selective Insurance Company of New York submitted a proposal for \$305,298.00; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to sign any and all agreements necessary to contract with SELECTIVE INSURANCE COMPANY OF NEW YORK, 40 Wantage Avenue, Branchville, NJ 07890-1000, for the City's Commercial Insurance for the period July 8, 2014 through July 8, 2015; and, be it further

RESOLVED, that payment for this contract will be charged proportionately to City Budget Accounts: #001-1900-1910 (50 percent), #002-1900-1910(25 percent), and #003-1900-1910(25 percent).