

AGENDA - COMMON COUNCIL MEETING – October 2, 2012 - 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 Stephen O'Brien, Principal of Dunkirk Senior High School requesting 3 police officers on October 6th from 7:45 PM until 11:15 PM for their Homecoming Dance.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 77. Resolution authorizing agreement with Mid American Natural Resources, LLC.
 78. Resolution authorizing agreement of Adjustment and Release of Owner and Agreement for Advance Payment (Millennium Parkway Project).
 79. Resolution declaring 1975 Ward LaFrance Pumper to be surplus equipment.
 80. Resolution extending Elevator Maintenance Agreement.
 81. Resolution for support for City and SUNY Fredonia Partnership SUNY 20/20 Grant Submission.
 82. Resolution changing the Common Council Meeting Date for the First Meeting in November, 2012.
 83. Resolution establishing Halloween Trick-or-Treat Hours.
10. New Business:
11. Adjournment.

Lacy L. Lawrence
City Clerk



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

September 26, 2012

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

RECEIVED

SEP 27 2012

DUNKIRK POLICE DEPT

2012 SEP 27 PM 2:13

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

Dear Chief Ortolano:

The students of Dunkirk Senior High School will be having their Homecoming Dance on Saturday, October 6, 2012. The dance will be from 8:00 PM – 11:00 PM. We are requesting 3 police officers be present at our dance from 7:45 PM – 11:15 PM. The officers will be paid per contract. Also, we will be doing breathalyzer tests of each student attending.

As always, thank you for your on-going support. If you should have any questions, please contact me at 366-9300, ext. 2068.

Sincerely,

Stephen J. O'Brien
Principal

SJO/mk

RESOLUTION #77-2012
OCTOBER 2, 2012

BY COUNCILMAN MICHALSKI:

**AUTHORIZING AGREEMENT WITH
MID AMERICAN NATURAL RESOURCES, L.L.C.**

WHEREAS, in 2008, the City of Dunkirk entered into an Agreement with Mid American Natural Resources, L.L.C., for natural gas needs for City accounts; and

WHEREAS, the original agreement expired on October 31, 2010, was extended under Resolutions #77-2010 and #65-2011, including pricing reductions for each of those years; and

WHEREAS, there has been a new agreement proposal from Mid American Natural Resources, L.L.C., which would hold the previous price reduction of 0.519/Dkth for the proposed agreement term; now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute all necessary documents for a two-year agreement extension from November 1, 2012 to October 31, 2014, with Mid American Natural Resources, L.L.C., 2501 Palermo Drive, Suite A., Erie, PA 16506.

RESOLUTION #78-2012
OCTOBER 2, 2012

BY: ENTIRE COUNCIL

**AUTHORIZE AGREEMENT OF ADJUSTMENT AND RELEASE OF OWNER and
AGREEMENT FOR ADVANCE PAYMENT
(Millennium Parkway Project)**

WHEREAS, the New York State Department of Transportation ("NYSDOT") is acquiring properties for the Millennium Parkway Project (the "Project") which will include reconstruction of Talcott Street in the City of Dunkirk; and,

WHEREAS, the NYSDOT design plans require the acquisition of a portion of City property, to wit: an approximately triangular shaped parcel at the northwest corner of Talcott Street and Franklin Avenue (107 Franklin Avenue); and,

WHEREAS, the NYSDOT has made an "offer of settlement" for such parcel of One Thousand Seven Hundred Dollars and Zero Cents (\$1,700.00) as "total damages – just compensation"; and,

WHEREAS, the Common Council believes that is it appropriate for the acquisition of such parcel by the NYSDOT for the Project, and it is in the best interests of the City to accept this offer of settlement from the NYSDOT; now, therefore, be it

RESOLVED, that the Mayor is directed and authorized to execute any and all agreements necessary with New York State Department of Transportation for an *Agreement of Adjustment and Release of Owner* and for an *Agreement for Advance Payment* for One Thousand Seven Hundred Dollars and Zero Cents (\$1,700.00), for a portion of City property, to wit: an approximately triangular shaped parcel at the northwest corner of Talcott Street and Franklin Avenue (107 Franklin Avenue).

RESOLUTION #79-2012
OCTOBER 2, 2012

BY: ENTIRE COUNCIL

DECLARING 1975 WARD LaFRANCE PUMPER TO BE SURPLUS EQUIPMENT

WHEREAS, the Chief of the Dunkirk Fire Department has determined that a certain 1975 Ward LaFrance Pumper owned by the City is no longer useful for the Department' s purposes; and

WHEREAS, this vehicle is to be declared to be surplus and sold at auction; now, therefore, be it

RESOLVED, that the Common Council, based upon the recommendation of the Chief of the Dunkirk Fire Department, has determined and declared the following item to be surplus:

1975 Ward LaFrance Pumper; and, be it further

RESOLVED, that such item is to be made available for public auction by sealed bid.

RESOLUTION #80-2012
OCTOBER 2, 2012

BY: ENTIRE COUNCIL

EXTENSION OF ELEVATOR MAINTENANCE AGREEMENT

WHEREAS, the current elevator maintenance agreement for units at City Hall and the Water and Wastewater Treatment Facilities will expire on December 31, 2012; and

WHEREAS, the existing agreement contains an annual mutual extension clause to extend the agreement to the end of FY 2013; and

WHEREAS, the Contractor and the City have mutually agreed to extend the term of the contract to December 31, 2013; now, therefore, be it

RESOLVED, upon the recommendation of Director of Public Works Gugino, the current elevator maintenance agreement with D.C.B. Elevator Company, Inc., P.O. Box 426, Lewiston, New York 14092, be extended until December 31, 2013, in accordance with the original bid specifications with the following mutually agreed revisions:

1. Add allowable 0.58% pricing increase in accordance with price adjustment clauses in the NYS Office of General Services mini-bid which said increase will revise total monthly charges across all accounts from \$900.00 to \$905.22,
2. Revise out-of-contract repair labor rates to reflect current New York State Department of Labor wage rates; and, be it further

RESOLVED, that the Mayor is hereby authorized and directed to execute any and all documents, on behalf of the City of Dunkirk; and, be it finally

RESOLVED, that monthly costs for this maintenance contract be funded, respectively, from the following accounts:

001-1620-4036	\$201.16	Building City Hall-Contracted Services
002-8320-4736	\$301.74	Water Purification & Pumping-Contracted
Services		
003-8130-4036	\$402.32	Wastewater Treatment-Contracted Services

RESOLUTION #81-2012
OCTOBER 2, 2012

BY: ENTIRE COUNCIL

SUPPORT FOR CITY and SUNY FREDONIA PARTNERSHIP
SUNY 20/20 GRANT SUBMISSION

WHEREAS, the City of Dunkirk and SUNY Fredonia have partnered on several successful projects, and the City and SUNY Fredonia are committed to continuing this positive relationship in order to have continued growth of the City and its residents; and

WHEREAS, SUNY Fredonia is working in conjunction with the City of Dunkirk, the US Fish & Wildlife Service, and the NYS Department of Environmental Conservation to submit a grant proposal to the SUNY 20/20 Grant Program, for a Lake Erie Research Station; and

WHEREAS, a Lake Erie Research Station would be a benefit to the City, as well as to the surrounding community; and

WHEREAS, the City has potential developable property in the harbor front area that would provide an ideal location for such Research Station; now, therefore be it,

RESOLVED, that the City of Dunkirk enthusiastically supports SUNY Fredonia' s grant submission to the SUNY 20/20 Grant Program for a Lake Erie Research Station to be located in the City' s harbor front area, and is committed to working cooperatively to support such grant submission and developing the project, should the submission be successful.

RESOLUTION #82-2012
October 2, 2012

BY: ENTIRE COUNCIL

**CHANGING THE COMMON COUNCIL
MEETING DATE FOR THE FIRST MEETING IN NOVEMBER, 2012**

WHEREAS, Election Day (November 6, 2012) falls upon a regularly-scheduled date for a meeting of the Common Council; and

WHEREAS, in order to accommodate the public's opportunity to both exercise their right to vote and to attend the Common Council meeting, it would be appropriate to change the day of the 1st meeting in November, 2012; now, therefore, be it

RESOLVED, that the Common Council meeting scheduled for Tuesday, November 6, 2012 be changed to Monday, November 5, 2012 due to Election Day.

RESOLUTION #83-2012
October 2, 2012

By: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours shall be on Wednesday, October 31, 2012, which is Halloween, from 4:00 P.M. to 8:00 P.M., in the City of Dunkirk.