

AGENDA - COMMON COUNCIL MEETING – September 16, 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. Prior Notice from:
 - a) James Schmidt informing of a dangerous tree on 140 Lord Street.
 - b) Diane & Joseph Andrasik informing of a dangerous tree on 210 Webster Street.
 - c) Brian Meyer informing of a dangerous tree on 785 Deer Street.
 2. Notice of Verified Petition regarding Pusch, Tofil & Cobb versus City of Dunkirk Zoning Board of Appeals
 3. Request from Elevation Combat Sports Academy to use Point Gratiot to host a 5K Costume Run on October 11th beginning at 9:00 AM. Also, requesting permission for vendors and the use of picnic tables.
 4. Request from Sherri Mason to hold a beach cleanup event as part of the International Coastal Clean-up at Point Gratiot Beach on Saturday, September 20 from 12:00 PM until 2:00 PM.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 77. Resolution authorizing budget modifications (September 2014).
 78. Resolution authorizing budget modifications (September 2014).
 79. Resolution awarding through municipal lease/purchase of three (3) new plow trucks with accessories.
 80. Resolution approving CDBG Repayment Agreement (US Department of Housing and Urban Development).

81. Resolution establishing Halloween Trick-or-Treat hours.
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

366-1215

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

2014 SP - 4 AM 9:00

~~ATTN~~ City Clerk Office
Dunkirk NY.

A TREE ON LORD ST

140 LORD ST IS A BIG

HAZARD. IT IS ROTTEN ~~AT~~

Limbs have been breaking off

ALL YEAR. ~~There~~ There A Limb

on my home and I'm afraid to remove

it for the fear of getting hurt

I Request that tree be

taken down so I will be able

to remove the limb from my
home. I ASK The City 2 years
ago to take down with no
AVAIL ~~THE~~ People using SIDE
WALK somebody could get hurt
Badly.

James Schmitt
140 Lord St.

Common Council of Dunkirk
City Hall
Dunkirk, New York 14048

23 Wilson Avencuc
Dunkirk NY 14048
September 5, 2014

Dear Council Members:

My brother and I own the property at 210 Webster Street. I am requesting a tree at 210 Webster Street between the sidewalk and the street be removed. It is now totally dead with no leaves at all. I have been requesting to have it removed for the last couple of years with no success. I now feel it is a safety hazard as branches have broken off and bark is peeling from the trunk. A strong wind might blow it onto the house or onto a person going by and certainly onto the power lines.

I request the council take action and determine that the streets department cut the tree down for the safety of all.

Yours truly,

Diane Andrasik
Joseph Andrasik 9/10/14

Diane Andrasik
Joseph Andrasik

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 SEP 10 AM 9:34

Dear Common Council Members

This letter is to inform you of a dangerous tree located in front of 785 Deer St. It has already done damage to my sons' and my wife's car. We park on our front lawns so we do not have to park under this city owned tree. My daughter lives across the street from us and this resulted in a letter from the building inspector's office stating this must stop now! We can't win. This tree is dead and must go it has been on the list for 2 years. Since I am letting you know and we are forced to park under this tree any further damage to our vehicles the bills will be forwarded to the city.

Brian Meyer

Brian Meyer
781 Deer Street

680-0958

2014 SEP 10 PM 3:58

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

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

BRIAN W. PUSCH, PAULA J. TOFIL,
AND MARY MARDEN COBB,

Petitioners,

For a Special Proceeding Pursuant to NYS General City
Law §81-c(1) and Article 78 of the NYS Civil Practice
and Rules,

- against-

CITY OF DUNKIRK ZONING BOARD OF APPEALS,
STEPHEN O'BRIEN, AND ELIZABETH O'BRIEN

Respondents.

Index No. *KI-2014-1076*

**NOTICE OF
VERIFIED PETITION**

FILED
CHAUTAUQUA COUNTY CLERK
2014 AUG 21 PM 12:58

PLEASE TAKE NOTICE, that upon the Petition, signed on the 20th day of August and the exhibited annexed thereto, an application will be made to this court at the courthouse thereof, located at 3 North Erie St., Mayville, NY 14757, on October 6th, 2014 at 10:00a.m., or as soon thereafter as counsel can be heard, to (1) annul the determination of the City of Dunkirk Zoning Board of Appeals dated July 22nd, 2014 and (2) granting such other relief as this court may find just and proper.

Dated: Dunkirk, New York
August 20th, 2014



DANIEL C. GARD, ESQ.
Attorney for Plaintiff
93 E. Fourth St.
Dunkirk, NY 14048
(716) 867-7543

2014 SP - 2 AM 9:21
DUNKIRK, N.Y.
CITY CLERK'S OFFICE
RECEIVED

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 SP -4 AM 10: 51

18 Susann Court
Fredonia, New York 14063
September 3, 2014

To Whom It May Concern:

Elevation Combat Sports Academy (ECSA) would like to host a 5k run with the proceeds benefiting the Veteran's One Stop of Western New York and ECSA. The details for the event are as follows:

Event name: 5K Costume Run to Benefit Veteran's One Stop of Western New York and ECSA

Date proposed: Saturday, October 11, 2014

Event time: Registration from 7-8:30am; run to start at 9:00am

Proposed route: Point Gratiot

We have been in contact with Buffalo Runners and they have agreed to map the course once it is solidified. They will also provide any additional support we may need to make this run a success.

Dunkirk has much to showcase and offer to participants and we are open to providing opportunities for local vendors and businesses to get involved in a number of ways. We would like to extend the invitation once we are approved for businesses to participate, including:

- Discount hotel offers
- Onsite food trucks
- Coupons for food to local restaurants
- Sponsorship donations and names on t-shirts
- Donations for raffle baskets

We are seeking permission to use Point Gratiot and would potentially need additional picnic tables for registration and seating.

Prize categories will be awarded for various costumes as well as prizes awarded for best run times. Specifics regarding each are yet to be determined.

Thank you for your consideration for this 5k fundraiser. Should you have any questions, you can reach me at 785.2099 or tamararacino@gmail.com.

Sincerely,
Tamara Racino



Department of Chemistry & Biochemistry

City of Dunkirk
342 Central Avenue
Dunkirk, NY 14048

September 10, 2014

Dear Mayor Dolce and Members of the City of Dunkirk Common Council:

I am writing to request your approval to hold a beach cleanup event as part of the International Coastal Clean-Up at Pt. Gratiot Beach on Saturday, September 20, 2014 from 12:00 p.m. to 2:00 pm. As the beach clean-up is also part of the Great Lakes Alliance's Adopt-a-Beach program all participants will be required to sign a liability waiver.

The majority of volunteers will be SUNY Fredonia students, staff and faculty members, although community members are also invited to participate. I estimate that approximately 40-50 campus volunteers will be involved in the cleanup, which will help to enhance the health and appearance of the Point Gratiot beach.

As you know, the beach cleanups are not new events. I personally have led beach cleanups at Pt. Gratiot since 2009. There have never been any injuries or problems at any of these events. Participants are advised in advance on safety protocols, specifically with regard such potential items of concern as hypodermic needles. Although I realize the concerns, these events have been universally well received by Dunkirk residents and have yielded important environmental benefits.

Thank you in advance for your assistance with the proposed beach clean-up event. Should you have further questions, please feel free to contact me at 716.673.3292 or mason@fredonia.edu.

Sincerely,

Sherri A. Mason, Ph. D.
Professor of Chemistry
Environmental Sciences Program Coordinator
The State University of New York at Fredonia
Science Complex 340
Fredonia, NY 14063
www.fredonia.edu/chemistry/faculty/mason.asp
www.fredonia.edu/chemistry/environmental

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2014 SEP 11 AM 9:49

RESOLUTION #77-2014
SEPTEMBER 16, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(SEPTEMBER 2014)

WHEREAS, additional funds have been received through generous donations from the Elk's Club and the Dunkirk Fireman's Association, for the purchase of Thermal Imaging Equipment, 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:

REVENUE

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.0001.2269	Fire	Misc Fire Grants/Donations	\$ 4,000

APPROPRIATIONS

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.0001.2000	Fire	Equipment	\$ 4,000

RESOLUTION #78-2014
SEPTEMBER 16, 2014

BY: THE ENTIRE COUNCIL

AUTHORIZING BUDGET MODIFICATIONS
(September 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 2

Description: Emergency - 20" Valve replaced at Millennium Parkway project.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8340.4125	Water Distribution	Water Main Maintenance	\$ 15,000
002.1900.1991	Water General Services	Capital Replacement Project	\$(15,000)
		TOTAL	\$ -

FUND 1

Description: Repair to Improved Streets item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.5110.4052	Maintenance of Streets	Repair to Improved Streets	\$ 5,000
001.8560.1000	Tree Trimming	Personnel Services	\$ (5,000)
		TOTAL	\$ -

FUND 1

Description: Supplies line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7110.4002	Parks	Supplies	\$ 500
001.7110.1000	Parks	Personnel Services	\$ (500)
		TOTAL	\$ -

FUND 3

Description: Wastewater Treatment Contracted Services line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4036	Wastewater Treatment	Contracted Services	\$ 25,000
003.1900.1990	Wastewater Gen Services	Contingencies Allowance	\$(25,000)
		TOTAL	\$ -

FUND 3

Description: Wastewater Repair / Maintenance line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
003.8130.4021	Wastewater Treatment	Repair / Maintenance	\$ 20,000
003.1900.1991	Wastewater Gel Services	Capital Replacement Projects	\$(20,000)
		TOTAL	\$ -

FUND 1

Description: Recreation Supplies line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7140.4002	Recreation	Supplies	\$ 1,050
001.7140.1010	Recreation	Personnel-Part Time	\$ (1,050)
		TOTAL	\$ -

FUND 1

Description: Recreation Program Maintenance line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7140.4036	Recreation	Program Maintenance	\$ 2,050
001.7310.4030	Youth Programming	Activities	\$ (2,050)
		TOTAL	\$ -

FUND 1

Description: Recreation Rent / Lease line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7140.4150	Recreation	Rent Lease	\$ 1,534.81
001.7310.4010	Youth Programming	Personnel-Part Time	\$ (1,534.81)
		TOTAL	\$ -

FUND 1

Description: Fiscal Affairs – Purchase of new equipment through proper classification.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1310.2000	Fiscal Affairs	Equipment	\$ 2,204.99
001.1310.4002	Fiscal Affairs	Supplies	\$ (2,204.99)
		TOTAL	\$ -

FUND 1

Description: Fire Department–Repair/Maintenance of Vehicles line item higher than anticipated.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.3410.4023	Fire Department	Repair/Maintenance Vehicles	\$ 3,000
001.3410.2000	Fire Department	Equipment	\$ (3,000)
		TOTAL	\$ -

RESOLUTION #79-2014
SEPTEMBER 16, 2014

BY: COUNCILWOMAN SZUKULA

**AWARDING BID THROUGH MUNICIPAL LEASE/PURCHASE
OF THREE (3) NEW PLOW TRUCKS WITH ACCESSORIES**

WHEREAS, the three (3) City of Dunkirk plow trucks are more than 12 years old, and now are all routinely failing to be of service because of their age and heavy essential use, and because they all recently were exposed to one of the most exhausting winters of their long tenure, and

WHEREAS, the City of Dunkirk is allowed under the Consolidated Highway Improvement Program (CHIPs) of New York State to use up to \$170,000 per truck for purchase and/or Municipal Lease/Purchase the needed replacement trucks, and

WHEREAS, CHIPs allows the City of Dunkirk to purchase from the current Onondaga County bid #7823 for International model trucks with plow packages, and

WHEREAS, the DPW Director has reviewed these bids and the equipment, and recommends the bid purchase of three (3) current-model International 7400 SFA 4 x 2 (SA 525) trucks with inclusion of the per-truck bid option of Cyncon Aer Flo Dump Body and Henke Plowing Accessories, for the total cost of One Hundred Seventy-Three Thousand Sixty-Seven Dollars and Zero Cents (\$173,067.00) per truck with dump and plow accessories, and

WHEREAS, First Niagara Leasing has experience with and has quoted their 1.54-percent (1.54%) Tax-Exempt Municipal Lease/Purchase for this equipment, with four (4) annual payments of One Hundred Thirty-Four Thousand Four Hundred Fifteen Dollars and Three Cents (\$134,415.03) for the three (3) trucks with the listed accessories, now, therefore be it

RESOLVED, that the Mayor is hereby authorized and directed to execute all documents for the above-described three (3) trucks to be ordered under said bid #7823 and said Municipal Lease/Purchase through First Niagara Leasing and paid for as follows, after expected truck delivery in early 2015:

Four (4) annual payments in 2016, 2017, 2018 and 2019, of Thirty-Five Thousand Dollars and Zero Cents (\$35,000.00) each from Fund 001-5110-2000 (Equipment/O.G.S.); and

Four (4) annual payments in 2016, 2017, 2018 and 2019, of Ninety-Nine Thousand Four Hundred Fifteen Dollars and Three Cents (\$99,415.03) each from Fund 001-5110-4055 (CHIPS).

RESOLUTION #80-2014
SEPTEMBER 16, 2014

BY: THE ENTIRE COUNCIL

**APPROVE CDBG REPAYMENT AGREEMENT
(US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT)**

WHEREAS, the US Department of Housing & Urban Development ("HUD") has conducted a review of the City of Dunkirk's utilization and administration of certain Community Development Block Grant ("CDBG") funds over the past several years; and

WHEREAS, as a result of such review, HUD has determined that various allocations and uses of certain CDBG funds were non-compliant with certain HUD protocols and guidelines, and is directing that the City reimburse the CDBG program certain monies previously delineated for various uses; now, therefore, be it hereby

RESOLVED, that the City of Dunkirk agrees to repay Nine Hundred One Thousand Two Hundred Seventy-Six Dollars and Zero Cents (\$901,276.00) and commits to repay funds to HUD over three (3) years (2014-2016) in combination with a Voluntary Grant Reduction (2015-2016); and, be it further

RESOLVED, that the Mayor and/or Director of Development is/are authorized and directed to execute and/or confirm any agreements or understandings with the US Department of Housing & Urban Development, including but not necessarily limited to a Repayment Agreement, regarding repayment/reduction for certain Community Development Block Grant monies; and, confirms the following repayment/reduction schedule:

Reimbursement	2014	\$450,000.00
Reimbursement	2015	\$150,000.00
Reimbursement	2016	<u>\$150,000.00</u>
		\$750,000.00
Voluntary Reduction	PY2015	\$ 75,638.00
Voluntary Reduction	PY2016	<u>\$ 75,638.00</u>
		\$151,276.00

and be it finally

RESOLVED, that the following sources be utilized for the funding of the Repayment Agreement obligations:

- Funding through the NYS Consolidated Highway Improvement Program (CHIPs) allocation to the City:
 - 2014 allocation of \$450,000
 - 2015 allocation of \$100,000
 - 2016 allocation of \$100,000.
- Funding from Fund I budget line "HUD Repayment" [001.8020.1990] to be allocated for the following budget years:
 - 2015 allocation of \$50,000
 - 2016 allocation of \$50,000.

RESOLUTION #81-2014
SEPTEMBER 16, 2014

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours shall be on Friday, October 31, 2014, which is Halloween, from 4:00 P.M. to 8:00 P.M., in the City of Dunkirk.