

AGENDA - COMMON COUNCIL MEETING – November 19, 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. Petition from Fire Chief Ahlstrom, requesting permission to add Josh Szukala, Rey Cruz and Jacob Oliveras to the active fire roll.
 2. Notice of Claim from:
 - a) Norman Yonkers for damages allegedly sustained to his vehicle from tree branches adjacent to 272 King Street.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 81. Resolution authorizing Bid Acceptance – Demolition (79 West Doughty Street (79.20-8-74)).
 82. Resolution authorizing pre-file date change (December 3, 2013 Common Council Meeting).
 83. Resolution approving use of Restore NY Grant Funding for Atwater Capital, LLC (Roberts Road Redevelopment Project).
 84. Resolution authorizing lease agreement with Chautauqua County Fair Association.
 85. Resolution authorizing Budget Modifications (FY 2013).
 86. Resolution adopting FY 2014 Budget.
 87. Resolution approving FY 2014 Appropriations.
 88. Resolution authorizing Warrant for FY 2014 Budget.
 89. Resolution declaring November 25th through December 1st as “Shoptauqua Week.”

10. New Business:

11. Adjournment.

Nicole Joiner
City Clerk

**DUNKIRK FIRE DEPARTMENT
311 EAGLE STREET
DUNKIRK, NY 14048
KEITH D. AHLSTROM, CHIEF
716-366-2577**

November 12, 2013

Common Council/City Clerk:

Please add the following names to the City of Dunkirk Fire Department Volunteer Rolls:

1. Josh Szukala
2. Rey Cruz
3. Jacob Oliveras

Thank you.

Keith D. Ahlstrom, Chief

RECEIVED
CITY CLERKS OFFICE
DUNKIRK, N.Y.
2013 NOV 12 AM 11:23

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: Norman Yonkers
Claimant Address: 272 King ST
Dunkirk NY 14048
Claimant Telephone Number: (716) 969-0926

This claim is for (injuries damages alleged): Dents in hood of 2013
Honda Ridgeline

This claim is alleged to have arisen on the 1st day of November, 2013 at approximately 7:00 a.m./p.m. on that date at 272 King St, Dunkirk

The injuries and/or damages sustained by the Claimant arose in the following manner:
Branches from Dead Tree on ground between sidewalk
and road in front of neighbor's house, fell onto hood
of TRUCK.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Dents on hood of TRUCK from Dead Branches
That fell on it. Estimate of Damages: *699.83

CLAIM #
2013-30590

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

Respectfully yours,

Norman R Yonkers 11-5-13
Claimant (date)

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

Norman Yonkers, 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 M. Marshall
Notary

Sworn to before me this
5th day of November 20 13.

PATRICIA M. MARSHALL
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CHAUTAUQUA COUNTY
NO. 01MA6172492
MY COMMISSION EXPIRES AUG. 13, 20 15

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2013 NOV -5
5-11-13

RESOLUTION #81-2013
NOVEMBER 19, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING BID ACCEPTANCE – DEMOLITION
(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 demolition services were opened and read aloud in the Dunkirk City Clerk's Office at 3:00 p.m. on November 4, 2013, with one (1) bid 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 **S. St. George Enterprises**, in the amount of Eight Thousand Nine Hundred Ninety-Nine Dollars and Zero Cents (\$8,999.00) be accepted for demolition 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 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 #82-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

AUTHORIZING PRE-FILE DATE CHANGE
(DECEMBER 3, 2013 COMMON COUNCIL MEETING)

WHEREAS, the Rules of the Common Council (Section VI(2)) provide that resolutions must be filed with the City Clerk on the Thursday preceding a regularly-scheduled meeting; and

WHEREAS, the scheduled pre-file date for the Tuesday, December 3, 2013 meeting would fall on Thursday, November 28, 2013, which is Thanksgiving Day; now, therefore, be it

RESOLVED, that the pre-file date for the Tuesday, December 3, 2013, Common Council Meeting shall be Wednesday, November 27, 2013.

RESOLUTION #83-2013
NOVEMBER 19, 2013

BY: THE ENTIRE COUNCIL

**APPROVING USE OF RESTORE NY GRANT FUNDING FOR ATWATER CAPITAL, LLC
(ROBERTS ROAD REDEVELOPMENT PROJECT)**

WHEREAS, by Resolution No. 24-2009, the Common Council supported the RESTORE NY Grant Program and a certain application for the proposed Roberts Road Redevelopment Project (the "Program"); and

WHEREAS, after new Requests for Proposals were issued by the County of Chautauqua, Atwater Capital, LLC ("Atwater") was designed as the preferred developer for the Roberts Road Redevelopment Project, as amended pursuant to Atwater's plans (the "Project"); and

WHEREAS, the NYS Empire State Development Corporation has determined that the project is appropriate under the terms of the Program, and the Project is consistent with the existing local plan; now, therefore, be it

RESOLVED, that the City of Dunkirk supports the use of RESTORE NY Grant Program (the "Program") funding for the Project, and the Project shall be eligible for the entire amount of any such grant funding received through the Program by the City pursuant to and consistent with the terms and conditions of the Program, with no cost to the City.

RESOLUTION #84-2013
NOVEMBER 19, 2013

BY COUNCILMAN RIVERA:

**AUTHORIZING LEASE AGREEMENT WITH
CHAUTAUQUA COUNTY FAIR ASSOCIATION**

WHEREAS, the CHAUTAUQUA COUNTY FAIR ASSOCIATION (the "Fair Association") is the owner of certain premises commonly known as the Chautauqua County Fair Association Agricultural and Commerce Building (the "Premises"), formerly known as the Roll Arena, which is located on the Fair Association's property on Central Avenue, Dunkirk, NY, at the Chautauqua County Fairgrounds; and

WHEREAS, the City wishes to lease the Premises from the Fair Association in order to utilize it for recreational programs and activities; and

WHEREAS, the Fair Association is ready, willing and able to lease the Premises to the City for such uses; now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized to execute a Lease Agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the Roll Arena building at the Fairgrounds from January 1, 2014 through March 31, 2014, at a cost of Two Hundred Dollars and Zero Cents (\$200.00) per month) plus the cost of the ordinary and customary utilities for such building (*e.g.*, natural gas, electricity, *etc.*); and, be it finally

RESOLVED, that the funds for such payments be made from

Account No. 001-7140-4150

RESOLUTION #85-2013
NOVEMBER 19, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING BUDGET MODIFICATIONS (FY 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:

<u>Account Number</u>	<u>Department</u>	<u>Line</u>	<u>Increase</u>	<u>Decrease</u>
001.1310.1000	Fiscal Affairs	Personal Service	\$4,770.00	
001.1310.2000	Fiscal Affairs	Equipment	\$877.80	
001.1310.4036	Fiscal Affairs	Contracted Services		(\$4,770.00)
001.1310.4002	Fiscal Affairs	Supplies		(\$780.50)
001.1310.4001	Fiscal Affairs	Travel and Training		(\$97.30)
001.1620.4036	City Hall - Building	Contracted Services	\$2,000.00	
001.3410.4002	Fire Department	Supplies	\$1,500.00	
001.3410.2000	Fire Department	Equipment		(\$1,500.00)
001.5110.1010	Street Maintenance	Personal SVC-Part Time	\$5,000.00	
001.5110.4023	Street Maintenance	Repair & Maint. Vehicles		(\$5,000.00)
001.5182.4013	Street Lighting	Electric		(\$8,000.00)
001.7110.4023	Parks Division	Parks Vehicle Maint.	\$6,000.00	
TOTAL			\$20,147.80	(\$20,147.80)
002.1900.1990	General Services	Contingencies Allowance		(\$12,000.00)
002.8320.4015	Water Pur/Pumping	Chemicals		(\$3,000.00)
002.8320.4013	Water Pur/Pumping	Electric		(\$3,500.00)
002.8320.4736	Water Pur/Pumping	Contracted Services	\$6,500.00	
002.8340.4125	Water Distribution	Water Main Maint.	\$12,000.00	
TOTAL			\$18,500.00	(\$18,500.00)
GRAND TOTAL			\$38,647.80	(\$38,647.80)

RESOLUTION #86-2013

NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

ADOPTION OF FY 2014 BUDGET

WHEREAS, Mayor Dolce submitted the proposed FY 2014 Budget to the Common Council on October 15, 2013, and was received and filed at the October 15, 2013 Common Council meeting; and

WHEREAS, the Common Council has undertaken a review of the proposed FY 2014 Budget and desires to make amendments to such Budget as herein below detailed; now, be it

RESOLVED, that Mayor Dolce's proposed FY 2014 Budget, be amended as follows:

General Fund Appropriations

001.1210.1000	6	Mayor's	Personnel Services	\$ 300
001.1355.1000	7	Assessors	Personnel Services	\$ 300
001.1410.1000	7	Clerk's	Personnel Services	\$ 15,750
001.1420.1000	8	Law	Personnel Services	\$ 300
001.1430.1000	8	Personnel	Personnel Services	\$ 300
001.1490.1000	9	Public Works	Personnel Services	\$ 37,000
001.1640.1000	10	Central Garage	Personnel Services	\$ 2,100
001.1680.4050	11	Central Data Processing	Computer Program	\$ 4,855
001.3120.1000	12	Police	Personnel Services	\$ 77,760
001.1900.1990	12	General Serv	Contingencies	\$ 750
001.3410.1000	13	Fire	Personnel Services	\$ 160,000
001.3120.4150	13	Police	Rent/Lease	\$ 2,000
001.3120.4080	13	Police	Prisoner Meals	\$ 250
001.3410.2000	13	Fire	Equipment	\$ (5,000)
001.3120.4537	13	Police	Safety Educational	\$ 250
001.3620.1000	15	Safety Ins	Personnel Services	\$ 750
001.3620.4036	15	Safety Ins	Contracted Services	\$ (5,000)
001.3620.4036	15	Safety Inspections	Contracted Services	\$ (4,855)
001.5110.1000	16	Maintenance of Streets	Personnel Services	\$ 3,000
001.5110.2000	16	Maintenance of Streets	Equipment	\$ (105,000)
001.5110.1010	16	Maintenance of Streets	Personnel Services - PT	\$ 2,000
001.5142.1000	17	Snow Removal	Personnel Services	\$ (16,944)
001.7110.1000	19	Parks	Personnel Services	\$ 2,500
001.7140.1000	20	Rec	Personnel Services	\$ 20,000
001.7140.1001	20	Recreation Department	Overtime	\$ 1,000
001.7310.1000	21	Youth	Personnel Services	\$ 5,300
001.7310.4803	21	Youth Programming	Peer Education Group	\$ (1,000)
001.8020.1001	23	Dept of Development	Overtime	\$ 750

001.8160.1000	24	Refuse	Personnel Services	\$ 5,140
001.8160.2000	24	Refuse/Garbage Collection	Equipment	\$ (115,000)
001.8560.1000	25	Tree Trimming and Removal	Personnel Services	\$ 16,944
			Net Change ->	\$ 106,500

General Fund Revenue

001.0001.1110	1	Sales and Use Tax		\$ 45,500
001.0001.2288	2	Stone Guard Grant		\$ 1,000
001.0001.2018	2	Emergency Medical Receipts		\$ (5,000)
001.0001.2650	4	Sale of Scrap & Excess Materials		\$ 65,000
			Net Change ->	\$ 106,500

Water Fund Appropriations

002.8320.1000	31	Water Purif	Personnel Services	\$ 15,000
002.1900.1990	31	General Services	Contingencies	\$ (17,000)
002.8340.1000	33	Water dist	Personnel Services	\$ 2,000
			Net Change ->	\$ -

Waste Water Fund Appropriations

003.8130.1000	39	WW Treat	Personnel Services	\$ 20,000
003.1900.1990	39	General Services	Contingencies	\$ (17,500)
003.1900.1991	39	General Services	Cap Projects	\$ (17,500)
003.8131.1000	40	WW Lab	Personnel Services	\$ 15,000
003.8131.4015	40	WW Lab	Chemicals	\$ 10,000
003.8130.4015	45	WW Treat	Chemicals	\$ (10,000)
			Net Change ->	\$ -

and, it is further

RESOLVED, that Mayor Dolce's proposed FY 2014 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2014 Budget, and, it is finally

RESOLVED, that the City of Dunkirk Fiscal Year 2014 Budget requires the raising of taxes in the amount of **\$4,837,477.00**.

Totals by FUND:

	<u>Revenues</u>	<u>Expenditures</u>
General	\$15,347,760	\$15,347,760
Water Treatment	\$ 3,094,544	\$ 3,094,544
Waste Water Treatment	<u>\$ 3,632,043</u>	<u>\$ 3,632,043</u>
<u>Grand Total</u>	<u>\$22,074,347</u>	<u>\$22,074,347</u>

RESOLUTION #87-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

APPROVE FY 2014 APPROPRIATIONS

WHEREAS, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2014; now, therefore, be it

RESOLVED, that the specified amounts in the column labeled Adopted Budget in the General, Water Treatment and Wastewater Fund Budgets, be approved for expenditure for such items, effective January 1, 2014.

RESOLUTION #88-2013
NOVEMBER 19, 2013

BY: ENTIRE COUNCIL

AUTHORIZING WARRANT FOR FY 2014 BUDGET

WHEREAS, the FY 2014 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure; now, therefore, be it

RESOLVED, that the attached warrant be delivered to the City Treasurer and a tax levy of **\$4,837,477.00** be established at a rate of **\$17.301632** per \$1,000 of assessed valuation, based upon the total City assessed valuation of **\$279,596,568.00**.

RESOLUTION #89-2013
NOVEMBER 29, 2013

BY: THE ENTIRE COUNCIL

**DECLARING November 25th THROUGH December 1ST AS
SHOPTAUQUA WEEK**

WHEREAS, the Chautauqua County Chamber of Commerce has continued a buy-local initiative entitled "*SHOPTAUQUA*," which helps raise awareness regarding the importance of buying local, in order to support local businesses and the local economy; and

WHEREAS, buying local, supports local businesses and keeps jobs in the community; now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby declares the week of November 25, 2013 through December 1, 2013, to be *SHOPTAUQUA* WEEK and supports the buy local initiative of the Chautauqua County Chamber of Commerce.