

AGENDA - COMMON COUNCIL MEETING -- February 7, 2012 - 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.
 1. Communication from Mayor Dolce appointing Greg Sek to the position of City of Dunkirk Bingo Inspector.
 2. Communication from Mayor Dolce confirming the composition and terms of Chris Piede, Ed Schober, Andy Bohn and Aisling Heenan to the Planning Board.
 3. Communication from Mayor Dolce appointing Kurt Warmbrodt to the Greater Dunkirk Area Harbor Commission due to the resignation of Mike Rosing effective immediately and expiring June 6, 2013.
6. Communications from the public and petitions:
 1. Petition from Timothy Wdowiasz on behalf of the First Ward Falcon Club requesting to use the Stadium and Koch's Fields on July 20th, 21st & 22nd, waiver of the curfew at the Stadium for all three days, and operation of a food stand around the Stadium for their annual Fast-Pitch Softball Tournament.
 2. Notice of Claim from John Kuschel, 71 E. Sixth Street, for damages to his cellar allegedly due to a plugged city manhole.
 3. Petition from Michael R. Cerrie on behalf of the Nathan George Foundation requesting to use School #7, Koch's Field and the Stadium for the Fourth Annual Nathan George co-ed slo-pitch tournament on Saturday, August 11th (Rain date August 12th).
 4. Loudspeaker application from:
 - a) Rookies Sports Bar on the Lake for speakers/amplifiers and assorted equipment for live bands and mechanical music from 11:00 AM until 1:00 AM from May 1st thru October 31st.
 - b) The Nathan George Foundation for speakers and amplified music on August 11th from 12:00 PM until 4:00 PM for their Annual Softball Tournament at the Stadium.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:

17. Resolution authorizing agreement with Complete Testing Services to provide random drug testing.
 18. Resolution authorizing agreement for Senior Aide through Senior Aide Program sponsored by Chautauqua County.
 19. Resolution authorizing the donation of unused cell phones to "Cell Phones for Soldiers".
 20. Resolution authorizing intern agreement (SUNY).
 21. Resolution authorizing Budget Line Modifications for Fiscal Year 2012.
 22. Resolution authorizing Submission of Fiscal Year 2012 CDBG Annual Action Plan to HUD.
10. New Business:
 11. Adjournment.

Lacy L. Lawrence
City Clerk



CITY OF DUNKIRK
A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

January 23, 2011

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2012 JAN 23 PM 1:58

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Ladies and Gentlemen:

Please be advised that due to the resignation of Mr. Edward Wisniewski as the City of Dunkirk Bingo Inspector, I hereby appoint Mr. Greg Sek of 14 Armadillo Street, Dunkirk to this position at an annual salary of \$750.00. This appointment will take effect February 7, 2012.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Anthony J. Dolce".

ANTHONY J. DOLCE
Mayor

RLF:cao

cc: City Clerk
Personnel
Payroll



CITY OF DUNKIRK
A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

January 31, 2012

2012 JAN 31 AM 10:18
RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Ladies and Gentlemen:

This is to confirm the composition and terms of the Planning Board as follows:

- APPOINTEE to be named 5-year term serving through December 31, 2016
- Chris Piede 5-year term serving through December 31, 2015
630 Central Avenue
- Ed Schober, 5-year term serving through December 31, 2014
29 W. Fourth Street
- Andy Bohn 5-year term serving through December 31, 2013
59 Otter Street
- Aisling Heenan 5-year term serving through December 31, 2012
87-89 Seel Acres

An appointment to fill the fifth position will be made for the February 21, 2012 Common Council meeting.

Thank you.

Sincerely,

Handwritten signature of Anthony J. Dolce in cursive.

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: City Clerk
Director of Development
Personnel Department



CITY OF DUNKIRK
A Chadwick Bay Community

Office of the Mayor
City Hall, Dunkirk, New York 14048

ANTHONY J. DOLCE
MAYOR
(716) 366-9881
FAX (716) 366-2049

February 1, 2012

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2012 FEB - 1 PM 4:25

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that due to the resignation of Mr. Mike Rosing from the Greater Dunkirk Area Harbor Commission, I hereby appoint Mr. Kurt Warmbrodt of 115 Frazier Street, Dunkirk to fill this unexpired term. This appointment is effective immediately and will expire June 6, 2013.

Thank you.

Sincerely,

Handwritten signature of Anthony J. Dolce in cursive script.

ANTHONY J. DOLCE
Mayor

AJD:cao

cc: City Clerk
Personnel
Harbor Commission

January 18, 2012

TO: Members of the Common Council

Dear Council Members:

On behalf of the First Ward Falcon Club I would like to request several items in conjunction with our Annual Fast-pitch Softball Tournament, scheduled for July 20, 21 and 22, 2012.

- (1) Use of the Stadium, and Koch's Fields for all three days.
- (2) Waive the curfew at the Stadium Field for all three days.
- (3) Permission to operate a food stand in the area around the Stadium Field for the entire weekend.

As I am sure you are aware, a tournament such as this can bring in thousands of dollars and hundreds of people into the area. I would like to thank you in advance for your time and consideration.

Yours truly,

TIM WDOWIASZ
Chairman

2012 JAN 24 AM 11:25

RECEIVED
CLEMENS OFFICE
BUNKER, N.Y.

City of Dunkirk Notice of Claim

Please take notice that the undersigned, pursuant to the applicable State statutes, hereby makes claim against the City of Dunkirk for the sum of \$ 193.05 and in support of such claim states the following:

1. The Claimant information: Name John Kuschel
Address 71 E. 6th St.
City Dunkirk State NY Zip Code 14048
Phone Number (716) 366-8959

2011 FEB 1 10:04
RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.

2. This claim is for (type of damage) cellar back-up
I have to get a snake & snake FROM manhole. TO manhole

3. The time when the claim arose and the time when damages, hereinafter alleged, were sustained was approximately 11:00 (AM/PM), on Date: 9-27-03

4. The particular place of the sustaining of such damage or injuries was cellar

5. The said damages for which claim is hereby made arose in the following manner: There is a buried manhole NEAR MY CURB - THIS RUNS ABOUT 20' TO LEOPARD ST. THIS CONSTANTLY gets PLUGGED - has to be snaked FROM LEOPARD TO buried manhole
(Attach supporting documentation)

6. The damages sustained by me and for which I make claim consists of the following:
\$ 193.05 (Amount and type of damages).

WHEREFORE, I, the undersigned, respectfully request that this claim be allowed and paid.

DATED: 2-1, 20 12
John D Kuschel
(Signature)

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA)

John G. Kuschel, being duly sworn, says that he/she is the duly authorized claimant named in the foregoing claim, that he/she has read the same and knows the contents thereof. That the same is true to his/her own knowledge, except to matters alleged upon information and belief, and as to these matters he/she believes to be true.

PATRICIA L. BROWN
Notary Public, State of New York
No. 01BR6002392
Qualified in Chautauqua County
Commission Expires February 9, 20 14

Patricia L Brown
NOTARY PUBLIC



The Nathan George Foundation, Inc.
PO Box 1315 Dunkirk NY 14048

2012 FEB - 2 PM 1:28
1 CLERK'S OFFICE
DUNKIRK N.Y.

February 2, 2012

Dear Members of the Dunkirk City Council:

On Saturday, August 11, 2012, the Nathan George Foundation would like to have the Fourth Annual, Nathan George co-ed slo-pitch softball tournament in the City of Dunkirk. The tournament would take place at School 7, Kochs Field, and the Stadium. The purpose of this tournament is to raise money for the Nathan George Foundation.

All of the proceeds will go towards scholarship's to be awarded in Nathan's memory. Last year the Foundation Awarded a \$1,000.00 scholarship to a Fredonia High School Softball Player as well as to a Baseball player. The Foundation also awarded a \$500.00 scholarships to a Dunkirk High School Male athlete and a Dunkirk High School Female Athlete.

This year, the foundation plans on awarding a \$1,000.00 Scholarships to a Fredonia High softball player as well as a baseball player; a \$500.00 Scholarship to a Dunkirk High female athlete, as well as a male athlete. We have also recently donated \$100.00 to the Dunkirk Boosters Club, and intend on setting up scholarships in Silver Creek and Brocton.

Last year's tournament was considered a wild success, with Twenty-Three (23) teams participating, and well over 600 people having attended. We were able to have a fun filled day, that many in the community attended, donated, contributed to, or played in.

I have already spoken with the head of the Dunkirk Parks and Recreation Department, and he has stated that the fields are available that day, and he has no objection to the tournament occurring.

Please consider allowing us to have this tournament on Saturday, so that we may raise money for an extremely good cause, and that we may honor a friend who died at an extremely young age.

I understand that in order for this tournament to occur we will need to have an insurance policy of \$1,000,00.00. I have spoken with my insurance agent, and she has informed me that her underwriters would prefer that coverage be obtained within 30 days of the event. I will submit proof of insurance to the City of Dunkirk as soon as it is secured.

We would also like to have a rain date of August 12, 2012. If you have any questions, please feel free to contact me at 969-3469.

Very truly yours,

Michael Robert Cerrie
President/Co-Founder
Nathan George Foundation

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.
(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 1/17/12

* No more than 3 days TOTAL per Individual or Group - per year **EVENT SPECIFICS** * EXCLUDES HARBORFRONT AREA

DATE: ~~MAY 01, 2012~~ OCT 31, 2012 TIME: 11AM - 1AM LOCATION OF EVENT: 19-21 LSDE DUNKIRK NY

SPONSOR: ROOKIES SPORTS BAR ON THE LAKE

NAME: ROOKIES SPORTS BAR ON THE LAKE PHONE NO. _____

ADDRESS: 19-21 L.S.D.E

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: ROBERT W CURRY PHONE: 716-719-196

ADDRESS: 68 GRECO LN DUNKIRK NY 14048

REASON: TO PROVIDE ENTERTAINMENT FOR CUSTOMERS OF ROOKIES SPORTS BAR

AUDIO DEVICE TO BE USED: SPEAKER/AMPLIFIER AND ASSOCIATED EQUIPMENT FOR LIVE ENTERTAINMENT AS WELL AS MECHANICAL MUSIC

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF: _____
 NO

I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.

Signature: Robert W Curry

| DEPARTMENTAL REVIEW | DATE SENT | REPORT BACK |
|---|----------------|-------------|
| POLICE DEPT <u>OK 11/18/12</u> | | |
| DEPT OF PUBLIC WORKS <u>[Signature]</u> | <u>1/19/12</u> | |
| DEPT OF LAW <u>[Signature]</u> | <u>1/19/12</u> | |
| OTHER | | |

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RECEIVED
 1 DEPT'S OFFICE
 DUNKIRK, N.Y.
 2012 JAN 18 PM 12:28

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

RAW DATE 8/12/12

DATE OF APPLICATION (must be 30 days Prior to event):

* No more than 3 days TOTAL per Individual or Group - per year **EVENT SPECIFICS** * EXCLUDES HARBORFRONT AREA

DATE: 8/11/12 TIME: 12-4pm LOCATION OF EVENT: THE STADIUM

SPONSOR: NATHAN GEORGE FOUNDATION

NAME: MICHAEL CERRE PHONE NO. (716) 969-3469

ADDRESS: PO BOX 287 DK NY 14048

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: MICHAEL CERRE PHONE: (716) 969-3469

ADDRESS: PO BOX 287 DK NY 14048

REASON: TO HAVE A D.J. FOR THE 4TH ANNUAL SOFTBALL TOURNAMENT THAT RAISES MONEY FOR THE NATHAN GEORGE FOUNDATION

AUDIO DEVICE TO BE USED: SPEAKERS AMPLIFIED MUSIC

PUBLIC EVENT PRIVATE EVENT

NOTIFICATION OF AFFECTED PERSONS

YES IF YES, PROOF:

NO

2012 FEB - 2 PM 1:28
CLEANERS OFFICE
DUNKIRK, N.Y.

I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.

Signature: 

| DEPARTMENTAL REVIEW | DATE SENT | REPORT BACK |
|----------------------|-----------|-------------|
| POLICE DEPT | | |
| DEPT OF PUBLIC WORKS | | |
| DEPT OF LAW | | |
| OTHER | | |

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RESOLUTION #17-2012
FEBRUARY 7, 2012

BY: ENTIRE COUNCIL

**AUTHORIZING AGREEMENT WITH COMPLETE TESTING SERVICES
TO PROVIDE RANDOM DRUG TESTING**

WHEREAS, the Department of Transportation (DOT) requires standard random selection drug testing for employees with a CDL license; and

WHEREAS, the DOT requires written reports regarding the City's compliance; and

WHEREAS, Complete Testing Services has satisfactorily performed this function for the City in the past; now, therefore, be it

RESOLVED, the Mayor is authorized and directed to enter into an agreement with Complete Testing Services, 4200 Sheva Lane, Hamburg, New York 14075, for their administration of the standard random selection drug testing program.

RESOLUTION #18-2012
FEBRUARY 7, 2012

BY: COUNCILMAN RIVERA

**AUTHORIZING AGREEMENT FOR SENIOR AIDE
THROUGH SENIOR AIDE PROGRAM SPONSORED BY CHAUTAUQUA COUNTY**

WHEREAS, the Dunkirk Senior Center has and continues to serve the needs of the City' s Senior Citizens; and

WHEREAS, in order to continue to maintain the high level of service provided through the Senior Center, certain administrative services and duties are required; and

WHEREAS, the SENIOR AIDE PROGRAM, with the County of Chautauqua Office for the Aging serving as the Sponsor Agency, will be able to provide for these services which may otherwise not be performed due to lack of funds or personnel, with no direct cost to the City of Dunkirk; and

WHEREAS, the City is desirous of utilizing such services on a six (6) month trial basis in order to serve the needs of the City' s Senior Center, with direction provided in conjunction with the Senior Center Board of Directors; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute an agreement, on behalf of the City of Dunkirk (as Host Agency) with **Senior Service America, Inc.** and the **New York State Office for the Aging Senior Community Service Employment Program**, for Senior Aide, for a period not to exceed six (6) months.

RESOLUTION #19-2012
FEBRUARY 7, 2012

BY: COUNCILWOMAN SZUKALA

DONATION OF UNUSED CELL PHONES TO "CELL PHONES FOR SOLDIERS"

WHEREAS, the City of Dunkirk recently made revisions to their cell phone service; and

WHEREAS, the City discontinued all cell phone services previously provided by Verizon Wireless; and

WHEREAS, Verizon Wireless, when becoming the sole provider of cell phone service for the City of Dunkirk, provided all new cell phones to the City; and

WHEREAS, the City has a number of cell phones that no longer have any monetary value; and

WHEREAS, the nonprofit organization, "Cell Phones for Soldiers" accepts old cell phones and will donate one hour of phone service for each cell phone received to a U.S. soldier stationed overseas; and

WHEREAS, the organization "Cell Phones for Soldiers" will provide prepaid shipping labels for any phones returned, thus saving the City any expense for participating in this program; now, therefore, be it

RESOLVED, that all such replaced cell phones are deemed to surplus and of no monetary value, and, be it further

RESOLVED, the City Clerk is authorized to donate all such unused cell phones to the nonprofit organization "Cell Phone for Soldiers."

RESOLUTION #20-2012
FEBRUARY 7, 2012

By: Councilman Michalski, Councilman Rivera and Councilman Gonzalez

AUTHORIZING INTERN AGREEMENT (SUNY)

WHEREAS, from time-to-time, the City of Dunkirk has provided the opportunity for students to intern in various Departments of the City, enabling students to gain valuable, practical experience in various courses of study, and

WHEREAS, the State University of New York ("SUNY") has, through its member colleges and universities, a program to administer and provide such interns to the City, and

WHEREAS, the City and SUNY desire to have an association for the purpose of enabling students to intern in various Departments in City government, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to enter into an agreement, on behalf of the City of Dunkirk, with the State University of New York, University Plaza, Albany, New York 12246, to enable the City to utilize student interns.

RESOLUTION #21-2012
FEBRUARY 7, 2012

BY: ENTIRE COUNCIL

AUTHORIZING BUDGET LINE MODIFICATIONS
FOR FY2012

WHEREAS, there is a need to make timely adjustments to the 2012 Fiscal Year to address modifications in certain employee line items; 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 employee line items in the 2012 Fiscal Year Budget:

GENERAL FUND

| <u>ACCOUNT NO.</u> | <u>DEPT.</u> | <u>LINE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|--------------------|-------------------|------------------|---------------------|---------------------|
| 001-1310-1000 | Fiscal Affairs | Personal Svc | | \$23,294.00 |
| 001-1355-1000 | Assessors | Personal Svc | | 6,114.00 |
| 001-1420-4036 | Law Dept. | Contracted Svc | | 35,000.00 |
| 001-1490-1000 | DPW Admin | Personal Svc | | 2,314.00 |
| 001-1900-1991 | General Services | Capital Projects | | 95,000.00 |
| 001-1410-1000 | City Clerk Office | Personal Svc | \$11,314.00 | |
| 001-1420-1000 | Law Dept. | Personal Svc | 70,408.00 | |
| 001-7140-1000 | Rec Dept | Personal Svc | 57,000.00 | |
| 001-7310-1000 | Youth Programs | Personal Svc | <u>23,000.00</u> | |
| TOTAL | | | \$161,722.00 | \$161,722.00 |

RESOLUTION #22-2012
FEBRUARY 7, 2012

BY: COUNCILWOMAN SZUKALA

SUBMISSION OF FY 2012 CDBG ANNUAL ACTION PLAN TO HUD

WHEREAS, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

WHEREAS, the City develops an *Annual Action Plan* each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

WHEREAS, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three (3) public meetings, two (2) technical assistance sessions, and a thirty-day (30) public review and comment period has been afforded City residents, now, therefore, be it

RESOLVED, the following activities have been included in the 2012 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

| 2012 CDBG Allocations | | | Total |
|------------------------------------|---|---------------------|--------------|
| Administration | Administration | \$ 69,140.00 | \$ 69,140.00 |
| Economic Development | Economic Development Agency Funding-Incubator Loan Fund, Waterfront Redevelopment | \$ 95,000.00 | \$120,000.00 |
| | Commercial Façade Program | \$ 25,000.00 | |
| Decent Housing | Owner Occupied Housing | \$100,000.00 | \$196,500.00 |
| | Smoke Detector Program | \$ 1,500.00 | |
| | Residential Demolition & Acquisition | \$ 75,000.00 | |
| | Code Enforcement | \$ 20,000.00 | |
| Suitable Living Environment | Handicap Accessible Sidewalk and Curb Replacement Program | \$ 15,000.00 | \$ 75,287.00 |
| | Summer Better Than Others Day Camp | \$ 5,000.00 | |
| | Bike Path Project | \$ 46,287.00 | |
| | National Night Out | \$ 3,000.00 | |
| | Senior Nutrition Program-Meals on Wheels | \$ 6,000.00 | |
| | | \$460,927.00 | |