

**AGENDA - COMMON COUNCIL MEETING – January 21, 2014 - 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. Communication from Mayor Dolce appointing Robert Harris as City Historian effective January 22, 2014.
  2. Communication from Mayor Dolce re-appointing Andy Bohn to a five (5) year term on the Dunkirk Planning Board effective January 22, 2014 and expiring December 31, 2018.
  3. Communication from Mayor Dolce re-appointing Kurt Warmbrodt effective January 22, 2014 and expiring June 6, 2014 and Eugene Pauszek effective January 22, 2014 and expiring August 31, 2015 to the Greater Dunkirk Area Harbor Commission.
6. Communications from the public and petitions:
  1. Petition from Richard J. Clark on behalf of "Score This" requesting the use of roads and facilities to host a triathlon event on August 24, 2014 from 7:00 AM to 1:00 PM in the City of Dunkirk called "Tri Dunkirk".
  2. Communication from Gary Cerne, Dunkirk City School District Superintendent, requesting two police officers for the Boys' Basketball game vs. Fredonia High School on Friday, January 31st from 5:45 to 9:15 PM.
  3. Notice of Claims from:
    - a) Jon Muntz for damages to his mailbox allegedly caused by a city snowplow.
    - b) Stella Michalak for damages to her mailbox allegedly caused by a city snowplow.
  4. Notice of Summons and Complaint from Linda Hudson of Fredonia, New York.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  11. Resolution authorizing utility work agreement with NYSDOT (Route 60 and Route 5 re-surfacing Project).

12. Resolution awarding bids for treatment chemicals (Water Pollution Control Facility).
  13. Resolution authorizing budget modifications (December 2013).
  14. Resolution authorizing agreement to provide random drug testing (Complete Testing Services).
  15. Resolution authorizing agreement for court cleaning/minor repairs (NYS Unified Court System) (April 1, 2013 to March 31, 2014).
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

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

January 6, 2014

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby appoint Mr. Robert Harris of 73 Otter Street, Dunkirk to the position of City Historian for the City of Dunkirk effective January 22, 2014.

Sincerely,

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc: City Clerk  
Personnel  
Payroll

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 JAN 14 AM 10:09



**CITY OF DUNKIRK**  
*A Chadwick Bay Community*

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

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

January 16, 2014

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby re-appoint Andy Bohn, 59 Otter Street, Dunkirk, to serve another five (5) year term on the Dunkirk Planning Board. This appointment will become effective January 22, 2014 and will expire December 31, 2018.

Sincerely,

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc : City Clerk  
Personnel  
Director of Planning & Development

2014 JAN 16 PM 3:22

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DUNKIRK, N.Y.



**CITY OF DUNKIRK**  
*A Chadwick Bay Community*

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

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

January 14, 2014

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby re-appoint the following members to serve additional terms on the Greater Dunkirk Area Harbor Commission:

	<u>Expiration Date</u>
Kurt Warmbrodt, 115 Frazier St., Dunkirk - 1 yr. term	June 6, 2014
Eugene Pauszek, 66 W. Doughty St., Dunkirk - 3 yr term	August 31, 2015

Please note that terms are retroactive to the original expiration date and become effective January 22, 2014.

Thank you.

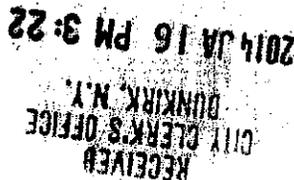
Sincerely,

A handwritten signature in cursive script that reads "Anthony J. Dolce".

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc: City Clerk  
Personnel  
Harbor Commission





**SCORE THIS!!!, INC.**  
15 RANCH TRAIL CT.  
ORCHARD PARK, NEW YORK 14127

November 20th, 2013

Mr. Tim Gornikiewicz  
Director, Planning and Development  
Department of Development, City of Dunkirk  
342 Central Avenue  
Dunkirk, New York 14048

To whom it may concern from the City of Dunkirk, Town of Dunkirk, Town of Sheridan and the Village of Silver Creek:

On behalf of Score This!!!, I am requesting the use of the roads and facilities in your city or town in order to host our annual multisport event on August 24th, 2014 in the City of Dunkirk. The name of the event is "Tri Dunkirk" and it will be in a triathlon format that will include an open water swim, a bike race, and a running race. The race will take place on a Sunday and run from approximately 7:00 a.m. to 1:00pm.

This event in its fourth year should attract as many as 375-425 participants and approximately 300 spectators and volunteers. The 2013 race attracted 335 participants in its third year. Score This!!! has been organizing multisport events since 1995 and has hosted the 2011-2013 Tri Dunkirk in the City of Dunkirk. This area makes an excellent venue to host this style of event with athletes commenting on this being their new favorite venue. For the last six years, our triathlon races in Western New York have all sold out in advance of race day and we would expect to realize that potential with a race in Dunkirk within the next year.

We are writing this letter in advance to work out all of the details for the course and to help all parties take advantage of this athletic tourism influx. Many triathletes travel beyond their state borders. Many triathletes surveyed 150 to a triathlon which would include participants from as far away as the Syracuse, Albany and Brooklyn regions of New York State as well as from surrounding cities like Cleveland of states like Ohio, Pennsylvania, Maryland, New Jersey, Connecticut, Tennessee, California, Michigan and Vermont.

Tri Dunkirk can help increase visitation to Chautauqua County. Multisport athletes like to explore the areas they visit in many different ways. If they are provided the information about the surrounding areas activities they will return to explore this in the future. Advertising for this event would involve, but not be limited to the following:

- Postcards handed out at all other Score This!!! timed events (120 plus in 2013)
- Race posters throughout the county
- Email updates to a 2900+ athlete Score This!!! dedicated email group
- Email updates to a 35,000 plus athlete online registration email system
- Dedicated webpage(s) at <http://tridunkirk.com> (30,000 plus views in 2013)
- Dedicated ad placement on [score-this.com](http://score-this.com) and [trifind.com](http://trifind.com)
- Facebook and Twitter advertising to a dedicated Score This!!! fan pages
- Tri Dunkirk oval car stickers

Sincerely,

Richard J Clark  
Race Director/Vice President  
Score This!!!, Inc.  
716.940.6294  
[rich@score-this.com](mailto:rich@score-this.com)  
<http://score-this.com>

2013 NOV 22 AM 9:23  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.



**DUNKIRK CITY SCHOOL DISTRICT**

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

MR. KENNETH KOZLOWSKI  
*President*  
Board of Education

MR. GARY CERNE  
*Superintendent*

January 6, 2014

Chief David Ortolano  
Dunkirk Police Department  
Central Avenue  
Dunkirk, NY 14048

RECEIVED  
JAN 06 2014  
DUNKIRK POLICE DEPT

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

Dear Dave:

② per Mr Cerne 1-9-14

We would like to request police supervision at our High School main gymnasium on Friday, January 31, 2014 from 5:45 PM to 9:15 PM for a Boys' Basketball game vs. Fredonia High School.

The fees for providing coverage should be forwarded directly to the Dunkirk City School District, 620 Marauder Drive, Dunkirk, NY, 14048.

Please let me know if this causes a coverage dilemma for you. As always, thank you for your help.

Sincerely,

Gary J. Cerne  
Superintendent of Schools

GJC:tdo

cc: Mike Sarratori, Athletic Director

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: Jon A. Muntz, MD  
Claimant Address: 16 Beach Road  
Dunkirk NY  
Claimant Telephone Number: (716) 673-5404

This claim is for (injuries/damages alleged): Damaged residential mail box  
broken post & support

This claim is alleged to have arisen on the 13<sup>th</sup> day of December, 2013 at approximately 2 a.m./p.m. on that date at 16 Beach Rd

The injuries and/or damages sustained by the Claimant arose in the following manner:

City snow plow hit  
mail box

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

Broken & displaced mail box  
wooden post & support bar  
@ residence

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CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2013 DEC 19 AM 10:28

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

Respectfully yours,  
[Signature]  
Claimant (date) 12/17/13

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

JON. MUNTZ, 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  
17<sup>th</sup> day of December, 2013.

Carol L Ames  
Notary

CAROL L AMES NO. 01AM5070058  
Notary Public, State of New York  
Qualified in Chautauqua County  
My Commission Expires 12-9-14

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: Stella Michalak  
Claimant Address: 37 Otter St  
Dunkirk, NY 14048  
Claimant Telephone Number: (716) 366-3391

This claim is for (injuries/damages alleged): damages to the mailbox and the post holding the mailbox.

This claim is alleged to have arisen on the 15<sup>th</sup> day of December, 2013 at approximately            a.m./p.m. on that date at 37 Otter St.  
during the night hours

The injuries and/or damages sustained by the Claimant arose in the following manner:  
The driver of the snowplow ran into my mailbox and crushed it from the ground up. It was destroyed.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following:  
The mailbox and the 4x4 pressure treated post were damaged.

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

Respectfully yours,

Stella Michalak  
Claimant (date)

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

Stella Michalak 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  
31 day of December 2013.

Patricia L. Halas  
Notary

PATRICIA L. HALAS  
Notary Public, State of New York Rev. May 2012  
Qualified in Erie County  
Reg. No. 01HA5035643  
My Commission Expires Nov. 7, 2014

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF CHAUTAUQUA

LINDA HUDSON  
1 Temple Square, Apt. 229  
Fredonia, NY 14063

Plaintiff

vs.

**SUMMONS**

Index #: *K12013001310*

CITY OF DUNKIRK, NEW YORK  
342 Central Avenue  
Dunkirk, NY 14048

Defendant

FILED  
CHAUTAUQUA COUNTY CLERK  
2013 SEP 20 AM 9:39

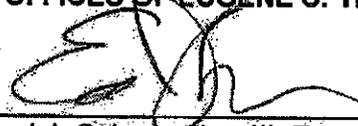
TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with a summons, to serve a notice of appearance, on the plaintiff's attorneys within TWENTY (20) days after the service of this summons, exclusive of the day of service, or within 30 days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment may be taken against you by default for the relief demanded in the complaint.

Chautauqua County is designated as the place of trial on the basis of the residence of Plaintiff who resides at Fredonia, New York, County of Chautauqua.

DATED: Buffalo, New York  
September 18, 2013

LAW OFFICES OF EUGENE C. TENNEY, PLLC



Edward J. Schwendler, III, Esq.  
Attorneys for Plaintiff  
5 Niagara Square  
Buffalo, NY 14202  
(716) 853-1887

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DUNKIRK, N.Y.  
2014 JA 16 PM 1:34

**RESOLUTION #11-2014**

**JANUARY 21, 2014**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZE UTILITY WORK AGREEMENT WITH NYSDOT  
(Route 60 and Route 5 Re-surfacing Project)**

**WHEREAS**, the New York State Department of Transportation ("NYSDOT" ) is administering a contract in 2014 to re-surface New York State Route 60 and New York State Route 5 through the City of Dunkirk (the "re-surfacing project"); and

**WHEREAS**, the NYSDOT is requesting that the City allow the NYSDOT contractors for such re-surfacing project to adjust City-owned manholes within the NYS rights-of-way to complete the re-surfacing contract; now, therefore, be it

**RESOLVED**, that the City hereby authorizes the Mayor to enter into a Utility Work Agreement with the NYS Department of Transportation granting access to NYSDOT and/or its contractors to adjust City-owned manholes as may be required during the NYSDOT Route 60 and Route 5 re-surfacing project, provided any modifications or adjustments are made so that the City will continue to maintain its facilities using said manholes.

**RESOLUTION #12-2014**

**JANUARY 21, 2014**

**BY: COUNCILWOMAN SZUKULA**

**AWARDING BIDS FOR TREATMENT CHEMICALS  
(WATER POLLUTION CONTROL FACILITY)**

**WHEREAS**, following published Legal Notice, sealed bids for the furnishing of two (2) wastewater treatment plant chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 10:00 a.m. on January 2, 2014; and

**WHEREAS**, the bids were received and reviewed by the Department of Public Works, and the Department of Public Works recommends that the lowest responsible bidder(s) be awarded bids for such 2014 wastewater treatment plant chemicals; now, therefore, be it hereby

**RESOLVED**, that upon review and recommendation of the Director of Public Works, the following lowest responsible bids be accepted and awarded for furnishing wastewater treatment plant chemicals for 2014:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Amrex Chemical Co., Inc. 117 East Frederick Street PO Box 642 Binghamton, NY 13902	Aqua Ammonia Solution	\$ 0.2475 per pound NH <sub>4</sub> OH
Amrex Chemical Co., Inc. 117 East Frederick Street PO Box 642 Binghamton, NY 13902	Phosphoric Acid	\$ 0.58 per pound

and, be it further

**RESOLVED**, that the Mayor is authorized and directed to execute any and all documents, on behalf of the City of Dunkirk, with the above-named vendor, for the purchase of such treatment chemicals, 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.

**RESOLUTION #13-2014**

**JANUARY 21, 2014**

**BY THE ENTIRE COUNCIL:**

**AUTHORIZING BUDGET MODIFICATIONS  
(December 2013)**

**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 2013, ending December 31, 2013; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2013 budget:

**FUND 1**

<u>Account Number</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1010.4009	Legislative Board	Advertising / Fees	\$ 500.00
001.1670.4006	Central Mailing	Postage Purchased	\$ (500.00)
<b>TOTAL</b>			<b>\$ -</b>
001.1310.4002	Fiscal Affairs	Supplies	\$ 225.00
001.1310.4001	Fiscal Affairs	Travel & Training	\$ (100.00)
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (125.00)
<b>TOTAL</b>			<b>\$ -</b>
001.1310.2000	Fiscal Affairs	Equipment	\$ 750.00
001.1310.4036	Fiscal Affairs	Contracted Services	\$ (750.00)
<b>TOTAL</b>			<b>\$ -</b>
001.3120.2005	Police	Equipment Non-Capital	\$ 75.00
001.3120.4002	Police	Supplies	\$ 225.00
001.3120.4036	Police	Contracted Services	\$ 200.00
001.3120.4020	Police	Uniform Allowance	\$ (500.00)
<b>TOTAL</b>			<b>\$ -</b>
001.3410.4036	Fire	Contracted Services	\$ 3,400.00
001.3410.4112	Fire	Water	\$ 450.00
001.3410.4020	Fire	Uniform Allowance	\$ (3,850.00)
<b>TOTAL</b>			<b>\$ -</b>

**RESOLUTION #14-2014**

**JANUARY 21, 2014**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT TO PROVIDE RANDOM DRUG TESTING  
(COMPLETE TESTING SERVICES)**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

**WHEREAS**, Complete Testing Services has satisfactorily performed this function for the City in the past and is ready, willing and able to provide such services in a good and workmanlike manner; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with **Complete Testing Services**, 4200 Sheva Lane, Hamburg, New York 14075, for the administration of the standard random selection drug testing program for 2014.

**RESOLUTION #15-2014**  
**JANUARY 21, 2014**

**BY: COUNCILWOMAN SZUKALA:**

**AUTHORIZING AGREEMENT FOR COURT CLEANING/MINOR REPAIRS  
(NYS UNIFIED COURT SYSTEM)  
(APRIL 1, 2013 TO MARCH 31, 2014)**

**WHEREAS**, the State of New York Unified Court System ("UCS" ) and the City of Dunkirk, have entered into agreements for certain reimbursement to the City of Dunkirk for certain expenses associated with the maintenance and operation of the City's court facilities, including, cleaning, building and grounds maintenance, overhead expense, authorized preventative maintenance, and capital improvements requested by the UCS; and

**WHEREAS**, the State 2013-2014 fiscal year (April 1, 2013 - March 31, 2014) reimbursement amount under said operations and maintenance agreement's estimated budget is to be a contractual maximum of \$49,057; and

**WHEREAS**, it would be in the best interests of the City to enter into a successor agreement for such services; now, therefore, be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute an agreement with the New York State Unified Court System, for maintenance and operations of the City's Court facilities for NYS fiscal year 2013 - 2014, with an estimated reimbursement in the amount of up to \$49,057, which funds received through such agreement to be allocated to Revenue Account #001-0001-3330 - Court Operations & Maintenance, for reimbursement of funds expended with respect to such maintenance.