

AGENDA - COMMON COUNCIL MEETING – March 6, 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.
6. Communications from the public and petitions:
 1. Request for use of picnic tables, trash barrels, snow fence and live music on May 28th by Frank Acquavia Memorial Post No. 1344.
 2. Notice of claim from John & Valerie Mackowiak for repair/replacement of damaged mailbox allegedly caused by a City snowplow.
 3. Loudspeaker application from Demetris for live bands from May 20th thru September 15th.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
 26. Resolution authorizing Boardwalk lease agreement (Erika Finamore D/B/A Yummy's Lakeside Ice Cream).
 27. Resolution authorizing contract for July 4th Fireworks display.
 28. Resolution directing Building Inspector to serve notice to repair or remove 209 Swan Street (79.14-4-65).
 29. Resolution authorizing amendment to Water Service Agreement (No. County Industrial Water District No. 1).
10. New Business:
 30. Resolution authorizing City of Dunkirk Community Paint Program.
11. Adjournment.

Lacy L. Lawrence
City Clerk

FRANK ACQUAVIA MEMORIAL POST NO #1344
AMERICAN LEGION
221 LAKE SHORE DRIVE WEST
DUNKIRK, NEW YORK 14048

February 27, 2012

Common Council
City Of Dunkirk, New York 14048

Re: Memorial Day Activities:

Members of the Common Council:

We respectfully request permission to hold our annual Memorial Day Activities on Monday May 28, 2012. Our event as in the past, will follow the City's Memorial Day Services and Parade.

Starting at Noon, the event will consist of a Chicken Bar-B-Q and live music out doors from 3PM to 7PM. All doings will be on Post 1344's property and security will be provided by Post Officers and it's members as in the past..

We are requesting the following items from the City:

1. Twenty (20) picnic tables.
- 2 Eight (8) trash barrels.
3. 150 feet of snow fence with post and the post tool.

Proof of our insurance coverage will follow as well as payment for picnic tables.

Please contact Jim Muscato Sr. Post Treasurer for arrangements by calling 680-0676

For God and Country, I remain,


James A. Muscato

2012 FEB 27 PM 3:14
NEW YORK
ST. LENNY'S
DUNKIRK, 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 \$ 105.41 and in support of such claim states the following:

- 1. The Claimant information: Name John & Valerie Mackowiak
 Address 46 Otter Street
 City Dunkirk State NY Zip Code 14048
 Phone Number (716) 366-0772
- 2. This claim is for (type of damage) Repair/replace mailbox that was hit by a snowplow
- 3. The time when the claim arose and the time when damages, hereinafter alleged, were sustained was approximately between midnight + 7AM (AM/PM), on Date: Jan. 14, 2012
- 4. The particular place of the sustaining of such damage or injuries was the mailbox and wood base of mailbox
- 5. The said damages for which claim is hereby made arose in the following manner: Snowplow hit mailbox.

(Attach supporting documentation)

- 6. The damages sustained by me and for which I make claim consists of the following:
 \$ 105.41 (See attached) (Amount and type of damages).

RECEIVED
CLEANING SERVICE
DUNKIRK, N.Y.
2012 FEB 28 PM 3:43

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

DATED: 2/28, 2012. Valerie J. Mackowiak
(Signature)

STATE OF NEW YORK)
COUNTY OF CHAUTAUQUA)

Valerie J. Mackowiak, 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. Halas
NOTARY PUBLIC

PATRICIA L. HALAS
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01HA5035643
My Commission Expires Nov. 7, 2014

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

200000

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

2-21-12

* No more than 3 days TOTAL per Individual or Group - per year

EVENT SPECIFICS

* EXCLUDES HARBORFRONT AREA

DATE: 5-20-12
9-15-12 TIME: 1pm
1am ^{varies}

LOCATION OF EVENT: Patio Bar

SPONSOR: Demetris

NAME: Demetris

PHONE NO. 366-4187

ADDRESS: 6-8 Lh Shore Dr.

21 FEB 21 PM 9:49
 CLERK'S OFFICE
 DUNKIRK, IL

INDIVIDUAL CORPORATE CHARITABLE COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Demetrios Tsirtsakis / Jecelyn Kubasik

PHONE: Jamie 366-4187
Jecelyn 680-0293

ADDRESS: Lake Rd Silver Creek 827 Central Dunkirk

REASON:

AUDIO DEVICE TO BE USED: live band speakers

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: Demetris - owner
J Kubasik - mngd.

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT OK 2/21/12		
DEPT OF PUBLIC WORKS 9/22 2/23/12		
DEPT OF LAW 2/21/12		
OTHER		

COMMON COUNCIL ACTION

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RESOLUTION #26-2012
MARCH 6, 2012

BY: COUNCILMAN RIVERA

**AUTHORIZING BOARDWALK LEASE AGREEMENT
(ERIKA FINAMORE D/B/A YUMMY'S LAKESIDE IC E CREAM)**

WHEREAS the City of Dunkirk has developed and marketed the Dunkirk Boardwalk Project (the "Board walk") 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harb or district; and,

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with Erika Finamore d/b/a Yummy's Lakeside Ice Cream, to lease a portion of the Boardwalk for retail sales of ice cream to the general public; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute a lease agreement with Erika Finamore d/b/a Yummy's Lakeside Ice Cream, for rental of 16 Central Avenue, Dunkirk, New York 14048, for a one-year period (April 1, 2012 through March 31, 2012) at an annual rental of Three Thousand Six Hundred Dollars and Zero Cents (\$3,600.00).

RESOLUTION #27-2012
MARCH 6, 2012

BY: COUNCILWOMAN SZUKALA

AUTHORIZING CONTRACT FOR JULY 4TH FIREWORKS DISPLAY

WHEREAS, the City has solicited proposals for the annual July 4th fireworks display with two (2) proposals being received and reviewed, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with Zambelli Fireworks Internationale, P.O. Box 1463, New Castle, PA 16103-1463, in the amount of \$30,000 for the July 4, 2012 (rain date July 5, 2012) fireworks display in accordance with proposals as opened on February 15, 2012, and, be it finally

RESOLVED, that funds for this display will be available through City Budget Account #001-7550-4036, Fireworks.

RESOLUTION #28-2012
MARCH 6, 2012

BY: COUNCILMAN RIVERA

**DIRECTING BUILDING INSPECTOR TO SERVE NOTICE TO
REPAIR OR REMOVE 209 SWAN STREET (79.14-4-65)**

WHEREAS, by Resolution #23-2012, the Building Inspector was directed to inspect the building or structure situate at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65), 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, the Building Inspector has provided to the Common Council an inspection report, dated February 22, 2012, and this Council has received and reviewed such report of such inspection; and,

WHEREAS, the Building Inspector reports that, in his opinion, the building or structure at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65) is a danger to the health, safety or welfare of the public and should be repaired or removed; and

WHEREAS, it would be in the best interests of the public for the City's Building Inspector, to serve a notice to repair or remove upon the owner and all other persons having an interest in such property or structure; now, therefore, be it

RESOLVED, that the Building Inspector is hereby 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 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65), 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, be it further

RESOLVED, that the Building Inspector is hereby 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.

RESOLUTION #29 -2012

March 6, 2012

BY: Councilman Gonzalez

**AUTHORIZING AMENDMENT TO WATER SERVICE AGREEMENT
(No. County Industrial Water District No. 1)**

WHEREAS, the City of Dunkirk and the North County Industrial Water District No. 1 are parties to a certain Water Service Agreement (the "Agreement"), dated September 29, 1980; and,

WHEREAS, the parties wish to amend the Agreement in order to provide for the North County Industrial Server District No. 1 to be a party to the Agreement; to confirm that the water and sewer lines of each respective District are such District's property and maintenance responsibility; and, to provide the City of Dunkirk with flexibility in refusing or accepting a request to provide maintenance or repair services to such water and sewer lines; now, therefore, be it

RESOLVED, that the Mayor, Anthony J. Dolce, is hereby authorized to execute contracts and agreements to so amend the Water Service Agreement (September 29, 1980) between the City of Dunkirk and the North County Industrial Water District No. 1.

RESOLUTION #30-2012
NEW BUSINESS
MARCH 6, 2012

BY: COUNCILWOMAN SZUKALA, SECONDED BY COUNCILMAN MICHALSKI

AUTHORIZING CITY OF DUNKIRK COMMUNITY PAINT PROGRAM

WHEREAS, it is in the best interests of the community' s health, safety and welfare to restore and/or to preserve homes throughout the City; and

WHEREAS, a program to help eligible residents restore and maintain their homes by providing a monetary grant toward the purchase of paint would serve the interests of the community; and

WHEREAS, certain funds in the FY 2012 budget were delineated toward such a Community Paint Program; now, therefore, be it

RESOLVED, that the Common Council hereby authorizes the City of Dunkirk Community Paint Program, and authorizes and directs the Mayor and Department of Development to formulate and to administer the application and review process to assist eligible residents participate in the Program, with the funds for such Program authorized in Account No. 001-8020-4246 (\$5,000.00).