

AGENDA - COMMON COUNCIL MEETING – December 17, 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. 2013 Article 7 RPTL Matters:
 - a) Ogden Newspapers vs. Board of Assessment Review ORDER and Settlement.
 - b) 447 Lake Shore Drive West LLC. vs. Assessment Review Stipulation of Discontinuance.
 2. Notice of Claims from:
 - a) David Huels for damages to his mailbox allegedly due to being hit by a city snowplow.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 90. Resolution authorizing School Resource Officer Agreement (Dunkirk City School District).
 91. Resolution authorizing Right-of-Entry Agreement (Department of the Army).
 92. Resolution rescinding Resolution #2-2007 and provide compliance with training requirements for members of Zoning Board of Appeals and Planning Board.
 93. Resolution authorizing agreement extension for Independent Contractor (Housing, Building & Zoning Enforcement Department).
 94. Resolution authorizing Budget Line Modifications (December 2013).
 95. Resolution authorizing copier lease agreement (City Clerk's Office).
 96. Resolution awarding bids for Year 2014 requirements of treatment chemicals for the Water Pollution Control and Water Treatment Facilities.

97. Resolution awarding 2014 Sludge and Grit Hauling for the Dunkirk Water Pollution Control Facility.
10. New Business:
11. Adjournment.

Nicole Joiner
City Clerk

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

2013 DE -5 AM 9:26

At a Special Term of the Supreme
Court of the State of New York,
held in and for the County of Chautauqua
at the Chautauqua County Courthouse,
3 North Erie Street, Mayville, New York 14757
on the 14th day of November, 2013.

FILED
CHAUTAUQUA COUNTY CLERK
2013 NOV 26 PM 2:40

PRESENT: Hon. Joseph Gerace
Judicial Hearing Officer

State of New York
Supreme Court : County of Chautauqua

In the Matter of the Application For Review
Under Article 7 of the Real Property Tax Law of
Ogden Newspapers of New York, Inc.

Petitioner,

v.

The Board of Assessment Review for the
City of Dunkirk; The Assessor For The
City of Dunkirk and The City of
Dunkirk, New York

Respondents.

For Review of the Assessment of Certain Real
Property located at 8-10 East Second Street, City of
Dunkirk for the tax year 2013-2014.

ORDER

Index No.: K 2013-1236

PETITIONER commenced the within proceeding under Article 7 of the Real
Property Tax Law to review the assessment of a parcel of real property located at 8-10 East Second
Street in the City of Dunkirk, County of Chautauqua and State of New York for the tax year 2013-
2014, and it now being proposed that the within proceeding be settled upon the terms and conditions
set forth in the annexed Settlement Agreement entered into between the parties, and it appearing that
the proposed settlement is in the best interests of the parties hereto, and upon reading and filing said
Settlement Agreement;

Our File No.: 0021-0005

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHAUTAUQUA

FILED
CHAUTAUQUA COUNTY CLERK

2013 NOV 18 PM 3:40

STIPULATION OF DISCONTINUANCE

-----X
In the matter of

447 LAKE SHORE DRIVE WEST LLC,

Petitioner (s),

Index No.: K1-2013-1157

-against-

Tax Map No.: 78.20/1/32, ACCT 03008127

THE BOARD OF ASSESSORS AND/OR THE
ASSESSOR OF THE CITY OF DUNKIRK
AND THE BOARD OF ASSESSMENT REVIEW

Tax Year: 2013

Respondent (s)

IT IS HEREBY STIPULATED that the above-captioned proceedings, limited to those parcels listed, be discontinued without costs pursuant to the agreement of the parties.

Dated: Melville, New York
October 31, 2013

Dated: November 1, 20 13

By: Warren M. Dubitsky
Warren M. Dubitsky, Esq.
HERMAN KATZ CANGEMI & CLYNE, LLP
Attorneys for Petitioner
538 Broadhollow Road, Suite 307
Melville, NY 11747

Dated: November 5, 13

By: Ronald A. Szot
Ronald A. Szot, Esq.
City Attorney
City Hall, 342 Central Avenue
Dunkirk, NY 14048

Dated: November 6, 2013

By: Michael B. Risman
Michael B. Risman, Esq.
School District Intervener
Hodgson Russ, LLP
130 Pearl Street, Suite 100
Buffalo, NY 14202

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2013 NOV 29 AM 10:14

Notice of Claim
City of Dunkirk, N.Y.

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

2013 DE 9 PM 2:12

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: DAVID HUELS
Claimant Address: 85 FAIRVIEW AVE.
DUNKIRK, N.Y. 14048
Claimant Telephone Number: (716) 366-6930

This claim is for ~~(injuries)~~/damages alleged):
DAMAGE TO OUR MAILBOX + POST

This claim is alleged to have arisen on the 29 day of NOVEMBER, 2013 at approximately 9:00 a.m. on that date at 85 FAIRVIEW AVE. DUNKIRK, N.Y.

The ~~injuries and/or~~ damages sustained by the Claimant arose in the following manner:
A CITY SNOWPLOW WAS HEADING EAST-BOUND ON FAIRVIEW AVE. AND THE WING OF THE PLOW HIT MY MAIL BOX WHILE I WAS STANDING IN FRONT OF MY GARAGE!!

The amount ~~and type of injuries and/or~~ ^{OF} damages sustained by the Claimant consist of the following:
METAL MAIL BOX — \$18.99
WOODEN POST — \$24.99
GROUND SOCKET — \$29.99
TOTAL \$73.97

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

Respectfully yours,
David Huels 12-9-13
Claimant (date)

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

David Huels, 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
9 day of Dec., 2013.

Patricia L. Brown
Notary
PATRICIA L. BROWN
Notary Public, State of New York
No. 01BR6002392
Qualified in Chautauqua County
Commission Expires February 9, 2014

RESOLUTION #90-2013
DECEMBER 17, 2013

BY THE ENTIRE COUNCIL:

**AUTHORIZING SCHOOL RESOURCE OFFICER AGREEMENT
(DUNKIRK CITY SCHOOL DISTRICT)**

WHEREAS, the City of Dunkirk and the Dunkirk City School District (the "District") desire to provide law enforcement and related services at the District's High School through the use of a School Resource Officer provided by the City; and

WHEREAS, the City and the District have enjoyed a mutually-beneficial relationship utilizing a School Resource Officer in the past and wish to continue the relationship; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to enter into an Agreement with the **Dunkirk City School District**, 620 Marauder Drive, Dunkirk, New York 14048, for the City to provide a School Resource Officer for the period January 1, 2014 through June 30, 2014, at a charge of Ten Thousand Four Hundred Ten Dollars and Seventy-Seven Cents (\$10,410.77) per month.

RESOLUTION #91-2013
DECEMBER 17, 2013

BY THE ENTIRE COUNCIL:

AUTHORIZING RIGHT-OF-ENTRY AGREEMENT
[Department of the Army]

WHEREAS, the United States of America, through its Department of the Army, has requested from the City of Dunkirk a one-year irrevocable right to enter certain City-owned lands to undertake surveying and other exploratory work; and

WHEREAS, it would be in the best interest of the City to such surveying and other exploratory work; now, therefore, be it

RESOLVED, that the Mayor is hereby directed and authorized to execute any necessary documents and agreements, including a Right of Entry for Survey Exploration, by and on behalf of the City of Dunkirk with the United States of America, Department of the Army, for a one-year irrevocable right to enter certain City-owned lands, to wit: 79.01-1-1, 79.01-1-13, 78.16-1-1 and 79.01-1-5.

RESOLUTION #92-2013
DECEMBER 17, 2013

BY: ENTIRE COUNCIL

**RESCIND RESOLUTION 2-2007 and
PROVIDE COMPLIANCE WITH TRAINING REQUIREMENTS FOR MEMBERS OF
ZONING BOARD OF APPEALS AND PLANNING BOARD**

WHEREAS, State legislation (General City Law §§27(7-a) and 81(7-a)) provides that members of Planning Boards and Zoning Boards of Appeal undertake annual training; and

WHEREAS, the City, by Resolution 2-2007 (January 16, 2007) opted-out of such State training requirements; and

WHEREAS, providing for the annual training for members of the Planning Board and Zoning Board of Appeals would enable such members to more effectively carry out their duties, and to more adequately, appropriately and effectively serve the best interests of the City; now, therefore, be it

RESOLVED, that the City of Dunkirk hereby rescinds Resolution 2-2007, which provided for the opt-out of the State requirement for annual training for members of Planning Boards and Zoning Boards of Appeals; and, be it further

RESOLVED, that the City of Dunkirk hereby endorses the benefits of annual training for, and shall require that commencing in 2014, members of the Planning Board and Zoning Board of Appeals undertake such training pursuant to General City Law §§27(7-a) and 81(7-a), with a minimum of four (4) hours of annual training; and, be it further

RESOLVED, that appropriate and relevant training pertaining to municipal planning, zoning, community design, environmental issues, economic development and local government functions and practices of local, regional or State agencies and organizations be approved to provide training to meet the NYS requirements; and, be it further

RESOLVED, that other training activities may be approved on a case-by-case basis by the Common Council upon the request of a Planning Board or Zoning Board of Appeals member; and, be it finally

RESOLVED, that training received by a Planning Board member or Zoning Board of Appeals member, in excess of four (4) hours in any one year, may be carried over by the member into succeeding years, with a tracking system of compliance be provided to the Common Council on an annual basis.

RESOLUTION #93-2013
DECEMBER 17, 2013

BY: COUNCILMAN RIVERA

AUTHORIZE AGREEMENT EXTENSION FOR INDEPENDENT CONTRACTOR
(Housing, Building & Zoning Enforcement Department)

WHEREAS, the City of Dunkirk, through its Housing, Building & Zoning Enforcement Department (the "Department") has a need for assistance with various projects; and

WHEREAS, it would be in the best interest of the City to contract for such services; and

WHEREAS, Wendy Spinuzza is ready, willing and able to provide such services as an independent contractor for the City, and in a good and workmanlike manner; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary to engage the services of **WENDY SPINUZZA**, 175 Eagle Street, Fredonia, New York 14063, as an independent contractor to provide independent contracting services and assistance with various projects to the Housing, Building and Zoning Enforcement Department commencing January 1, 2014, and extending through December 31, 2014, with payment of Six Hundred Twelve Dollars and Fifty Cents (\$612.50) per week.

RESOLUTION #94-2013

DECEMBER 17, 2013

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 No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.1355.4036	Assessor's Office	Contracted Services	\$ 3,300.00
001.1900.1990	General Services	Contingencies	\$ (3,300.00)
001.7110.4036	DPW - Parks Div.	Contracted Services	\$ 500.00
001.7110.2000	DPW - Parks Div.	Equipment	\$ (500.00)
001.1410.4002	City Clerk	Supplies	\$ 50.00
001.1410.4017	City Clerk	Central Office Supplies	\$ (50.00)

FUND 2

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4736	Water Purification/Pumping	Contracted Services	\$ 2,500.00
002.1900.1991	Water General Services	Capital Replacement	\$ (2,500.00)

RESOLUTION #95-2013
DECEMBER 17, 2013

BY: ENTIRE COUNCIL

AUTHORIZING COPIER LEASE AGREEMENT
(City 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).

RESOLUTION #96-2013
DECEMBER 17, 2013

BY: COUNCILWOMAN SZUKULA

**AWARDING BIDS FOR YEAR 2014 REQUIREMENTS OF TREATMENT CHEMICALS FOR THE
WATER POLLUTION CONTROL AND WATER TREATMENT FACILITIES**

WHEREAS, following published Legal Notice, sealed bids for the furnishing of water and wastewater treatment chemicals were opened and read aloud in the Dunkirk City Clerk's Office at 1:30 p.m. on December 11, 2013, now, therefore, be it hereby

RESOLVED, that the following bids be accepted for furnishing 2014 water and wastewater treatment chemicals:

<u>Bidder</u>	<u>Item</u>	<u>Cost</u>
Kemira Water Solutions, Inc. 3211 Clinton Parkway Court Lawrence, Kansas 66047	Ferric Chloride Solution Poly-Aluminum Chloride	\$ 397.00 per dry ton \$1,110.00 per dry ton
Univar USA, Inc. 328 Bunola River Road P.O. Box 303 Bunola, PA 15020	Liquid Chlorine (WPCF) Liquid Chlorine (WTP)	\$376.00 per ton \$376.00 per ton
Mercer Lime 560 Branchton Road Slippery Rock, PA. 16057	Hydrated Lime (Bulk)	\$187.23 per net dry ton
JCI Jones Chemicals, Inc. 100 Sunny Sol Blvd. Caledonia, NY 14423	Sulfur Dioxide (150# cylinders)	\$1.34 per gross 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 each of the above-named vendors, for the purchase of such treatment chemicals for the Water Pollution Control and Water Treatment Facilities, 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, be it finally

RESOLVED, that the bids for aqua ammonia and phosphoric acid be rejected and that the Public Works Department is authorized to re-bid those chemicals.

RESOLUTION #97-2013
DECEMBER 17, 2013

BY: COUNCILWOMAN SZUKALA

**AWARDING 2014 SLUDGE AND GRIT HAULING FOR THE
DUNKIRK WATER POLLUTION CONTROL FACILITY**

WHEREAS, following published legal notice, one sealed bid for 2014 hauling of sludge and grit from the City Water Pollution Control Facility was received and then opened and read aloud in the Dunkirk City Clerk's Office at 1:30 p.m. on December 11, 2013, now, therefore, be it

RESOLVED, that the low bid of Bestway Container Service, 202 East Main Street, Fredonia, New York 14063, be accepted for 2014 Sludge & Grit Hauling at the following unit costs:

Item 1 – Sludge Hauled to Ellery	\$ 11.86 per ton
Item 2 – Grit Hauled to Ellery	\$ 39.86 per ton

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 the Year 2014 Sludge and Grit Hauling, and, be it finally

RESOLVED, that the City Clerk is hereby authorized to return the bid deposit of the bidder, following contract execution, in accordance with the contract specifications.