

AGENDA - COMMON COUNCIL MEETING – January 2, 2018 - 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. Notice of Claim from Brittney Brown for alleged damages to her car bumper on December 16, 2017.
 2. Notice of Claim from Campbell & Associates on behalf of Bonnie Orchard for alleged injuries sustained from a fall on the sidewalk at or near the intersection of Swan Street and West 3rd Street on October 3, 2017.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 16. Resolution for Authorization for Assessor to Contract with Appraiser-Tax Challenge.
 17. Resolution Authorization for Administration to Contract with HR Trainer.
10. New Business:
11. Adjournment.

Edwin C. Ramos
City Clerk

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: Brittney Brown
Claimant Address: 438 Bucknor St
Dunkirk NY 14048
Claimant Telephone Number: (716) 467-2478

This claim is for (injuries/damages alleged): Roads were not plowed
On 12/16/17 my fiance was driving my vehicle home
from work at 9:00am and could not get home
It took 1 1/2 hours to get home from a 2 mile radius

↑ while driving home my car got stuck several of times and when the storm calmed down I noticed the ~~door~~ my lower front bumper was ripped off and cracked

This claim is alleged to have arisen on the 16 day of December, 2017 at approximately 9 a.m./p.m. on that date at _____.

The injuries and/or damages sustained by the Claimant arose in the following manner: broken and cracked bumper hanging on
and dragging on the ground.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: front fender on 2012 Hyundai elantra

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

Respectfully yours,
Brittney Brown 12/19/17
Claimant (date)

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

Brittney Brown 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.

Michelle Farnham DeJesus
Notary

Sworn to before me this
19 day of December, 2017.

MICHELLE FARNHAM DEJESUS
Notary Public, State of New York Rev. May 2012
No. 01FA6366737
Qualified in Chautauqua County
Commission Expires November 6, 2021

2017 DE 19 AM 11:38
JULY 19 2017
CLERK'S OFFICE
DUNKIRK, N.Y.

CAMPBELL & ASSOCIATES

8274 NORTH MAIN STREET
EDEN, NEW YORK 14057
(716) 992-2222

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHAUTAUQUA

BONNIE ORCHARD

48 Main Street, Apt. 122
Silver Creek, New York 14136

Claimant,

-vs-

NOTICE OF CLAIM

CITY OF DUNKIRK

Dunkirk City Hall
342 Central Avenue
Dunkirk, New York 14048

Respondent.

TO: DUNKIRK CITY ATTORNEY – Richard Morrisroe
City Attorney's Office
Second Floor, City Hall
342 Central Avenue
Dunkirk, NY 14048

DUNKIRK CITY CLERK – Edwin Ramos
City Clerk's Office
First Floor, City Hall
342 Central Avenue
Dunkirk, NY 14048

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2017 DE 22 AM 9:58

PLEASE TAKE NOTICE that BONNIE ORCHARD has a claim against the CITY OF DUNKIRK for personal injuries, medical expenses and damages generally sustained by her, and in support thereof, the Claimant states:

FIRST: The name and post office address of Claimant is BONNIE ORCHARD, 48 Main Street, Apt. 122, Silver Creek, New York 14136.

RESOLUTION #10-2018
January 2, 2018

BY: THE ENTIRE COUNCIL

**AUTHORIZING ASSESSOR & LAW DEPARTMENT TO CONTRACT
WITH COMMERCIAL APPRAISER TO DEFEND
AGAINST 836 BRIGHAM ROAD TAX CHALLENGE**

WHEREAS, the owners of the real property located at 836 Brigham Road have filed a tax certiorari (i.e., tax assessment challenge lawsuit) against the City of Dunkirk, Chautauqua County and the Dunkirk Public Schools; and

WHEREAS, the taxing municipalities are working together to defend against said tax challenge lawsuit; and

WHEREAS, in such a case, the question of assessed value is frequently a battle of professional commercial property appraisers; and,

WHEREAS, the City of Dunkirk, through the City Assessor and the City Attorney, has a contract negotiated with Emminger, Newton, Pigeon, and Magyar, Inc., for commercial appraisal services not to exceed \$5,000.00; and,

WHEREAS, said services are exempt from the City Procurement Policy because said contract falls below the \$10,000 contract threshold, and because it is for professional services; now, therefore, be it

RESOLVED, that the City Assessor is hereby authorized and empowered to execute a contract, on behalf of the City of Dunkirk, with Emminger, Newton, Pigeon, and Magyar, Inc., 60 Lakefront Boulevard, Suite 120, Buffalo, New York 14202, for the provision of commercial appraisal of the property located at 836 Brigham Road; and, be it finally

RESOLVED, that the funds for the above will come from City Appraiser's Budget, to be partially reimbursed by Chautauqua County and the Dunkirk Public Schools.

RESOLUTION #11-2018
January 2, 2018

BY: THE ENTIRE COUNCIL

**AUTHORIZING ADMINISTRATION TO CONTRACT
WITH PROFESSIONAL HUMAN RESOURCES TRAINER**

WHEREAS, the City of Dunkirk is attempting to modernize, improve and make sure its provision of city services are compliant with local, state and federal laws; and

WHEREAS, as part of these attempts includes modernizes how the city handles human resource issues; and

WHEREAS, in the current era of 24 hour media and social media, news of abuse of power and abuse of authority have roiled governments, corporations and high profile individuals in cases of harassment, misappropriation of funds, violations of ethics, sexual harassment and misuse of company electronic equipment; and,

WHEREAS, the City of Dunkirk seeks to proactively limit its liability and train its employees, from Department heads through to temporary laborers, to avoid problems and handle issues as they arise appropriately; and,

WHEREAS, the City has negotiated a contract with professional human resources trainer Laura Andrus to hold training sessions with City employees on issues such as these, for the purpose of providing in-house professional development and management strategies to City of Dunkirk employees for fiscal year 2018 at the hourly rate of \$20.00 per hour not to exceed \$7,000, which was budgeted for in the 2018 budget previously passed by this Council; and,

WHEREAS said services are exempt from the City Procurement Policy because said contract falls below the \$10,000 contract threshold, and because it is for professional services; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and empowered to execute a contract, on behalf of the City of Dunkirk, with Laura Andrus, for the provision of human resources training to City employees.