

AGENDA - COMMON COUNCIL MEETING – March 6, 2018 - 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. Notice of Claim from Charles Pfalzgraf for alleged damages to vehicle after hitting a pothole.
  2. Notice of Claim from Janice Penharlow for alleged damages due to City Sewer line back up.
  3. Notice of Commencement of Action from Nilza M. Arroyo.
  4. Notice of Commencement of Action Jonathan Soto Vega.
  5. Request from La'Shonda Moreland to have a bounce house and ponies on July 28<sup>th</sup>, 2018 for a birthday party at Point Gratiot.
  6. Request from Dunkirk Senior High Schools Class of 1989 to hold their fourth annual Marauder Trotter Lakefront 5KRun/Walk on Saturday, June 30, 2018 from 8:45am-9:45am.
  7. Request from Mayra Alvarado for a water line connection at 10765 Temple Road in the Town of Dunkirk.
  8. Request from Harvest Chapel to host a Community Block Party in Washington Park on July 13, 2018 from 6:00pm-7:30pm with one hour at each end for clean up. Rain date will be July 20, 2018.
  9. Loudspeaker Application from:
    - a. Harvest Chapel Church to have audio equipment at their block party in Washington Park on July 13, 2018 from 4:30pm-8:30pm.
    - b. Bart's Cove to have live bands outside April 1<sup>st</sup> thru November 30, 2018, times will vary from 1:00pm-1:00am.
    - c. La'Shonda Moreland to have music from a radio at Point Gratiot on July 28, 2018 for a birthday party from 3:00pm-7:00pm.
    - d. Dunkirk PBA to have a speaker system with microphone for a The Matthew Hazelton 5K Memorial Run Lakefront 5K on Sunday, June 3, 2018 from 10:00am-2:00pm.

7. Reports of Standing Committees, Boards and Commissions:

8. Unfinished Business:

29. Resolution for Authorization to update City Code requiring two signatures on checks instead of one.

9. Pre-filed Resolutions:

36. Resolution Authorizing the Implementation and Funding in the First Instance of the State Multi-Modal Program-Aid (and State Administered Federal Program-Aid) Eligible Costs, of a Capital Project and Appropriating Funds Therefore.

37. Resolution Rescinding Resolution #81-2017 regarding Relinquishment of any Claim of right and to Quit Claim Transfer the Paper Street West of 468 Lakeshore Drive East to Erie Land Development LLC.

10. New Business:

11. Adjournment.

Edwin Ramos  
City Clerk

Notice of Claim  
City of Dunkirk, N.Y.

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: Charles A Pfalzgraf  
Claimant Address: 3286 2nd Rd  
COWANES A NY 14070  
Claimant Telephone Number: (716) 983-6648

This claim is for (injuries/damages alleged): I was driving down  
E Green st and hit a large hole in the  
road which caused damage to my vehicle.  
1997 Cadillac

This claim is alleged to have arisen on the 18 day of February, 2018 at  
approximately 9:45 a.m./p.m. on that date at E Green st.

The injuries and/or damages sustained by the Claimant arose in the following manner:

\_\_\_\_\_  
\_\_\_\_\_

The amount and type of injuries and/or damages sustained by the Claimant consist of the  
following: 2 broken brake lines 2 gas lines  
1 bolt + nut  
\$226.80 of damages

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

Respectfully yours,  
Charles A Pfalzgraf 2/20/18  
Claimant (date)

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

Charles A Pfalzgraf, 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  
20<sup>th</sup> day of February, 2018.

Michelle Farnham Dejesus  
Notary

MICHELLE FARNHAM DEJESUS  
Notary Public, State of New York  
No. 01FAG366737  
Qualified in Chautauqua County  
Commission Expires November 6, 2021

**Notice of Claim**  
CITY OF DUNKIRK, N.Y.

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

2018 FEB 28 PM 2:19

2018 FEB 28 PM 2:19

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: Janice Penharlow  
Claimant Address: 1030 Chestnut Rd.  
Dunkirk NY 14048  
Claimant Telephone Number: (716) 410-4100

This claim is for (injuries/damages alleged): 2 new 40 gal Bradford white hot water tanks from A+ plumbing. TANKS were replaced 7/15 from previous sewer backup from clogged city line see ATTACHED INVOICES

This claim is alleged to have arisen on the 18 day of Feb, 2018 at approximately 5 a.m. (p.m.) on that date at 241 Lincoln Ave. Dunkirk NY 14048

The injuries and/or damages sustained by the Claimant arose in the following manner: Sewer back up due to city line clog. Basement flooded approx 12-14" damaging gas valves. Upper & Lower tenants had no hot water and notified me of basement flooding

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: \$11698 - 240 gal Bradford white hot water tank  
Requesting to be paid full amount since prior backup (12/16/15 - July 2015) damages and city line be checked & cleaned out on regular basis.

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

Respectfully yours,  
Janice Penharlow 2/18/2018  
Claimant (date)

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

Janice Penharlow, 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.

Evadawn Bashaw  
Notary

Sworn to before me this 28<sup>th</sup> day of February, 2018.

EVADAWN BASHAW  
Notary Public, State of New York  
NO. 01BA6302749 Rev. May 2012  
Qualified in Chautauqua County  
Commission Expires May 5, 2018

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE**

**NILZA M. ARROYO**

**Plaintiff/Petitioner,**

**- against -**

**Index No. 801072/2018**

**CITY OF DUNKIRK  
CITY OF DUNKIRK HOUSING AUTHORITY  
Defendant/Respondent.**

**NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC FILING**

**PLEASE TAKE NOTICE** that the matter captioned above, which has been commenced by the filing of the accompanying documents with the County Clerk via the New York State Courts Electronic Filing System ("NYSCEF"), is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

**Counsel and/or parties must either:** 1) immediately record their representation within the e-filed matter on the Consent/Represent page in NYSCEF; or 2) file the Notice of Opt-Out form to claim one of the limited exemptions from mandatory e-filing (see below). Failure to record representation may result in an inability to receive electronic notice of any document filings. Claiming an exemption will require the exempt party to serve and be served with hard copy documents.

**Counsel and unrepresented parties who intend to participate in e-filing must first create a NYSCEF account and obtain a user ID and password. For additional information about electronic filing, and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov); mailing address: 60 Centre Street, New York, New York 10007).**

**Exemptions from mandatory e-filing (Section 202.5-bb(e)) are limited to:**

**1) attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements; and**

**2) parties who expect to represent themselves and who choose not to participate in e-filing. (Such parties are encouraged to visit [www.nycourthehelp.gov](http://www.nycourthehelp.gov) or contact the Help Center in the court where the action is pending.)**

**Dated:** 2-2-18

  
\_\_\_\_\_  
(Signature)

**John C. Murrett, Jr., Esq.** (Name)

**Cellino & Barnes, P.C.** (Firm Name)

**To: City of Dunkirk**

**342 Central Avenue**

**Dunkirk, NY 14048**

**350 Main Street, 25th Floor** (Address)

**Buffalo, NY 14202**

**(716) 888-8888** (Phone)

**[jack.murrett@cellinoandbarnes.com](mailto:jack.murrett@cellinoandbarnes.com)** (E-Mail)

**3/30/15**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE**

**JONATHAN SOTO VEGA**

**Plaintiff/Petitioner,**

**- against -**

**Index No. 801073/2018**

**CITY OF DUNKIRK HOUSING AUTHORITY  
CITY OF DUNKIRK**

**Defendant/Respondent.**

**NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC FILING**

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2) parties who expect to represent themselves and who choose not to participate in e-filing. (Such parties are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov) or contact the Help Center in the court where the action is pending.)

Dated: 2-2-18

 (Signature)

John C. Murrett, Jr., Esq. (Name)

Cellino & Barnes, P.C. (Firm Name)

To: City of Dunkirk

342 Central Avenue

Dunkirk, NY 14048

350 Main Street, 25th Floor (A ddress)

Buffalo, NY 14202

(716) 888-8888 (Phone)

jack.murrett@cellinoandbarnes.com (E-Mail)

Dear Dunkirk Common Council,

I, La'Shonda Moreland, am having birthday party for my daughter on July 28<sup>th</sup>, '18. I would like to have a bounce house at the event and hoping for your approval. Thank you. Also, I'd like to have ponies if that's a possibility.

Sincerely, L. Moreland

La'Shonda Moreland  
46 Ruggies St.  
Dunkirk, NY 14048  
(716) 410-1848

2018 FEB 15 PM 4:39





Scott Mekus, Certified Event Planner  
80 Metcalf Avenue, Jamestown, NY 14701  
(716) 720-0564  
smekus@eventzbyscott.com

2018 FEB 20 PM 3:44



February 13, 2018

**Dear City of Dunkirk Mayor Willie Rosas and Common Council:**

This letter is in regard to the Dunkirk Senior High School's Class of 1989 interest in hosting our fourth annual Marauder Trotter 5K Run/Walk on **Saturday, June 30, 2018** to raise funds for our annual DHS Class of 1989 Memorial Scholarship. **We are requesting the use of your normal 5K race route along the Lake Erie waterfront involving Wright Park, Lake Front Boulevard, the pier and Memorial Park in Dunkirk.**

Last year's event, under the direction of Scott Mekus and D.J. Wilson, was very successful with over 270 participants, over 300 spectators and a total profit of \$9,000.00 which was added to our scholarship account. New elements this year include a fun RUN BACK to the 80's theme with a costume contest and our resident Dunkirk DJ Joe Gould cranking out the 80's tunes!

We would only need the police force (if needed) for about one hour that morning, probably 8:45 a.m. to 9:45 a.m. We also plan to have other volunteers (at least 15 of them) along the route to direct participants.

We believe that this athletic, family-oriented event would be a great addition to the Dunkirk Fourth of July events scheduled that week along the waterfront. We would like our residents that live along the race route to come outside that morning and cheer on the runners and walkers to show their Dunkirk hometown pride.

We hope that you will consider approving this event for the Dunkirk community during the 4<sup>th</sup> of July holiday weekend. Please feel free to contact us if you have any additional questions since we plan to start preparing for this event as soon as possible. We have attached additional information for your review.

Thanks,

Scott Mekus  
Marauder Trotter Event Manager  
DHS Class of 1989 President  
DHS Class of 1989 Reunion Chairman  
Owner, Eventz by Scott  
(716) 720-0564 | smekus@eventzbyscott.com

D.J. Wilson  
Marauder Trotter Race Director  
DHS Class of 1989 Graduate  
DHS Cross Country & Track Team (1986-1989)  
Avid Race Participant  
(716) 785-1537 | densilwilson@gmail.com





**Carlos Alvarado Farm**

10750 Temple Road  
Dunkirk NY 14048  
(716) 680-2513  
malvarado62@hotmail.com



February 27, 2017

Common Council  
City of Dunkirk  
342 Central Ave.  
Dunkirk NY 14048

To Whom It May Concern:

This is requesting permission for a water line connection. I am in the process of building a new house at 10765 Temple Road, in the Town of Dunkirk. The water supply is by the City of Dunkirk.

Here enclosed copy of the Survey and construction plans for your information.

If you have any questions, feel free to contact me at (716) 689-2513, or Jim & Andrews Construction at: 716-450-4589, or Jim Kozlowski at: (716) 680-1000.

Thank you,

*Mayra Alvarado*

Mayra Alvarado  
Owner

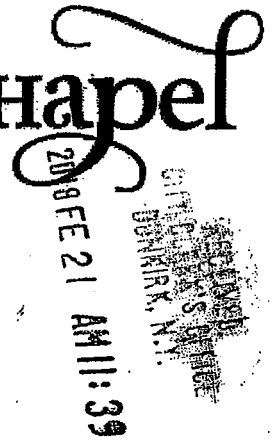
2018 FEB 27 PM 2:03





# HARVEST CHAPEL

FREE METHODIST CHURCH



City of Dunkirk City Clerk  
City Hall  
342 Central Ave.  
Dunkirk, NY 14048

Dear Edwin,

For the last several years the City of Dunkirk has partnered with us for the benefit of the community by granting us permission to utilize Washington Park for several free, fun, family events. In 2017, we utilized the Park for our annual "5-Day Club Street JAM" closing carnival and block party cook out in July as well as for our "Christmas in Washington Park" event this past December. Our events were well attended and provided a great time of food, fun and festivities with our friends in Dunkirk. We trust that the City and Parks administrators and staff were pleased with the condition in which we left the park after our events and also with the knowledge that the families of Dunkirk were able participate in several fun, safe, and free community events.

I am writing today to once again request the use of Washington Park for one evening this summer. Please consider our request to utilize the park on Friday, July 13th, 2018 (rain date July 20). Our event will run from 6:00-7:30 pm with set-up and clean up requiring another hour at each end. Our time in the park will be less than 4 hours and we will be cleaned up and gone before dark.

Here is what we have planned for the early evening of Friday, July 13, 2018. On that evening we will be holding a closing celebration Community Block Party and Carnival to wrap up our 17th annual 5-Day Club Street JAM. The carnival is not just for the children and their families that attended our program during the week, but is for any families living in the neighboring community as well. Our carnival will be fully staffed by Harvest Chapel volunteers and is entirely free to those who come.

39 Matteson St Fredonia, NY 14063

(716) 679-0987 | [www.harvestchapelmc.com](http://www.harvestchapelmc.com)

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

<b>DATE OF APPLICATION (must be 30 days Prior to event):</b> Feb 11 2018		
* No more than 3 days TOTAL per Individual or Group - per year <b>EVENT SPECIFICS</b> * EXCLUDES HARBORFRONT AREA		
<b>DATE:</b> July 13	<b>TIME:</b> 4:30pm-8:30pm	
<b>LOCATION OF EVENT:</b> Washington Park		
<b>SPONSOR:</b> Harvest Chapel Church		
<b>NAME:</b> Lisa Leavitt	<b>PHONE NO.:</b> 679-0987	
<b>ADDRESS:</b> 39 Matteson St. Fredonia, NY 14063		
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input checked="" type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY		
<b>RESPONSIBLE INDIVIDUAL:</b>		
<b>NAME:</b> LISA Leavitt	<b>PHONE:</b> 679-0987	
<b>ADDRESS:</b> 39 Matteson St. Fredonia, NY		
<b>REASON:</b>		
<b>AUDIO DEVICE TO BE USED:</b> Audio equipment, microphone, speakers for live or pre-recorded music		
<input checked="" type="checkbox"/> PUBLIC EVENT	<input type="checkbox"/> PRIVATE EVENT	
<b>NOTIFICATION OF AFFECTED PERSONS</b>		
<input type="checkbox"/> YES	IF YES, PROOF:	
<input type="checkbox"/> NO		
I, the undersigned, have read and agree to abide by the provisions set forth in DCC 47-6-C.		
Signature: <u>Lisa Leavitt</u>		
<b>DEPARTMENTAL REVIEW</b>	<b>DATE SENT</b>	<b>REPORT BACK</b>
POLICE DEPT OK 2/21/18		FEB 21 AM 11:40 SHERRILL, N.Y.
DEPT OF PUBLIC WORKS		
DEPT OF LAW		
OTHER		
<b>COMMON COUNCIL ACTION</b>		
<b>RECEIPT OF REVIEW</b>		
<b>APPROVAL</b>		
<b>CONDITIONS:</b>		
<b>DISAPPROVED</b>		

\* Needs 4hr Time Frame -

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (Must be 30 days Prior to event): 2-21-18

No more than 3 days TOTAL per Individual or Group per year. **EVENT SPECIFICS** EXCLUDES HARBOR FRONT AREA

DATE: 4-1-11-30-18 TIME: 1pm-1am LOCATION OF EVENT: Bart's Cove Marina

SPONSOR:

NAME: Bart's Cove PHONE NO: 366-8243

ADDRESS: 1/2 Woodrow Ave

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Jason Schantz PHONE: 672-4125

ADDRESS: 3464 Stone Quarry Rd Fredonia, N.Y 14063

REASON: Band's - Inside + Outside From April 1st until Nov 30th 2018  
Time's will varie From 1pm ending by 1AM

AUDIO DEVICE TO BE USED:

Live Band's

PUBLIC EVENT  PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES IF YES, PROOF:

NO

FE 21 AM 11:44  
DUNELK, N.Y.

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

Signature: Jason Schantz

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPARTMENT <u>OK 2/21/18</u>		
DEPARTMENT OF PUBLIC WORKS <u>[Signature]</u>		
DEPARTMENT OF LAW <u>OK 2/23/18</u>		
OTHER		

**COMMON COUNCIL ACTION**

RECEIPT OF REVIEW:

APPROVAL:

CONDITIONS:

DISAPPROVED:

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

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

**EVENT SPECIFICS** **EXCLUDES HARBOR - RENT AREA**

**DATE:** 7/28/18 **TIME:** 3 PM - 7 PM **LOCATION OF EVENT:** Point Gratiot

**SPONSOR:**

**NAME:** La'Shonda Moreland **PHONE NO:** (716) 410-1848

**ADDRESS:** 46 Ruggies St.  
Dunkirk, NY 14048

**INDIVIDUAL**       **CORPORATE**       **CHARITABLE**       **COMMUNITY**

**RESPONSIBLE INDIVIDUAL:**

**NAME:** La'Shonda Moreland **PHONE:** (716) 410-1848

**ADDRESS:** 46 Ruggies St. Dunkirk, NY 14048

**REASON:** Birthday Party

**AUDIO DEVICE TO BE USED:** Radio

**PUBLIC EVENT**       **PRIVATE EVENT**

**NOTIFICATION OF AFFECTED PERSONS**

<input type="checkbox"/> <b>YES</b>	<b>IF YES, PROOF:</b>
<input checked="" type="checkbox"/> <b>NO</b>	

RECEIVED  
DUNKIRK, N.Y.  
JUL 15 PM 4:50

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

Signature: La'Shonda Moreland

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPARTMENT <i>ok 2/19/18</i>		
DEPARTMENT OF PUBLIC WORKS		
DEPARTMENT OF LAW <i>ok 2/22/18</i>		
OTHER		

**COMMON COUNCIL ACTION**

**RECEIPT OF REVIEW:**

**APPROVAL:**

**CONDITIONS:**

**DISAPPROVED:**

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

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

## EVENT DETAILS

**DATE:** June 3rd 2018 **TIME:** 8:30 AM **LOCATION OF EVENT:** Clarion, Lakeport  
**SPONSOR:** Matthew Hazelton <sup>10am</sup> <sup>5K</sup> Memorial Run  
**NAME:** Dunkirk P.B.A. **PHONE NO:** 366-2266  
**ADDRESS:** 342 Central Ave, Dunkirk NY

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** Dunkirk P.B.A. (Mark Gruber) **PHONE:** 366-2266 (982-1724)  
**ADDRESS:** 342 Central Avenue, Dunkirk NY

**REASON:** Audio system will be used for the start / finish area of the race.

**AUDIO DEVICE TO BE USED:** Speaker system with microphone

PUBLIC EVENT  PRIVATE EVENT

YES **IF YES, PROOF:** Event approved previously by Council.  
 NO

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

Signature: Mark Gruber

DEPARTMENT REVIEWED	DATE SENT	REPORT BACK
POLICE DEPARTMENT OK 2/28/18 <u>Mark Gruber</u>		
DEPARTMENT OF PUBLIC WORKS		
DEPARTMENT OF LAW		
OTHER		

## COMMON COUNCIL ACTION

**RECEIPT OF REVIEW:**  
**APPROVAL:**  
**CONDITIONS:**  
**DISAPPROVED:**

**RESOLUTION #29-2018**  
**February 20, 2018**

**BY: ENTIRE COUNCIL**

**AUTHORIZATION TO UPDATE CITY CODE: REQUIRING TWO SIGNATURES ON CHECKS  
INSTEAD OF ONE**

**WHEREAS**, multiple check signing provides the substitution of signature authority in case of emergencies, illness, vacations, or death and the additional accountability is preferred for the disbursement of City funds; and

**WHEREAS**, other local municipalities require two signatures on checks such as City of Buffalo, and Village of Fredonia; and

**WHEREAS**, it is not currently covered under Section 2-11.02 D of the City code; now, therefore, be it

**RESOLVED**, the City of Dunkirk Common Council authorizes the following changes to Article XI of the Dunkirk City Code, contingent on first holding the necessary public hearing:

§ 2-11.02 D will include a subcategory that will state all checks must signed by 2 approved signatories that will include the City Treasurer, and the Mayor in order to create contingencies that allow for illness, vacations and the other absences of a signatory. The Deputy City Treasurer may act as a substitute signatory as necessary for the City Treasurer per §2-11.03 of the City Code.

2/20/18: Councilman Williams moved to table Resolution for a Public Hearing to be held on March 6, 2018 at 5:20pm. Seconded by Councilman Civileto.

Carried, all voting aye.

**TABLED**

**RESOLUTION #36-2018**  
**March 6, 2018**

**BY: COUNCILMAN WILLIAMS**

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE  
STATE MULTI-MODAL PROGRAM-AID (AND STATE ADMINISTERED FEDERAL  
PROGRAM-AID) ELIGIBLE COSTS, OF A CAPITAL PROJECT, AND  
APPROPRIATING FUNDS THEREFORE**

**WHEREAS**, a Project for pedestrian improvements at the intersection of State Route 5 and Central Avenue, P.I.N. 5MA268.30N ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

**WHEREAS**, the City of Dunkirk desires to advance the Project by making a commitment of advanced funding of the non-local share and funding of the full local share of the costs of the Project; now, therefore, be it

**RESOLVED**, that the City Council hereby approves the above-subject project; and it is further

**RESOLVED**, that the City Council hereby authorizes the City of Dunkirk to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the fiscal affairs officer is hereby authorized to set up a line item for the above subject project for \$50,000 made available to cover the cost of the participation in the above phase of the project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Dunkirk shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the contractor thereof; and it is further

**RESOLVED**, that the Mayor of the City of Dunkirk be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of Dunkirk with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and it is further

**RESOLVED**, that a certified copy of the Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further



**RESOLVED**, that a certified copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the City of Dunkirk and the State of New York; and it is further

**RESOLVED**, that this Resolution shall take effect immediately.

**RESOLUTION #37-2018**

**March 6, 2018**

**BY COUNCILMEMBER WILLIAMS:**

**RESCINDING RESOLUTION #81-2017  
REGARDING RELINQUISHMENT OF ANY CLAIM OF RIGHT AND TO QUIT CLAIM  
TRANSFER THE PAPER STREET WEST OF 468 LAKESHORE DRIVE EAST TO  
ERIE LAND DEVELOPMENT LLC.**

**WHEREAS**, the Common Council formerly resolved to relinquish title to the above-mentioned paper street found west of Otter Street as part of title clean up for the Erie Land Development LLC project known as the Batter Park Villas; and

**WHEREAS**, since unanimous passage of said resolution, several Otter Street homeowners have come forward requesting the chance to purchase the adjacent 33.5 feet of said paper street; and

**WHEREAS**, said residents have also raised the issue of the need for the City of Dunkirk to address drainage issues in the neighborhood, and access to said paper street will likely be necessary to install proper drainage infrastructure; and

**WHEREAS**, the Common Council and City Administration would like time and flexibility to address the drainage issues, and explore the most feasible and efficient way to allow the paper street to essentially be split—post drainage issue resolution—to allow 33.5 feet to be sold to the adjacent property owners on Otter, and 33.5 feet to be sold to Erie Land Development LLC; now, therefore, be it

**RESOLVED**, that Resolution #81-2017 be rescinded; and be it further

**RESOLVED**, that any and all agreements which the Mayor may have signed remain unexecuted and be considered null and void.