

AGENDA - COMMON COUNCIL MEETING – October 15, 2013 - 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. Request from Chautauqua Works and Dunkirk High School Career Club to host a beach cleanup from 3:00-4:00pm on Tuesday October 29th.
 2. Notice of claim from Dianne Brooks for damages allegedly sustained to her vehicle from a City garbage truck.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 72. Resolution authorizing copier lease agreement (Clerk's Office).
9. Pre-filed Resolutions:
 73. Resolution authorizing change order – Hot In Place paving project (2013) (Highway Rehabilitation Corp.).
 74. Resolution authorizing budget line modification (FY2013) (CHIPS Program).
 75. Resolution authorizing bid acceptance - asbestos removal (79 West Doughty Street (79.20-8-74)).
 76. Resolution authorizing bid acceptance – demolition (128 Lincoln Avenue (79.19-3-55)).
 77. Resolution authorizing approval of site plan (Chadwick Bay Marina).
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

Chautauqua Works

one-stop workforce services

October 9, 2013

To whom this concerns,

Dunkirk High School Students that participate in a Career Club with Chautauqua Works were interested in cleaning up the local beaches on October 29th, 2013.

The Club encourages career exploration and soft skill development through various activities within the community. Community Service is one of the ways the Club delves into workforce skill development.

For this specific event, roughly 30 students will participate from 3:00 to 4:00 on October 29th. At the very minimum, three chaperones will accompany the students during the clean-up. Trash bags, gloves, and any other materials will be provided through Chautauqua Works. All garbage will be disposed of in nearby trash bins or dumpsters. Students will also be responsible for their own transportation to and from the Wright Park Beach.

All questions related to the event will be directed to Kate Piazza, E-Net Coordinator for the Workforce Investment Board at Chautauqua Works.

Thank you for your time and consideration. I look forward to hearing from you soon.

Sincerely,

Kate Piazza
E-Net Coordinator
Workforce Investment Board
(716)-487-5175

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2013 OCT - 9 PM 12: 24

Workforce
New York

Katie Geise, Executive Director
Cheryl Calhoun, Finance Director
Kate Piazza, ENet Coordinator

kgeise@chautauquaworks.com
ccalhoun@chautauquaworks.com
kpiazza@chautauquaworks.com

23 East 3rd Street
Jamestown, NY 14701
(716) 661-9324
Fax (716) 483-2012

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: Dianne L. Brooks
Claimant Address: 712 Park Ave
Dunkirk Ny 14048
Claimant Telephone Number: (585) 750-0190

This claim is for (injuries/damages alleged): Damage to 1999 Saturn
left bumper - dented and scraped

This claim is alleged to have arisen on the 11th day of September, 2013 at approximately 7³⁰ a.m./p.m. on that date at 712 Park Ave

The injuries and/or damages sustained by the Claimant arose in the following manner: City garbage truck backed into car - a worker yelled "stop". truck
hit the car and left

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Scrape and dent in left side of bumper

\$1042.85

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

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
OCT - 1 AM 11:13

Respectfully yours,

D L Brooks 10-1-13
Claimant (date)

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

Diane L. Brooks, 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
1 day of Oct, 2013.

Catherine Desjard
Notary

CATHERINE DESJARD
NOTARY PUBLIC, State of New York
Qualified in Chautauqua County
My Commission Expires 3/12/15

10/1/13

UNFINISHED BUSINESS:

RESOLUTION #72-2013
OCTOBER 1, 2013

BY: ENTIRE COUNCIL

AUTHORIZING COPIER LEASE AGREEMENT
(Clerk's Office)

WHEREAS, the City Clerk's Office is in need for a copier that includes high-volume scanning capabilities in order to provide for more efficient document storage and recovery; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all necessary documents for a sixty-three (63) month lease agreement with Toshiba Business Solutions, 6000 North Bailey Ave., Suite 1F, Amherst, New York 14226, for an office copier at a monthly payment of \$336.86; and, be it finally

RESOLVED, that funds for such lease be allocated from

Account #001-1670-4150 (Central Copying and Mailing)

Councilwoman Szukala moved to table this Resolution. Seconded by Councilman Gonzalez.

Vote to Table Resolution: Carried, all voting aye. TABLED.

RESOLUTION #73-2013
OCTOBER 15, 2013

BY: THE ENTIRE COUNCIL

AUTHORIZING CHANGE ORDER – HOT IN PLACE PAVING PROJECT (2013)
(Highway Rehabilitation Corp.)

WHEREAS, by Resolution No. 69-2013, the 2013 Hot-In-Place Paving Project was authorized with Highway Rehabilitation Corp.; and

WHEREAS, the engineers providing assistance to the City's Department of Public Works, Nussbaumer & Clarke, Inc., have requested a proposed amendment ("Amendment No. 1") to modify within the project's scope the particular schedule of streets to be included in the 2013 project in order to provide for more efficient set-up and paving of the streets to be rehabilitated; and

WHEREAS, the estimated cost of such change order is \$30,000.00; and

WHEREAS, the proposed change order Number 1 has been reviewed and recommended by the Director of Public Works; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to approve Amendment No. 1 for the "Hot In Place Paving Project (2013)" to provide an additional Thirty Thousand Dollars and Zero Cents (\$30,000.00) to **Highway Rehabilitation Corp.**, 2258 Route 22, Brewster, New York 10509, with such funds to be taken from Account No. 001-5110-4055 (CHIPs Street Program).

RESOLUTION #74-2013
OCTOBER 15, 2013

BY: ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS (FY2013)
(CHIPS Program)

WHEREAS, there is a need to make timely adjustments to the 2013 Fiscal Year to address modifications in certain line items in order to accommodate an increased allocation of State funds; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect certain line items in the 2013 Fiscal Year Budget:

GENERAL FUND

Revenue

State Aid CHIPS Highway	001-0001-3501	Increase \$66,651
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Appropriation

CHIPS Street Program	001-5110-4055	Increase \$66,651
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RESOLUTION #75-2013
OCTOBER 15, 2012

BY THE ENTIRE COUNCIL:

AUTHORIZING BID ACCEPTANCE – ASBESTOS REMOVAL
(79 West Doughty Street (79.20-8-74))

WHEREAS, by Resolution No. 27-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 34-2013, the Building Inspector was directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure situate at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 52-2013, the Building Inspector was directed to take all appropriate steps and procedures as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 79 West Doughty Street, Dunkirk, NY 14048 (79.20-8-74), in that such is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, sealed bids for asbestos removal were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on October 9, 2013, with five (5) bids being received for asbestos removal; and

WHEREAS, such bids have been reviewed by the Building Inspector; now, therefore, be it

RESOLVED, that the lowest responsible bid of **B IMPRESSED, 9645 Prospect Road, Forestville, New York 14062**, in the amount of Six Thousand Two Hundred Twenty-Four Dollars and Zero Cents (\$6,224.00) be accepted for asbestos removal at 79 West Doughty Street, Dunkirk, New York; 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, for such asbestos removal; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

RESOLUTION #76-2013
OCTOBER 15, 2012

BY THE ENTIRE COUNCIL:

AUTHORIZING BID ACCEPTANCE – DEMOLITION
(128 Lincoln Avenue (79.19-3-55))

WHEREAS, by Resolution No. 28-2013, the Building Inspector was directed to inspect the building or structure situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), and to report the results of such inspection to this Common Council, in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 35-2013, the Building Inspector was directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure, situate at premises designated as 128 Lincoln Avenue, Dunkirk, NY 14048 (79.19-3-35), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

WHEREAS, by Resolution No. 51-2013, the Building Inspector was directed to take all appropriate steps and procedures, as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 128 Lincoln Avenue Dunkirk, NY 14048 (79.19-3-35), in that such is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, sealed bids for demolition were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on October 9, 2013, with two (2) bids being received for demolition; and

WHEREAS, such bids have been reviewed by the Building Inspector; now, therefore, be it

RESOLVED, that the lowest responsible bid of **SALL-TEE and Sons, 34 Kosciuszko Avenue, Dunkirk, New York 14048**, in the amount of Five Thousand Nine Hundred Seventy-Five Dollars and Zero Cents (\$5,975.00) be accepted for demolition of 128 Lincoln Avenue, Dunkirk, New York; 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, for such demolition services; and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposits of the bidders in accordance with the contract specifications.

RESOLUTION #77-2013
OCTOBER 15, 2013

BY THE ENTIRE COUNCIL:

APPROVAL OF SITE PLAN (Chadwick Bay Marina)

WHEREAS, an application for a building permit for permission to renovate building and construct an addition at the marina, 30 Central Avenue, Dunkirk, New York 14048, has been submitted by Chadwick Bay Marina Holdings, Inc., d/b/a JSG Marina Holdings, LLC ("Chadwick Bay"); and

WHEREAS, such application has been referred by the Housing, Building and Zoning Enforcement Officer to the required Boards, Departments and Agencies for review, comment and recommendation, including the Greater Dunkirk Area Harbor Commission ("Harbor Commission") and the Dunkirk Planning Board ("Planning Board"); and

WHEREAS, the Harbor Commission has recommended approval of the application, and the Planning Board has recommended approval of the application with conditions/stipulations; and

WHEREAS, the Dunkirk City Code, Section 79-28020(2), authorizes the Common Council to review the site plans submitted, has followed the procedure outlined in Dunkirk City Code Chapter 79, Article XVII (Site Plan Review) and has fully investigated all of the facts and circumstances regarding such application; now, therefore be it

RESOLVED, that this Common Council determines and finds that:

1. A proper application for a building/use permit has been made by Mr. Jeffrey Gambino, on behalf of Chadwick Bay;
2. All interested Boards, Departments and Officials have been notified pursuant to Local Law, for their comments and review of this application;
3. The Planning Board, on October 9, 2013, approved the submitted and reviewed site plan (4-0 with one member absent), with the following conditions/stipulations:
 - a. detailed final landscaping plan must be submitted to and approved by the Planning Board prior to implementation;
 - b. any signage proposed to be utilized, must be submitted to and approved by the Planning Board prior to fabrication and installation; and
 - c. should any significant changes be proposed in the building configuration (as per submissions by the applicant on/before October 9, 2013), the Planning Board must be provided an opportunity to review and to approve (as appropriate);

4. All comments from such interested parties have been received, or such parties have waived their right of review and comment under local law;
5. The applicant established that the approval of this special permit will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood and will not alter the essential character of the locality;
6. The building/use permit will promote the health, safety and welfare of the residents of the City of Dunkirk, and, be it further

RESOLVED, that the submitted and reviewed site plan is approved.