

AGENDA - COMMON COUNCIL MEETING – December 7, 2010 - 6:00 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 Alan Gens, DHS Athletic Director, requesting one police officer at Dunkirk Senior High School for the Winter sports season on the following dates: December 2nd from 6:30 PM to 8:30 PM, December 20, 2010, January 6, 10, 19, 21, February 1, 7, 11, 2011, from 6:00 PM to 9:00 PM, and January 18, 2011 from 6:00 PM to 8:00 PM. There will also be activity throughout the day and evening on December 28th and December 29th at the High School for the second annual Dunkirk Marauder Wrestling Tournament.
 2. Petition from Sherri Mason requesting permission and support to hold a Duathlon (bike/run) on Sunday April 17th, 2011. Race registration will begin at 8:00 AM at the SUNY Fredonia Business Technology Incubator with the race commencing in Downtown Dunkirk at 9:30 AM, and finishing at Memorial Park.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 84. Motion to remove Local Law #3-2010 to amend Chapter 25 of the Dunkirk City Code entitled "Dogs".
9. Pre-filed Resolutions:
 85. Resolution authorizing the consent to extend City Attorney's Contract.
 86. Resolution authorizing lease agreement with Chautauqua County Fair Association.
 87. Resolution authorizing Mayor to sign lease agreement with Verizon Wireless for space on the Cell Tower.
10. New Business:
11. Adjournment.

William Tuggle
City Clerk



DUNKIRK CITY SCHOOL DISTRICT

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y. MR. ROOSEVELT HAYNES
President

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

2010 NOV 29 AM 10:14

Board of Education
MR. GARY CERNE
Superintendent

November 22nd, 2010

RECEIVED

NOV 29 2010

Chief David Ortolano
342 Central Avenue
Dunkirk, New York 14048

DUNKIRK POLICE DEPT

Chief Ortolano:

We would like to make you aware of the following sporting events @ Dunkirk Senior High school for the Winter season and would initially like to request the following police coverage:

- 12/02/10 – Boys' Wrestling – 1 officer – 6:30pm – 8:30pm
- 12/20/10 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 1/06/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 1/10/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 1/18/11 – Boys' Wrestling – 1 officer – 6:00pm – 8:00pm
- 1/19/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 1/21/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 2/01/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 2/07/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm
- 2/11/11 – Boys' Basketball – 1 officer – 6:00 – 9:00pm

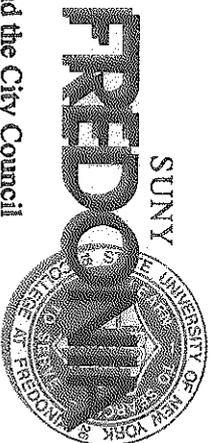
For informational purposes the 2nd annual Dunkirk Marauder Wrestling Tournament will be held Tuesday, December 28th and Wednesday, December 29th. There will be activity at the High School throughout the day and evening both dates.

Thank you for your consideration in this matter. Please feel free to contact me at 366-9300 x-2068, should you need further information. Also enclosed is the current overall 2010 Winter Athletic Schedule for informational purposes.

Sincerely,

Alan J. Gens
Director of Athletics

Enc.



Department of Chemistry

Mayor Frey and the City Council
City Hall
5 Taft Place
Dunkirk, NY 14048

October 7, 2010

Dear Mayor Frey and the City Council:

I am writing to request permission and support for a Duathlon (bike/run) event to be held on Sunday, April 17th, 2011.

The proposed event is entitled the "Connections" Duathlon as it is intended to: (1) connect Dunkirk to Fredonia, and (2) connect People to their Environment. This event is being organized through the combined efforts of the SUNY Fredonia FACE Center and the Sustainability Committee in support of our 4th Annual Earth Week series of events.

On-site registration and packet pick-up will take place at the SUNY Fredonia Business Technology Incubator in Downtown Dunkirk starting at 8:00 AM, with the race commencing at 9:30 AM. The event will start with a 14-mile bike loop from Downtown Dunkirk through Downtown Fredonia before looping back to Memorial Park. Memorial park will serve as the transition area from the biking to the running portion of the event. The sanctioned, 5K run proceeds from Memorial Park to Point Gratiot and back. The race will, therefore, finish at Memorial Park, prior to an awards ceremony to be held back at the SUNY Fredonia Business Technology Incubator. The proposed event is reprise of our inaugural event run on April 18th, 2010. Please visit the event website for full details and course visuals:
www.fredonia.edu/connections.

I hope you see such an event as working to create a cohesion and sense of community between our two sister "cities" and, as such, find it worthy of your support. If you have any questions, comments or concerns, please feel free to contact me. I greatly appreciate your time and consideration.

Sincerely,

Sherri A. Mason, Ph. D.
Earth Week Coordinator
Associate Professor
Department of Chemistry
SUNY - Fredonia
Fredonia, NY 14063
(716) 673-3292
mason@fredonia.edu

Bike Route: The route for the bike race will start in front of the SUNY Fredonia Business Technology Incubator and take bicyclists along Central Av. from Second St. south to Fredonia, left on Temple St., continue onto Water St. on to Webster Rd., right on Chautauqua Rd., right onto Houghton St. before crossing Route 20 to Chestnut St., to Willow Rd., north on Brigham Rd. to Lake Shore Dr. W. ending at Memorial Park.

2010 NOV 2 AM 10:07
RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

RESOLUTION #84-2010
November 16, 2010

BY: ENTIRE COUNCIL

INTRO NO. 3 TO LOCAL LAW NO. 3-2010
CITY OF DUNKIRK

A LOCAL LAW TO AMEND CHAPTER 25
OF THE DUNKIRK CITY CODE ENTITLED "DOGS"

BE IT ENACTED by the City Council of the City of Dunkirk, New York, as follows:

Section 1 Intent.

It is the intent of this Local Law to amend Chapter 25 of the Dunkirk City Code entitled Dogs, to allow the City of Dunkirk to better enforce the requirements of the Agriculture and Markets Law of the State of New York, and the Dunkirk City Code governing dogs, including updating licensing fees, dog control provisions, and by clarifying restrictions and penalties for violations.

Section 2 Amendment of City Code.

Chapter 25 of the Dunkirk City Code is hereby amended as follows:

Amend

§ 25-6. Penalties for offenses [Amended 7-2-1979; Amended ___-___-2010]

Any person violating the provisions of this chapter shall be subject to a fine and/or imprisonment as set forth in § 119 of Article 7 of the New York State Agriculture and Markets Law.

- A. Any person, firm or corporation violating any provision of § 25-2 of this Chapter, shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B. Any person, firm or corporation taking part in or assisting in any violation of § 25-2 of this Chapter, shall also be subject to the penalties herein.
- C. Each day that a violation of this Chapter is committed or is permitted to exist, shall constitute a separate offense.
- D. Penalties shall be as follows:

1. For the first violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be subject to a fine of not less than \$35.00 and not more than \$100.00
2. For a second violation by any person, owner or harborer within a three year period, such owner or harborer shall be subject to a fine of not less than \$60.00 and not more than \$150.00
3. For a third violation by an person, owner or harborer with a three year period, such person, owner or harborer shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.

Any person taking part or assisting in any violation of this article shall also be subject to the penalties herein.

- E. If a dog seized under the provisions of Section 25 is not redeemed within the redemption time periods provided by the New York State Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA. Anyone that picks up an at-large dog in the City of Dunkirk, must notify the Dog Control Officer of the Dunkirk Police Department, and surrender the dog upon request, before removing the dog from the City, subject to fine. There will be a fee of Seventeen Dollars (\$17.00) per day boarding fee, payable by the owner of the seized dog.

ADD

§ 25-10. Licensing of Dogs: [Added as LL # __-2010 on _____]

- A. All dogs in the City of Dunkirk must be licensed with the City Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- B. All dog licenses for unspayed or unneutered dogs will be paid for a period of one year and will expire at the end of the month one year from the date of issue. Dog licenses for spayed or neutered dogs may be purchased for a one year, two year or three year period and will expire at the end of the month one year, two years or three years from the date of issuance as the case may be. Dog licenses are not transferrable.

C. All new dog licenses must be purchased in person at the City Clerk's Office with proof of current rabies shot. All renewal of dog licenses may be purchased by visiting the City Clerk's Office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees for a one year license.

D. All fees will be used in funding the administration of the Dogs Law of the City of Dunkirk

E. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this local law.

§ 25-11. Liability of City Officials. [Added as LL # __-2010 on _____]

No officer, agent or employee of the City of Dunkirk shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Dunkirk as the result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings thereon.

§ 25-12. Separability. [Added as LL # __-2010 on _____]

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

11/16/10 - Councilwoman Szukala moved to table Local Law #3-2010 with a Public Hearing to be held on December 7th, 2010 at 5:50 PM. Carried, all voting aye. Tabled.

RESOLUTION #85-2010
DECEMBER 7, 2010

By: ENTIRE COUNCIL

**CONSENT TO EXTEND
CITY ATTORNEY'S CONTRACT**

WHEREAS, Section 2-6.01 of the City Code provides that the City Attorney shall be appointed by the Mayor, with the consent of the Common Council, and

WHEREAS, pursuant to Section 2-6.01 of the City Code, Mayor Richard Frey has appointed Michael Robert Cerrie as the part-time City Attorney, and

WHEREAS, Mr. Cerrie is willing and able to continue as the part-time City Attorney, subject to the consent of the Common Council, and

WHEREAS, the City Attorney's contract is due to expire on December 31, 2010, now, therefore, be it

RESOLVED, that Michael Robert Cerrie's contract with the City of Dunkirk, as the part-time City Attorney, be extended to December 31, 2011, and shall continue to be paid at the rate of \$500.00 per week.

RESOLUTION #86-2010

December 7, 2010

By Councilman Muldowney:

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

WHEREAS, the Chautauqua County Fair Association ("Fair") is the owner of the premises known as the Chautauqua County Fair Association Agricultural and Expo Building ("Premises"), formerly the Roll Arena, which is located on the Chautauqua County Fairgrounds; and,

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

WHEREAS, the Fair is willing to lease the premises to the City for the sum of \$700.00 per month for the period from January 1, 2011 through April 1, 2011; now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the premises at the Fairgrounds from January 1, 2011 through April 1, 2011, at the rate of \$700.00 per month; and be it further

RESOLVED, that the funds for such rental payments be made from Account No. 001-7140-4150-000 (Rent/Lease).

RESOLUTION #87-2010
DECEMBER 7, 2010

BY: ENTIRE COUNCIL

**AUTHORIZING MAYOR TO SIGN LEASE AGREEMENT WITH VERIZON WIRELESS
FOR SPACE ON THE CELL TOWER**

WHEREAS, the City of Dunkirk owns a cell tower within the City limits; and

WHEREAS, the City intends to lease space on the cell tower to interested parties;

and

WHEREAS, the City has been approached by Verizon Wireless to lease space on the cell tower and to erect a building within the fenced in property; and

WHEREAS, the proposed lease agreement is for a five (5) year contract at the rate of \$1500 per month for the first year, with a 3% increase each additional year, and an automatic five (5) year renewal, with a continuous annual 3% increase each year thereafter, for four (4) additional five (5) year extension terms; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to executed any and all documents pertaining to the lease agreement with New York RSA No. 3 Cellular Partnership, a New York Partnership, d/b/a Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920.