

AGENDA - COMMON COUNCIL MEETING – May 6, 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 appointing Loretta Torain to the Board of Assessment Review due to an expired term, effective May 7, 2014 and will expire September 30, 2018.
  2. Communication appointing Joe Gould and Mark Karalus to the Cable T.V. and Communications Advisory Board, effective May 7, 2014 and will expire March 26, 2016.
6. Communications from the public and petitions:
  1. Request from Harvest Chapel Church to use Washington Park on July 11<sup>th</sup> (Rain date July 18<sup>th</sup>) from 5:00 PM until 8:30 PM, permission to bring in grills, coolers and use of electric power for their popcorn machine. Also requesting permission to bring in ponies for pony rides.
  2. Request from Putnam Record Insurance Agency requesting the Mayor's presence on June 7<sup>th</sup> for their annual "Safety Saturday". Also requesting to use 30 orange cones and 8 wooden barriers.
  3. Request by Stephen O'Brien, Dunkirk High School Principal, for two police officers at the Moose Club for the Junior/Senior Prom on Saturday, May 10<sup>th</sup> from 7:45 PM to 12:15 AM.
  4. Request from Special Olympics New York and The Law Enforcement Torch Run to use city streets on May 29<sup>th</sup> between 9:00 AM and 9:30 AM.
  5. Request from the Kosciuszko Polish Home Association to close traffic between E. Doughty Street and Courtney Street on June 27<sup>th</sup> and June 28<sup>th</sup> 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.
  6. Loudspeaker applications from:
    - a) Harvest Chapel Church for audio equipment, speakers, amplifiers and microphones in Washington Park on July 11<sup>th</sup> (Rain date July 18<sup>th</sup>) from 6:00 PM until 7:30 PM.
    - b) Kosciuszko Polish Home Association for bands and speakers on June 27<sup>th</sup> and June 28<sup>th</sup> from 7:00 PM until 11:00 PM for their "Annual Street Dance."

7. Notice of Claims from:
  - a) Debra Kujawa for damages to her vehicle allegedly caused by a pothole on Lincoln Avenue.
  - b) Vanessa Pagan for damages to her vehicle allegedly caused by a pothole on S. Roberts Road and E. Talcott Street.
  - c) Edna Sek for no water to her residence for five weeks.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  36. Resolution introducing Local Law #2-2014 modifying Chapter 65 of the Dunkirk City Code entitled "Sidewalks and Streets".
  37. Resolution approving submission of FY 2014 CDBG Annual Action Plan to HUD.
  38. Resolution authorizing Budget Modifications (May 2014).
  39. Resolution authorizing lease-to-purchase one (1) vehicle for Police Department through Local Government (Village) contract.
  40. Resolution approving CDBG reimbursement agreement (US Department of Housing & Development).
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

April 22, 2014

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 AP 25 PM 4:36

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Ladies and Gentlemen:

Please be advised that due to a vacancy on the Board of Assessment Review as a result of an expired term, I hereby appoint Loretta Torain of 415 Mullet Street, Dunkirk, NY. This five-year term is effective May 7, 2014 and will expire September 30, 2018.

Very truly yours,

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc: City Clerk  
Clerk, Board of Assessors  
Personnel  
Payroll



**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

May 1, 2014

Dunkirk Common Council  
City Hall  
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments to the Dunkirk Cable T.V. and Communications Advisory Board.

Joe Gould, 17 N. Serval Street, Dunkirk  
Mark Karalus, 24 Armadillo Street, Dunkirk

These two year appointments shall be effective May 7, 2014 and will expire March 26, 2016.

Very truly yours,

ANTHONY J. DOLCE  
Mayor

AJD:cao

cc: City Clerk  
Personnel  
Cable TV Advisory Board

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 NY - 1 PM 3:52



# Harvest Chapel

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

RECEIVED

APR 21 2014

MAYOR'S OFFICE

April 10, 2014

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

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2014 AP 25 AM 10:34

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 2013, 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. 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 one evening this summer. Please consider our request to utilize the park on Friday, July 11th, 2014 (rain date July 18<sup>th</sup>). Our event 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 11, 2014. On that evening we will be holding a closing celebration Community Block Party and Carnival to wrap up our 13<sup>th</sup> 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 microphones, sound and our popcorn machine. 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.

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,

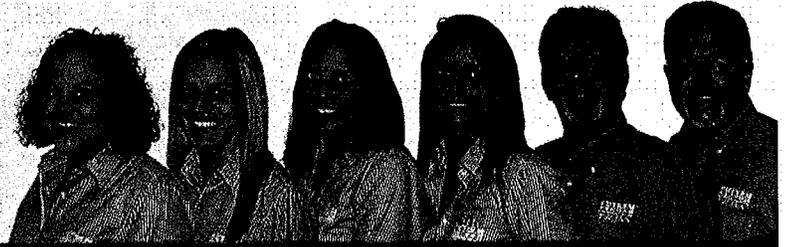


Lisa Leavitt  
Children's Ministry Director  
Harvest Chapel Church

**PUTNAM  
RECORD**  
INSURANCE AGENCY

(716)

**366-2744**



Local Insurance Specialists Saving You Time & Money

PutnamRecordInsurance.com

March 18, 2014

*Just a Quick Note...*

**Mayor Dolce**  
**342 Central Avenue**  
**Dunkirk, New York 14048**

Dear Mayor Dolce,

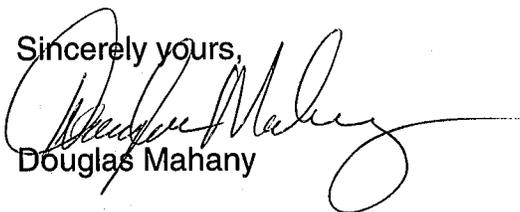
Our office is excited to be conducting our second annual "Safety Saturday" which will be held from 10am-2pm on June 7, 2014. Dunkirk Fire Department will be having Safety Demonstrations, the Dunkirk Police Department will be overseeing the child finger printing kits, NYS Police Department will be checking car seats to ensure they are properly installed, and Rich Goodman of Spoke Folk and Aspire will be discussing bicycle safety.

This letter serves as a written invitation for your attendance to our event. We are also going to need approximately 30 orange cones, and 8 wooden barriers to help block off the car seat check from the main driveway of the fairgrounds. If this request is approved at the council meeting, we would like to have them delivered to the Chautauqua County Fairgrounds either the Friday before the event or Saturday morning by 8:30am.

I have included a copy of the flyer we are using to advertise this event. We appreciate your collaboration in making this event a success. Our office will be contacting you in a week to confirm you have received this letter and have reserved that day for us.

We look forward to seeing you in June.

Sincerely yours,

  
Douglas Mahany

2014 AP 28 AM 11:15  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

RECEIVED

MAR 20 2014

MAYOR'S OFFICE



## DUNKIRK CITY SCHOOL DISTRICT

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

MR. KENNETH A. KOZLOWSKI  
*President*  
Board of Education  
  
MR. GARY CERNE  
*Superintendent*

April 25, 2014

Chief David Ortolano  
Dunkirk Police Department  
342 Central Avenue  
Dunkirk, New York 14048

RECEIVED

APR 28 2014

DUNKIRK POLICE DEPT

Dear Chief Ortolano:

The students of Dunkirk Senior High School will be having their Junior-Senior Prom on Saturday, May 10, from 8:00 PM – 12:00 AM, at the Moose Club, located on Lake Shore Drive West, in Dunkirk. We are requesting 2 police officers be present at our dance from 7:45 PM – 12:15 AM. We will be doing breathalyzer tests of each student attending the dance.

Please feel free to contact me at 366-9300, extension 2071, should you have any questions. As always, thank you for your on-going support.

Sincerely,

Stephen J. O'Brien  
High School Principal

2014 AP 28 AM 10:53

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

cc: Ms. Saye, Senior Class Advisor  
Ms. Michael, Senior Class Advisor  
Ms. Donna Kubera, Junior Class Advisor



**Special Olympics**  
New York

RECEIVED

APR 23 2014

Western Region

DUNKIRK POLICE DEPT

2014 APR 28 PM 12:59

RECEIVED  
CITY CLERK  
DUNKIRK, N.Y.

Dear Mayor Dolce and the members of the Common Council,

The Law Enforcement Torch Run to benefit Special Olympics it is the largest grassroots fundraising and public awareness vehicle for the movement across the globe! More than 142,000 officers from 48 countries carried the "Flame of Hope" across their communities and into their local games and competitions last year! Right here in New York State we have a rapidly growing Torch Run program and we are building on that momentum by getting more officers, agencies and communities involved!

On Thursday, May 29<sup>th</sup> Special Olympics New York and the Law Enforcement Torch Run would like to carry the Flame of Hope throughout the Dunkirk community. The Flame of Hope would run from Dunkirk High School, head south on Marauder Drive, left onto West Lucas Ave, down Central Avenue ending at the local Track and Field meet in SUNY Fredonia. The Torch would start the journey around 9:00am. We are asking for permission to use these streets. The run will be over by 9:30am and the streets will not need to be shut down. We welcome all members of the community to get involved in this event. Special Olympic Athletes and Law Enforcement officers will be involved in this event. The run paces at about a 10 minute mile.

Members from the New York State Police, SUNY Fredonia Police, Lakeview Correctional Facility among other agencies will be involved in this awareness run. All of these agencies will be assisting with traffic control. Attached you will find a copy of the insurance for Special Olympics. Pending approval, Special Olympics can name the City of Dunkirk as an additional insured.

Special Olympics is the Law Enforcement charity of choice, raising funds and awareness throughout different communities. Last year, the Law Enforcement Torch Run raised 1.7 million dollars for the Athletes of Special Olympics New York. This year, the Flame of Hope started its journey in Olean, NY and will end the journey as it makes its way to the 2014 State Summer Games hosted by the University at Buffalo on June 6<sup>th</sup>. The funds generated by Torch Run initiatives support the nearly 65,000 athletes of Special Olympics New York who train and compete year-round in 22 Olympic-style sports throughout the entire state. There is never a charge to our athletes or their caregivers to participate in Special Olympics.

Should you have any questions or concerns, please do not hesitate to contact myself or Torch Run Co-Chair Trooper Michael Connors at the information listed below. Thank you in advance for your participation!

Sincerely,

Erica Raeppe  
Associate Director of Development  
Special Olympics New York  
2801 Wehrle Drive, Suite 12  
Williamsville, NY 14221  
Cell: 716-909-6444  
Office: 716-580-3346 ext 201  
Fax: 716-580-3941  
[eraeppe@nysp.org](mailto:eraeppe@nysp.org)

Trooper Michael Connors  
New York State Police  
Collins Barracks  
13670 Route 62 PO Box 430  
Collins, NY 14034

Andrew M. Cuomo  
Governor, State of New York  
Honorary Chairman

Frank Mitola  
Chairman

Neal J. Johnson  
President & CEO

Dorothy Buehring Phillips  
(1910 - 1994) Founder

**Special Olympics New York Western Region**  
2801 Wehrle Drive, Suite 12, Williamsville, NY 14221  
Tel + 1 716 580 3346 Fax + 1 716 580 3941

Created by the Joseph P. Kennedy Jr. Foundation for the benefit of persons with intellectual disabilities



# KOSCIUSZKO POLISH HOME ASSOCIATION, INC.

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

April 16, 2014

Dunkirk Common Council

Dunkirk, NY 14048

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 27<sup>th</sup> 2014 from 5:00 TO 12:30 am

Saturday, June 28<sup>th</sup> 2014 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.

2014 AP 30 AM 9:33  
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 <u>Prior</u> to event): <u>April 10, 2014</u>   |   |                    |
| * No more than 3 days TOTAL per Individual or Group - per year   |   |                    |
| <b>EVENT SPECIFICS</b> * EXCLUDES HARBORFRONT AREA   |   |                    |
| DATE: <u>July 11, 2014</u> TIME: <u>6:00-7:30pm</u> <sup>plus set-up</sup> <sub>cleanup</sub>  | LOCATION OF EVENT: <u>Washington Park</u> |                    |
| SPONSOR: <u>Harvest Chapel Church</u>  |   |                    |
| NAME: <u>Lisa Leavitt</u>  | PHONE NO. <u>679-0987</u>                 |                    |
| ADDRESS: <u>39 Matteson St. Fredonia, NY 14063</u>   |   |                    |
| <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input checked="" type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY |   |                    |
| RESPONSIBLE INDIVIDUAL:  |   |                    |
| NAME: <u>LISA Leavitt</u>  | PHONE: <u>679-0987</u>                    |                    |
| ADDRESS: <u>39 Matteson St. Fredonia, NY</u>   |   |                    |
| REASON:  |   |                    |
| AUDIO DEVICE TO BE USED: <u>Audio equipment, microphone, speakers for live or pre-recorded music</u>   |   |                    |
| <input checked="" type="checkbox"/> PUBLIC EVENT   | <input type="checkbox"/> PRIVATE EVENT    |                    |
| <b>NOTIFICATION OF AFFECTED PERSONS</b>  |   |                    |
| <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>Lisa Leavitt</u>   |   |                    |
| <b>DEPARTMENTAL REVIEW</b>   | <b>DATE SENT</b>                          | <b>REPORT BACK</b> |
| POLICE DEPT <u>dc 4/25/14</u>  |   |                    |
| DEPT OF PUBLIC WORKS <u>4/25/14</u>  |   |                    |
| DEPT OF LAW <u>4/25/14</u>   |   |                    |
| OTHER  |   |                    |
| <b>COMMON COUNCIL ACTION</b>   |   |                    |
| RECEIPT OF REVIEW  |   |                    |
| APPROVAL   |   |                    |
| CONDITIONS:  |   |                    |
| DISAPPROVED  |   |                    |

RECEIVED  
 CITY CLERK'S OFFICE  
 DUNKIRK, N.Y.  
 2014 APR 25 AM 10:34

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

|  |                        |  |
|--|------------------------|--|
| DATE OF APPLICATION (must be 30 days <u>Prior</u> to event):   |                        | 4/30/14                                |
| *No more than 3 days TOTAL per Individual or Group - per year <b>EVENT SPECIFICS</b> *EXCLUDES HARBORFRONT AREA  |                        |  |
| DATE: <del>June 27*</del> <sup>2014</sup> 28   | TIME: 7-11 pm          | LOCATION OF EVENT: 252 Nevins St       |
| SPONSOR: Kosciuszko Polish Home Assoc.   |                        |  |
| NAME: Lance Christopher V.P.   | PHONE NO. 716 467 0551 |  |
| ADDRESS: 252 Nevins St   |                        |  |
| <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input type="checkbox"/> CHARITABLE <input checked="" type="checkbox"/> COMMUNITY |                        |  |
| RESPONSIBLE INDIVIDUAL:  |                        |  |
| NAME: Lance Christopher  | PHONE: 716 467 0551    |  |
| ADDRESS: 727 Park Avenue Dunkirk N.Y.  |                        |  |
| REASON: Vice President   |                        |  |
| AUDIO DEVICE TO BE USED: Band Speakers   |                        |  |
| <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>Lance Christopher</u>  |                        |  |
| COMMON COUNCIL ACTION  |                        |  |
| RECEIPT OF REVIEW  |                        |  |
| APPROVAL   |                        |  |
| CONDITIONS:  |                        |  |
| DISAPPROVED  |                        |  |

2014 AP 30 PM 4:42  
 RECEIVED  
 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:

2014 AP 14 AM 11:20  
RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

Claimant Name: Debra Kujawa  
Claimant Address: 59 W. Doughty St  
Dunkirk, NY 14048  
Claimant Telephone Number: (716) 366-1723

This claim is for (injuries/damages alleged): on 3/14/14 I hit  
a pothole on Lincoln Avenue between  
Doughty / Courtney Street near the  
tracks, immediate damage tire flat and  
runned within 20 minutes pothole at least 60 deep  
This claim is alleged to have arisen on the 14 day of March, 2014 at  
approximately 5 a.m./p.m on that date at Lincoln Avenue.

The injuries and/or damages sustained by the Claimant arose in the following manner:  
tow which was reimbursed through car  
insurance 2- new tires, m + Balancing  
tire rod

The amount and type of injuries and/or damages sustained by the Claimant consist of the following:  
110  
40  
40  
30  
190

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

Respectfully yours,  
Debra Kujawa 4/14/14  
Claimant (date)

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

Debra J. Kujawa 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.

Stanley A. Saelli III  
Notary

Sworn to before me this  
14th day of April, 2014.

STANLEY A. SAELI III  
Notary Public, State of New York  
NO. 01SA6075508  
Qualified In Chautauqua County  
Commission Expires June 10, 2014.

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: Vanessa Pagan  
Claimant Address: 70 Greco Lane C-44  
Dunkirk, NY 14048  
Claimant Telephone Number: (239) 810-4698

This claim is for (injuries/damages alleged): Damage to the drivers side tire/rim of 2009 Lexus.

This claim is alleged to have arisen on the 9 day of April, 2014 at approximately 9:30 a.m. (p.m.) on that date at S. Roberts Rd & Talcott St

The injuries and/or damages sustained by the Claimant arose in the following manner: I drove over a man hole cover and immediately felt my front tire go flat and tire pressure warning light went on.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: towing and tire replacement  
\$193-

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

Respectfully yours,  
[Signature] 4/16/14  
Claimant (date)

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

Vanessa Pagan 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 16th day of April, 2014.

[Signature]  
Notary

DEBORAH J. PAUL  
Notary Public, State of New York  
No. 01PA5050178  
Qualified in Chautauqua County  
Commission Expires October 2, 2017

2014 APR 16 PM 2:10  
RECEIVED  
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:

Edna G Sek

Claimant Address:

7 Lakeshore Blvd  
Dunkirk, N.Y 14048

Claimant Telephone Number:

(716) 366-1141

This claim is for (injuries/damages) alleged): Caused by City Water Department

2014 AP 25 AM 11:37

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

This claim is alleged to have arisen on the 4<sup>th</sup> day of MARCH, 20 14 approximately 8 a.m./p.m. on that date at 17 Lakeshore Blvd DR

The injuries and/or damages sustained by the Claimant arose in the following manner:  
NO WATER FOR OVER 5 weeks

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: \$3900.00 paid in full on 4/10/14  
\* See paid receipts

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

Respectfully yours,

Edna G. Sek  
Claimant (date)

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

Edna G. Sek, 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.

Patricia L. Thompson  
Notary

Sworn to before me this  
25 day of April, 20 14.

PATRICIA L. THOMPSON  
Notary Public, State of New York  
No. 01TH6002392  
Qualified in Chautauqua County  
Commission Expires February 9, 20 18

**RESOLUTION #36-2014**  
**MAY 6, 2014**

**BY: ENTIRE COUNCIL**

**INTRO NO. 1 TO  
LOCAL LAW #2-2014  
CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW MODIFYING CHAPTER 65 OF THE DUNKIRK CITY CODE  
ENTITLED "SIDEWALKS AND STREETS"**

**BE IT ENACTED** by the Common Council of the City of Dunkirk as follows:

**Section 1    Intent**

It is the intent of this Local Law to amend the Dunkirk City Code in order to provide a framework to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Dunkirk by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation through a *Complete Streets Policy*.

**Section 2    Amendment of City Code**

Chapter 65 – Sidewalks and Street, Section 32 – Complete Streets Policy of the Dunkirk City Code is hereby amended as follows:

**ADD**

**§ 65-32.    Complete Streets Policy.**

- A.    **Declaration of Policy.** In the interest of improving inter-modal transportation options, safety and accessibility for all users, the concept of *Complete Streets* has been recognized and adopted in numerous localities across the United States. The City of Dunkirk will make *Complete Streets* practices a routine part of everyday operations, will approach every transportation project and program as an opportunity to improve City streets, will incorporate all relevant existing and future planning documents approved or adopted by the Common Council, and will work in coordination with other departments, agencies and jurisdictions to achieve *Complete Streets*. *Complete Streets* design and practices include, but are not limited to, sidewalks, crosswalks, curb ramps, accessibility features for people with disabilities,

paved shoulders for biking, designated bicycle lanes, off-road paths, signage and traffic-calming measures.

B. **Designs and Practices.** *Compete Streets* designs and practices shall be incorporated in new construction and reconstruction projects in the City, except when the Director of the Department of Public Works demonstrates that one of the following conditions is met:

1. Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, bicyclists and pedestrians will be accommodated elsewhere within the right-of-way of within the same transportation corridor; or,
2. The cost would be excessively disproportionate to the need based on the following factors: population density, land use, projected and current traffic volumes, projected and current bicycle and pedestrian use; or,
3. The existing right-of-way does not allow for sidewalks, paved shoulders or other improvements, in which case potential alternatives will include the appropriate use of lane re-striping, signage, traffic-calming measures and/or enhanced education and enforcement; or,
4. Where severe topographic or natural resource constraints prohibit such accommodations; or,
5. Where conditions or restrictions outside the purview of the City prohibit such actions.

C. **Guidelines.** *Complete Streets* designs and practices shall be provided and maintained in accordance with guidelines adopted by the U.S. Department of Transportation (USDOT) and NYS Department of Transportation (NYSDOT), and with best practices identified by the City's Department of Public Works.

### **Section 3    Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION #37-2014**  
**MAY 6, 2014**

**BY: THE ENTIRE COUNCIL**

**SUBMISSION OF FY2014 CDBG ANNUAL ACTION PLAN TO HUD**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

**WHEREAS**, the City develops an *Annual Action Plan* each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

**WHEREAS**, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three public meetings, two technical assistance sessions, and a thirty-day public review and comment period has been afforded to City residents, now, therefore, be it

**RESOLVED**, the following activities have been included in the 2014 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

**2014 CDBG ALLOCATIONS**

|  |               |                      |
|--|---------------|----------------------|
| <b>Administration and Planning</b>                       |               | <b>\$ 94,000.00</b>  |
| • Administration   | \$ 94,000.00  |                      |
| <b>Public Facilities and Infrastructure Improvements</b> |               | <b>\$ 110,000.00</b> |
| • Street Improvements                                    | \$ 40,000.00  |                      |
| • Water Line Reconstruction                              | \$ 60,000.00  |                      |
| • Park Development                                       | \$ 10,000.00  |                      |
| <b>Public Services</b>                                   |               | <b>\$ 11,000.00</b>  |
| • Career Explorers – Boys & Girls Club                   | \$ 11,000.00  |                      |
| <b>Housing</b>   |               | <b>\$ 180,000.00</b> |
| • Owner Occupied Housing Rehabilitation                  | \$ 100,000.00 |                      |
| • Rental Rehabilitation                                  | \$ 50,000.00  |                      |
| • Emergency Repairs                                      | \$ 30,000.00  |                      |
| <b>Acquisition, Disposition, Clearance, Relocation</b>   |               | <b>\$ 77,735.00</b>  |
| • Demolition   | \$ 77,735.00  |                      |
| <b>Total 2014 Allocation</b>                             |               | <b>\$472,735.00</b>  |

**RESOLUTION #38-2014**

**MAY 6, 2014**

**BY: THE ENTIRE COUNCIL:**

**AUTHORIZING BUDGET MODIFICATIONS  
(May 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: Water Purification & Pumping – Replenish Contracted services line item. Emergency repairs to equipment plus demolish city building at Water filtration site created deficit balance.

| <u>Account No.</u> | <u>Department</u>        | <u>Line</u>             | <u>Change</u> |
|--------------------|--------------------------|-------------------------|---------------|
| 002.8320.4736      | Water-Water Purification | Contracted Services     | \$ 2,000      |
| 002.1900.1990      | Water-General Services   | Contingencies Allowance | \$ (2,000)    |
|                    |                          | <b>TOTAL</b>            | \$ -          |

**FUND 1**

Description: Recreational Department - Replenish Rent/Lease Expense line item. Utilities underestimated creating deficit balance.

| <u>Account No.</u> | <u>Department</u>     | <u>Line</u>         | <u>Change</u> |
|--------------------|-----------------------|---------------------|---------------|
| 001.7140.4150      | Recreation Department | Rent/ Lease         | \$ 750        |
| 001.7140.4036      | Recreation Department | Program Maintenance | \$ (750)      |
|                    |                       | <b>TOTAL</b>        | \$ -          |

**FUND 1**

Description: Celebrations - Replenish Flags & Memorial Day Expense line item. Purchase of Cemetery flags and Memorial Day flags created deficit balance.

| <u>Account No.</u> | <u>Department</u> | <u>Line</u>               | <u>Change</u> |
|--------------------|-------------------|---------------------------|---------------|
| 001.7550.4509      | Celebration       | Flags & Memorial Day      | \$ 1,500      |
| 001.7550.4009      | Celebration       | Other Celebration Expense | \$ (1,500)    |
|                    |                   | <b>TOTAL</b>              | \$ -          |

**RESOLUTION #39-2014**

**MAY 6, 2014**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE  
FOR POLICE DEPARTMENT THROUGH LOCAL GOV'T (VILLAGE) CONTRACT**

**WHEREAS**, the City of Dunkirk Police Department is in need of one (1) new automobile for use by the Police Department; and

**WHEREAS**, one (1) suitable vehicle is available for purchase on Local Government (Village) Contract Bid; and

**WHEREAS**, sufficient funds are available in the Police Department's Budget [Rent/Lease Account 001-3120-4150]; and

**WHEREAS**, the cost of one (1) vehicle is \$29,717.00, from DeLacy Ford, Inc. (including financing charges); now, therefore, be it

**RESOLVED**, that the Mayor is authorized and empowered to execute a two-year lease-to-purchase agreement, on behalf of the City of Dunkirk, with DeLacy Ford, Inc., 10361 Transit Road, Elma, New York 14059-0437, and/or First Niagara Leasing, Inc., for the purchase of one (1) Year 2014 Ford Police Interceptor SUV for the sum of Twenty-Nine Thousand Seven Hundred Seventeen Dollars and Zero Cents (\$29,717.00) (including financing charges), with such funds to come from Account 001-3120-4150.

**RESOLUTON #40-2014**

**MAY 6, 2014**

**BY: THE ENTIRE COUNCIL**

**APPROVE CDBG REIMBURSEMENT 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; and

**WHEREAS**, one of the allocations and uses involved monies provided by the City to the Dunkirk Local Development Corporation ("DLDC"), which was subsequently provided to S&K Hospitality, Inc. (S&K) for economic development purpose utilizing US HUD CDBG-R funds; and

**WHEREAS**, HUD has determined that the various allocations and uses of such CDBG-R funds were non-compliant with certain HUD protocols and guidelines and is directing that such funds be reimbursed; and

**WHEREAS**, the DLDC has received advance repayment from S&K of \$126,346.52 from such CDBG-R funds and is to repay such money to the City, for repayment to HUD; now, therefore, it is hereby

**RESOLVED**, that the City will accept the repayment from the DLDC in the amount of \$126,346.52 and make any necessary budgetary modifications to accept such monies and provide for their reimbursement to HUD; and, it is finally

**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 regarding reimbursement for certain Community Development Block Grant (CDBG-R) monies involving the S&K Hospitality, Inc. project, and confirms the reimbursement of **\$153,520.00**, with \$126,346.52 to be provided by the DLDC to the City, and the balance to be provided through Account No. 001.8020.1990 (HUD Reimbursement).