

AGENDA - COMMON COUNCIL MEETING – August 16, 2016 - 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 Ollie's Bargain Outlet for one off duty Police Officer to cover the store on Wednesday, August 17<sup>th</sup> from 9:00 AM until 1:00 PM for security purposes.
  2. Request from the First Ward Falcon Club to close S. Serval Street between Lake Shore Drive and Chestnut Street on Friday, September 2<sup>nd</sup> thru Sunday, September 4<sup>th</sup> from 5:00 PM to midnight for their annual Labor Day street dance. Also requesting use of garbage cans for the parking lot.
  3. Request from Brittany Peterson to have a bounce house at the Koch's Pavilion at Point Gratiot on Saturday, September 10<sup>th</sup> for her child's birthday party.
  4. Request from Cancer Services Program to hold the 2<sup>nd</sup> Annual Colorburst Walk beginning at 10:00 AM Saturday, September 24<sup>th</sup> starting and ending at the Pillar of Fire Fellowship.
  5. Notice of injury from Kelsie Briggs for damages allegedly received while riding her bike between Courtney and Talcott Street.
  6. Notice of Claim from:
    - a) Giovanni Pena for alleged damages to his vehicle while driving at Point Gratiot.
    - b) Frederick Mackowiak for alleged damages to his property at 425 Cedar Street over a period of time due to lack of adequate turn around.
  7. Loudspeaker application from:
    - a) First Ward Falcons Club for live music on September 2<sup>nd</sup>, September 3<sup>rd</sup> & September 4<sup>th</sup> from 6:00 PM to 10:00 PM for their annual Labor Day Street Dance.
    - b) Harvest Chapel Church for speakers and sound board on Sunday, September 11<sup>th</sup> from 1:00 PM until 5:00 PM at Point Gratiot Large Pavilion for a Church event.

- c) Christian Worship Center for speakers and microphones on Sunday, September 4<sup>th</sup> from 11:00 AM until 3:00 PM at Point Gratiot Large Pavilion for a Church service and picnic.
- d) Friendship Baptist Church for microphone and speakers on Saturday, August 20<sup>th</sup> from 12:00 PM until 4:00 PM at 18 East Second Street for an Adult Choir Gospel Fest.

7. Reports of Standing Committees, Boards and Commissions.

8. Unfinished Business:

9. Pre-filed Resolutions:

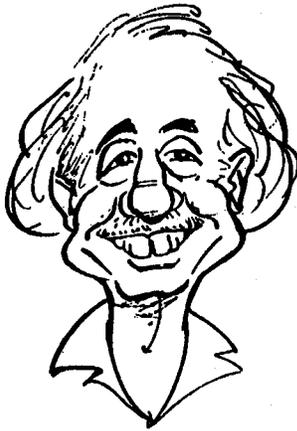
75. Resolution accepting Interior Coating Bid for Benton Water Tank of City's Water Treatment and Supply System – Phase 3 – under 2009 Consent Order.

76. Resolution amending Dunkirk City Code (§79-21070).

10. New Business:

11. Adjournment.

Lillian R. Divine  
City Clerk



# OLLIE'S *Bargain* OUTLET

"GOOD STUFF CHEAP"

DATE

8-1-16

RE: Officer Coverage.

To whom it may concern

On Wednesday (8-17-16) we be having a Grand Opening for our Dunkirk location (1170 Central Ave, suite 210). I'm writing this letter to request having one off duty officer to cover our store for security purposes from 9am to 1pm. We will have a celebrity on-site signing autographs and will want the officer to be present at his table. We will need help with some crowd control early on, prior to the store actually opening, and before the autograph signing.

I thank you for your prompt attention to this matter. If you have any questions feel free to call me at 412-551-2185.

Sincerely,

Javan

Javan Gilliam, District Loss Prevention Manager, Ollie's Bargain Outlet

2016 AU - 1 PM 2:47

RECEIVED  
JIT CLERK'S OFFICE  
DUNKIRK, N.Y.

RECEIVED  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2016 AU -8 AM 11:37

August 8, 2016

Mayor Rosas & Common Council Members:

The First Ward Falcon Club is requesting permission to close Serval Street, between Lake Shore Dr. East and Chestnut Street. This would take place on Friday Sept. 2, Sat. Sept. 3, and Sunday Sept. 4, 2016. The reason for this request is so that we can hold our annual Labor Day street dance.

At this time we would also like to request the use of barricades at each intersection to accomplish the street closing. We would also like to request the use of garbage cans for our parking lot.

Be it known that no events will actually take place directly in the street; this closing is to ensure the safety of our patrons. Any questions feel free to contact me at (716) 952-7104.

Thank-you,



William J. Barnes

President, First Ward Falcon Club

Aug - 8, 16.

To whom it may concern -

On Sept. 10, 2016 we have rented out  
to Koch's pavillion for my sons 3rd birthday.  
During the same day we wish to  
have a bounce house for the children.  
Please contact me if this is an issue.

Thank you in advance

BRITANNY PETERSON

716-410-6420

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.

2016 AU - 8 PM 12:54

Chautauqua County

# Cancer Services Program

Your partner for cancer screening, support and information



2016 AU - 9 PM 4: 39

REC'D  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

August 9, 2016

Common Council  
City of Dunkirk  
342 Central Avenue  
Dunkirk NY 14048

Dear Council Members:

The Chautauqua County Health and Human Services Department, Cancer Services Program is seeking formal permission to hold our 2<sup>nd</sup> "Colorburst Walk", which is an All Cancer Awareness Walk for Healing and Survivorship.

The 1 or 2 mile walk will be held on Saturday, September 24<sup>th</sup> at 10am beginning and ending at the Pillar of Fire Fellowship, 221 Lake Shore Drive West in Dunkirk.

There is no need for traffic control this year. The walking route is as follows: West on Lake Shore Drive to Point Drive North for .5 mile, then returning on the same route for the 1 mile walk. The two mile walk will continue on Point Drive North, following the walking path through Point Gratiot, then heading East on Point Drive West, then East onto Route 5, crossing at the traffic light at Point Drive North, returning to the Pillar of Fire Fellowship.

Thank you for your consideration. I have enclosed a flyer of the event in case anyone in your department would like to participate. Please contact me with any questions at 716-753-4536.

Sincerely,

Darlene Rowe  
Program Coordinator  
Chautauqua Co. Health & Human Services Dept.  
Cancer Services Program

To whom it may concern,

July 29th 2016

I am writing this notice of injury to inform the City Of Dunkirk that I, Kelsie Briggs of 4 West

Second Street (135A) Dunkirk New York, injured my leg May 1st of 2016.

The tire of my bicycle was caught between a gap of cement and the train track on Franklin Avenue

in Dunkirk between Courtney Street and Talcott Street. I was riding on the correct side of the road

from Courtney to Talcott and was thrown from my bicycle while delivering The Penny Saver.

I was escorted to the Emergency Room of Brooks Memorial Hospital by Ambulance and have been on crutches with a leg brace since the accident. I have been referred to Lakeshore Orthopedic by my primary care physician Patrick Dennison of the Chautauqua Center.

My telephone number is 716-338-3490

Sincerely,  
Kelsie Briggs

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

2016 JUL 32 AM 11:22

2016 AU - 1 AM 11:31

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

Notice of Claim  
City of Dunkirk, N.Y.

RECEIVED  
CITY CLERK'S OFFICE  
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: Giovanni A. Peña  
Claimant Address: 355 E. Lakeshore DR  
Dunkirk NY 14048  
Claimant Telephone Number: (716) 410-4760

This claim is for (injuries/damages alleged): To my 2013 Chrysler  
200. Vehicle

This claim is alleged to have arisen on the 6<sup>th</sup> day of August, 2016 at approximately 9:00 a.m. p.m. on that date at Point Crest.

The injuries and/or damages sustained by the Claimant arose in the following manner:  
Front bumper and interior bumper Damages  
Cause by Unwarned Ditch. No signs  
stating there a Ditch.

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Front bumper Damages interior and  
exterior.

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

Respectfully yours,  
Giovanni Peña  
Claimant (date)

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

Giovanni Peña, 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  
8<sup>th</sup> day of August, 2016.

Kathleen McCarthy  
Notary

Kathleen McCarthy #01MC8014644  
Notary Public, State of New York  
Qualified in Chautauqua County  
My Commission Expires 10/19/20 18

This check has been credited to the account of the payee. Absent endorsement hereby supplied and guaranteed.  
KeyBank National Association



Notice of Claim  
City of Dunkirk, N.Y.

REC'D  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.  
2016 AUG 11 PM 1:39

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: FREDERICK A MACKOWIAK  
Claimant Address: 425 EAST CEDAR ST.  
DUNKIRK, New York  
Claimant Telephone Number: (716) 366-6838

This claim is for (injuries/damages alleged): To The Property listed Above

This claim is alleged to have arisen on the over Lapsed time day of \_\_\_\_\_, 20\_\_ at approximately \_\_\_\_\_ a.m./p.m. on that date at Above Address.

The injuries and/or damages sustained by the Claimant arose in the following manner:  
Over A Period of Time, From Lack of An Adequate Turn Around on East Cedar St Dunkirk Please See Attached letter of Explanation

The amount and type of injuries and/or damages sustained by the Claimant consist of the following: Amount \$1500.00, See Copy of Paid Full Repaires Which Have Been Made

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

Respectfully yours,

Frederick Mackowiak 08/11/2016  
Claimant (date)

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

Frederick Mackowiak 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.

Katie Reilly  
Notary

Sworn to before me this  
11 day of Aug, 2016.

KATIE REILLY  
Notary Public, State of New York  
No. 01RE6209026  
Qualified in Chautauqua County  
Commission Expires July 13, 2017

Mr. Frederick A. Mackowiak  
425 East Cedar Street  
Dunkirk, New York 14048 - 2137  
Phone : 716 - 366 - 6838

August 08, 2016

City of Dunkirk  
City Council;

Andy Woloszyn  
Don Williams Jr.  
Marty Bomonto  
Andy Gonzalez  
Stacy Szukala

2016 AU 11 PM 1:30

REC'D  
CITY CLERK'S OFFICE  
DUNKIRK, N.Y.

Dear Council members;

Attached please find a claim , for damages to my lower driveway incurred, over time from lack of an adequate turn around at the end of East Cedar Street. The turn around was never made adequate for a vehicle to turn around, as the area was still being developed, there is well sufficient room to make the improvements as being all City property at that end of the street. Over time I had requested over and over to past administrations to make the improvements to no avail, and one comment was made that there are not enough residents on the street. There was a sign on the entrance end of the street which was removed by someone who did not like it there. This enhanced the problem as traffic on the street comes to my property and sees no outlet they turn around in my driveway, because the sign was put in the middle of the street in front of my property ,and not on the corner where it belongs, this has over time caused excessive wear and damage to the asphalt in the driveway. Recently the DPW director came to asses the problem and was to take a picture of the damage to my drive, I have requested to Mr Williams and the DPW director that the turn around area which has been become very overgrown, with a tree growing up into one section of the barricade , the brush and weeds have virtually overgrown the whole area. At one time I had requested that the area be cleaned up and made to be adequate, for vehicles to turn around and the barricade was moved which made the are smaller than what it was. There needs to be a major clean up on this turn around the barricade moved back to make more room for vehicles to turn around, especially the city plow trucks during the winter months which on many occasions become stuck because there is insufficient room to turn around. This neighborhood, has many homes which are probably one of the most higher taxed for real estate in the city being as it is a rather newly developed area, taxes are supposed to help keep these areas maintained and developed to help enhance the appliance of the city.

Sincerely

Frederick A Mackowiak





**Kingsview Enterprises, Inc.**

7 West First Street  
 PO Box 2  
 Lakewood NY 14750  
 Ph.: 716-763-0069  
 Fax: 716-763-4722

Date	Invoice #
8/4/2016	66482

**PAID**  
**08/04/2016**

**Bill To**

FEDERICK MACKOWIAK  
 425 E CEDAR ST  
 DUNKIRK NY 14048

**Terms**

			Project/PO #	
Customer Phone	Customer Alt. Phone	Customer Fax		
716 366 6838				
Description	Quantity	Rate	Amount	
DIG OUT OLD ASPHALT  1. ALL DIRT AND GRASS SEGMENTS SHALL BE COMPLETELY DUG OUT.  2. AREA SHALL BE FILLED WITH A MINIMUM OF 8" OF NEW YORK STATE APPROVED GRAVEL AS NEEDED AND THEN COMPACTED WITH STATE-OF-THE-ART COMPACTION EQUIPMENT.  3. AREA SHALL BE FINE GRADED TO ENSURE PROPER DRAINAGE, AND ROLLED WELL TO A LEVEL CONSISTENCY.  4. SEGMENT SHALL THEN BE FILLED WITH 2 1/2" OF NEW YORK STATE DOT APPROVED ASPHALT BINDER (TYPE 31A) AND ROLLED WITH STATE-OF-THE-ART EQUIPMENT.  5. SEGMENT SHALL THEN BE FILLED WITH 1 1/2" OF NEW YORK STATE DOT APPROVED ASPHALT BLACKTOP (TYPE 7 IAC) AND ROLLED WITH STATE-OF-THE-ART EQUIPMENT.  6. ALL NECESSARY AREAS SHALL BE TAMPED AND EXPOSED EDGES BEVELED TO INSURE A SMOOTH AND LEVEL APPEARANCE AS WELL AS PROVIDE PROPER DRAINAGE.		1,500.00	1,500.00	
			<b>Total</b>	\$1,500.00
			<b>Payments/Credits</b>	-\$1,500.00
			<b>Balance Due</b>	\$0.00

RECEIVED  
 BILL OF MERCHANDISE  
 DUNKIRK, N.Y.  
 2016 AUG 11 PM 1:39

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

**DATE OF APPLICATION (must be 30 days Prior to event):** 8/8/16

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

**DATE:** 9/2-9/4 **TIME:** 6pm - 10pm **LOCATION OF EVENT:** 1<sup>ST</sup> WARD FALCONS

**SPONSOR:**

**NAME:** GYMNASIAC SOCIETY OF POLISH FALCONS **PHONE NO.** 366-5797

**ADDRESS:** 341-343 LAKE SHORE DR. E  
DUNKERK, NY 14048

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** BILL BARNES **PHONE:** 952-7102

**ADDRESS:** 61 BURLISS STR. SILVER CREEK, NY 14136

**REASON:** LABOR DAY STREET DANCE

**AUDIO DEVICE TO BE USED:** BAND SOUND SYSTEM

RECEIVED  
 CITY CLERK'S OFFICE  
 DUNKERK, N.Y.  
 2016 AU-8 AM 11:37

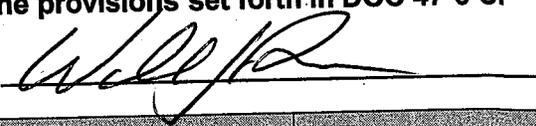
PUBLIC EVENT  PRIVATE EVENT

**NOTIFICATION OF AFFECTED PERSONS**

YES **IF YES, PROOF:** DOOR TO DOOR

NO

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 <i>OK 8/8/16</i> 		
DEPT OF PUBLIC WORKS 		
DEPT OF LAW 		
OTHER		

**COMMON COUNCIL ACTION**

**RECEIPT OF REVIEW**

**APPROVAL**

**CONDITIONS:**

**DISAPPROVED**

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

<b>DATE OF APPLICATION (must be 30 days Prior to event):</b> 8/8/16	
* No more than 3 days TOTAL per Individual or Group - per year	
<b>EVENT SPECIFICS * EXCLUDES HARBORFRONT AREA</b>	
<b>DATE:</b> Sept. 11	<b>TIME:</b> 1pm-5pm
<b>LOCATION OF EVENT:</b> Point Gratiot	
<b>SPONSOR:</b> Harvest Chapel FMC	
<b>NAME:</b> Nathan Leshner	<b>PHONE NO.</b> 716-679-0987
<b>ADDRESS:</b> 39 Matteson St. Fredonia NY 14063	
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input type="checkbox"/> CHARITABLE <input checked="" type="checkbox"/> COMMUNITY	
<b>RESPONSIBLE INDIVIDUAL:</b> Nathan Leshner	
<b>NAME:</b>	<b>PHONE:</b> 724-972-6722
<b>ADDRESS:</b> 2 Birchwood Dr. Fredonia NY 14063	
<b>REASON:</b> Giving instructions, background music	
<b>AUDIO DEVICE TO BE USED:</b> Speakers on boom Stand Portable Sound board	
<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>Nate Leshner</u>	
<b>DEPARTMENTAL REVIEW</b>	<b>DATE SENT</b>
POLICE DEPT <u>OK 8/8/16</u> <i>[Signature]</i>	
DEPT OF PUBLIC WORKS <i>[Signature]</i>	
DEPT OF LAW <i>[Signature]</i>	
OTHER	
<b>COMMON COUNCIL ACTION</b>	
<b>RECEIPT OF REVIEW</b>	
<b>APPROVAL</b>	
<b>CONDITIONS:</b>	
<b>DISAPPROVED</b>	

2016 AUG - 8 PM 1:10  
 CITY OF FREDONIA  
 COMMON COUNCIL OFFICE  
 FREDONIA, N.Y.

# APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

**DATE OF APPLICATION (must be 30 days Prior to event):** 8/9/16

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

**DATE:** 9/4/16 **TIME:** 11-3 **LOCATION OF EVENT:** Large Pavilion

**SPONSOR:** Christian Worship Center

**NAME:** Erika Lopez **PHONE NO.** 716 237 0214

**ADDRESS:** 43 Point Drive Rt Dunkirk, NY 14048

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** Erika Lopez **PHONE:** 716 237 0214

**ADDRESS:** 43 Point Drive Rt Dunkirk

**REASON:** Church service and picnic

**AUDIO DEVICE TO BE USED:** Speaker and microphone

2016 AU - 9 PM 12:14  
 CITY CLERK'S OFFICE  
 DUNKIRK, N.Y.

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:** Erika Lopez

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>OK 8/11/16</i>		
DEPT OF PUBLIC WORKS <i>Key B.</i>		
DEPT OF LAW <i>ADB</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):** 8.9.16

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

**DATE:** 8.20.16 **TIME:** 12pm-4pm **LOCATION OF EVENT:** 18 East Second St

**SPONSOR:** Friendship Baptist Church

**NAME:** Earle G. Waller **PHONE NO.** 672-5450

**ADDRESS:** 18 East Second St

INDIVIDUAL     CORPORATE     CHARITABLE     COMMUNITY

**RESPONSIBLE INDIVIDUAL:**

**NAME:** Delores Mitchell **PHONE:** 679-4638

**ADDRESS:** 7 Terrace St. Fredonia

**REASON:** Adult Choir Gospel Fest

**AUDIO DEVICE TO BE USED:** Micro-Phone

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:** Delores Mitchell

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT 8/19/16 OK		
DEPT OF PUBLIC WORKS		
DEPT OF LAW ADB		
OTHER		

**COMMON COUNCIL ACTION**

**RECEIPT OF REVIEW** \_\_\_\_\_

**APPROVAL** \_\_\_\_\_

**CONDITIONS:** \_\_\_\_\_

**DISAPPROVED** \_\_\_\_\_

2016/AU-9 PM 2:01  
 CITY CLERK  
 DUNKIN, M. J.

**RESOLUTION # 75 -2016**  
**AUGUST 16, 2016**

**BY COUNCILMAN WILLIAMS AND COUNCILWOMAN SZUKALA:**

**ACCEPTING INTERIOR COATING BID FOR BENTON WATER TANK OF CITY'S  
WATER TREATMENT AND SUPPLY SYSTEM – Phase 3 – under 2009 Consent Order**

**WHEREAS**, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies related to the City's water treatment plant and water distribution system, and the Phase 3 items of the Consent Order are now ready to address according to the schedule dictated by CCDOH; and

**WHEREAS**, by notification letter of December 17, 2015, the City of Dunkirk's application for Phase 3 funding was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (EFC) in the amount of \$2 million of grant funds and \$7 million in low-interest loan funds for this Phase 3 reconstruction of and construction of improvements to the City's water system pursuant to such Consent Order; and

**WHEREAS**, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to be \$3 million; and

**WHEREAS**, the 2016 Phase 3 projects are listed as several items in the EFC grant application, and the Benton tank system improvement completion (Fourth Ward tank and pumps) is a priority on this list; and

**WHEREAS**, the Mayor was authorized and directed by Council Resolution 34-2016 to execute an agreement of services, on behalf of the City of Dunkirk, with HILL ENGINEERING OF NEW YORK, P.C., 8 Gibson Street, North East, PA, for water treatment facility Phase 3 work in regard to the 2009 Consent Order and such contract is so executed; and:

**WHEREAS**, said Council Resolution 34-2016, dated March 15 2016, further authorized and directed "that the EFC funds, and EFC fund administration requirements, for Phase 3 be set up by Fiscal Affairs as an income and expense City Fund, and that Phase 3 engineering services be paid from the engineering expense line of said City Fund for Phase 3"; and

**WHEREAS**, the DPW Committee was informed that the initial 2016 work is to be limited to the required interior re-coating of the Benton Tank because it is the primary active water service supply and fire protection for the Fourth and First Wards and for present and future industries to be served by the North County Water District easterly of the City of Dunkirk, and that following legal notice, sealed bids for this work were received and opened on August 5; and

**WHEREAS**, three bids were received – in the amounts of \$688,000, \$676,000, and \$384,479 – and that the low bid of \$384,479 by Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, has been deemed responsible by DPW Director Gregory Bennice and by Consulting Engineer August Maas, who both recommend quickly accepting this bid so the work can be done during Summer and Fall weather to not delay the City water system being fully ready to supply the North County Water District, and said contract acceptance being subject to the contractor meeting all requirements of the EFC funding process; now therefore,

**BE IT RESOLVED**, that the Mayor is hereby authorized and directed to execute a

contract for the interior re-coating of the City's Benton Water Tank at the low bid amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, but subject to the contractor first supplying all necessary approvals from EFC to meet the EFC funding requirements for this work.

**RESOLUTION #76-2016**

**August 16, 2016**

**BY: COUNCILMAN WILLIAMS**

**AMENDING DUNKIRK CITY CODE  
(§79-21070)**

**WHEREAS**, The Zoning Code of the City of Dunkirk, in §79-21070, regulates the display of "Political Signs"; and

**WHEREAS**, The Supreme Court of the United States of America ruled, in Reed v. Town of Gilbert (2015), that "content based" restrictions of speech violate the First Amendment of the Constitution of the United States; now, therefore, be it

**RESOLVED**, that the City Code be amended, and that code section §79-21070 removed in its entirety. The Code section is included below as reference. The quoted portion of the City Code is removed.

**"CITY CODE §79-21070, POLITICAL SIGNS**

Temporary signs in support of a political party or candidate are permitted in all zones in the City of Dunkirk. Signs may be erected up to three (3) weeks prior to the election and must be removed within seven (7) days following the election. No political signs shall be permitted in the public right of way."