

AGENDA - COMMON COUNCIL MEETING – November 01, 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.
 1. Communication from Mayor appointing/re-appointing members to the Greater Dunkirk Area Harbor Commission, Housing Authority and Planning Board.
6. Communications from the public and petitions:
 1. Request from Lakeshore Humane Society to hold the annual Pat McGee Memorial Dog Walk on Saturday, June 17th, 2017 (rain date Sunday, June 18th, 2017) at the Koch's Pavilion at Point Gratiot.
 2. Request from Samantha Vacanti to host the first annual Pitching for Paws Co-Ed Softball Tournament from approximately 8:00 AM until 9:00 PM on Saturday, June 24th, 2017 (rain date of Sunday, June 25th, 2017) at Promenschenkel Stadium and Koch's Field.
 3. Loudspeaker application from Samantha Vacanti for DJ, microphone and speakers from 12:00 PM until 4:00 PM on Saturday, June 24th, 2017 (rain date Sunday, June 25th, 2017) at Promenschenkel Stadium for the Pitching for Paws Softball Tournament.
 4. Notice of Summons from Susan Marsh as Public Administrator for and on behalf of the Estate of Bryan A Willis.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
 87. Resolution introducing Local Law No. 1-2016 to override the Tax Levy Limit established in General Municipal Law 3-c.
9. Pre-filed Resolutions:
 91. Resolution consenting to the formation of a Dog Park Advisory Committee.
 92. Resolution authorizing renewal agreement with NYS Unified Court System (City Court Security Services – Contract No. C200495) (April 1, 2016-March 31, 2017).
 93. Resolution introducing Local Law #2-2016 amending Chapter 31, Article III, Water Rate Schedule Section 31-19 of the Dunkirk City Code entitled "Rate Structure."

94. Resolution authorizing street light installation at Plover Street near the High School Parking Lot.
 95. Resolution authorizing agreement for architecture and engineering services Point Gratiot Park (LaBelle Associates).
-
10. New Business:
 11. Adjournment.

Lillian R. Divine
City Clerk



CITY OF DUNKIRK
OFFICE OF THE MAYOR
City Hall, Dunkirk, New York 14048
www.dunkirktoday.com

WILFRED ROSAS
Mayor
716-366-9882
Fax 716-366-2049

October 27, 2016

Dunkirk Common Council
City Hall
Dunkirk, NY 14048

Dear Council Members:

Please be advised that I hereby make the following appointments/re-appointments:

Expiration Date

GREATER DUNKIRK AREA HARBOR COMMISSION

Jim Nichols	212 Lincoln Avenue	June 6, 2018
Mike Rosing	46 Wilson Avenue	Feb. 1, 2018
Ron Veklotz	134 W. Fourth Street	June 6, 2018
Julio Deleon (replaces Warmbrodt)	44 New York Avenue	June 6, 2018

HOUSING AUTHORITY

Rev. Carlos Llera	162 W. Second St.	July 11, 2021
-------------------	-------------------	---------------

PLANNING BOARD

Frank Torain (fills unexpired term of Tuggle)	415 Mullet St.	Dec. 31, 2016
-----------------------------------------------------	----------------	---------------

Sincerely,

WILFRED ROSAS
Mayor

WR:co
cc: City Clerk
Personnel
Harbor Commission
Dunkirk Housing Authority
Department of Development



LAKESHORE HUMANE SOCIETY, INC.

431 E. Chestnut St.
Dunkirk, NY 14048

October 26, 2016

RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.
2016 OCT 26 PM 2:35

City of Dunkirk Mayor- Wilfred Rosas

City Council Members -Andy Woloszyn, Don Williams, Jr., Marty Bamonto, Andy Gonzalez, Stacy Szukala

Festivals/Special Events Coordinator- Hector Rosas

City of Dunkirk City Clerk-Lillian Divine

The volunteers from the Lakeshore Humane Society request that our annual **PAT MC GEE MEMORIAL Dog Walk** be allowed to reserve the Koch Pavilion on Saturday, June 17th, 2017 and schedule the same Pavilion the following day, Sunday, June 18th, as a rain date. Once these dates are secured, it allows us to advertise and plan this event so much more effectively and affords the opportunity to bring many more tourist visitors into the City of Dunkirk to experience our beautiful Pt. Gratiot and views of Lake Erie.

This letter is an amended request of our original letter - dated October 13th, 2016. We thank the Mayor and Council for considering our original request and understand why it is not possible to reserve the third week-end in June in perpetuity.

If our request is approved, please advise us asap concerning the amount charged to use the requested pavilion.

Thank you, once again, for your consideration of our request.

Rock Vallone

Rock Vallone, President Lakeshore Humane Society

716-366-2804

October 25, 2016

Dear City of Dunkirk Common Council,

I am writing you to ask permission to hold the 1st Annual Pitching for Paws Co-Ed Softball Tournament on Saturday June 24th, 2017 (with a rain date of Sunday June 25th, 2017). The proceeds from this new tournament will go to help the following local/regional animal rescues and shelters: Lakeshore Humane Society, Inc., Northern Chautauqua Canine Rescue, Inc., Sadie's Safe Harbor Canine Rescue and City of Buffalo Animal Shelter.

We are asking for use of Promenschenkel Stadium as well as Koch's field in Point Gratiot. A field request has also been submitted to Dunkirk School System for the use of School #7 field. This event will go from approximately 8 a.m. until 9 p.m. We are asking for use of the fields as well as a loud speaker permit for the day as the event will not only include the softball games, but vendors to provide food for the players and fans, and a DJ to provide music throughout the day.

We would like to invite shelters and rescues to come and join us for the event and bring out some of their adoptable animals for the players and fans to interact with and possibly set up adoptions. We would also like to set out bins to take up a collection of food/toys/collars/etc. to distribute between them.

I understand that we will need to provide a certificate of insurance for \$1,000,000.00 naming the city as an additional insured. A list of vendors will be provided in addition to their proof of liability as well, if needed.

Thank you for your time and consideration. Please feel free to contact me with any questions.

Sincerely,



Samantha Vacanti
Pitching for Paws
Cell: (716) 673-6743
E-mail: pitchingforpaws@gmail.com
10 E. Green Street
Dunkirk, NY 14048

2016 OCT 26 PM 3:19
RECEIVED
CITY CLERK'S OFFICE
DUNKIRK, N.Y.

APPLICATION FOR LOUDSPEAKER SPECIAL PERMIT NO.

(DCC-47-6-C)

DATE OF APPLICATION (must be 30 days Prior to event): 10/26/16		
* No more than 3 days TOTAL per Individual or Group - per year		
EVENT SPECIFICS	* EXCLUDES HARBORFRONT AREA	
DATE: 10/24/17	TIME: 12:00 PM - 4 PM	
LOCATION OF EVENT: Promenschenkel Stadium		
SPONSOR: 10/25/17 (rain date)		
NAME: Samantha Vacanti	PHONE NO. (716) 673-6743	
ADDRESS: 10 E. Green Street, Dunkirk, NY 14048		
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input checked="" type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY		
RESPONSIBLE INDIVIDUAL:		
NAME: Samantha Vacanti	PHONE: (716) 673-6743	
ADDRESS: 10 E. Green Street, Dunkirk, NY 14048		
REASON: softball tournament		
AUDIO DEVICE TO BE USED: DJ, microphone, speakers		
<input checked="" type="checkbox"/> PUBLIC EVENT	<input type="checkbox"/> PRIVATE EVENT	
NOTIFICATION OF AFFECTED PERSONS		
<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>Samantha Vacanti</u>		
DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <i>OK 10/27/16</i>		
DEPT OF PUBLIC WORKS		
DEPT OF LAW <i>OK 10/27/16</i>		
OTHER		
COMMON COUNCIL ACTION		
RECEIPT OF REVIEW		
APPROVAL	2016 OCT 26 PM 3:19	
CONDITIONS:		
RECEIVED CITY CLERK'S OFFICE DUNKIRK, N.Y.		
DISAPPROVED		

STATE OF NEW YORK
SUPREME COURT : COUNTY OF CHAUTAUQUA

FILED
CHAUTAUQUA COUNTY CLERK

2016 OCT 11 PM 2:02

KI-2016-1010

SUSAN MARSH, as Public Administrator for
and on behalf of the Estate of
BRYAN A. WILLIS, Deceased,

Plaintiff,

-vs-

CITY OF DUNKIRK
342 Central Avenue
Dunkirk, NY 14048

SUMMONS

CITY OF DUNKIRK POLICE DEPARTMENT
342 Central Avenue
Dunkirk, NY 14048

COUNTY OF CHAUTAUQUA
3 North Erie Street
Mayville, NY 14757

COUNTY OF CHAUTAUQUA
SHERIFF'S DEPARTMENT
15 East Chautauqua Street
Mayville, NY 14757

JOHN DOES 1-10 (said names being fictitious,
but intended to be employees of defendant of
NEW YORK STATE POLICE)

JOHN DOES 11-20 (said names being fictitious,
but intended to be employees of defendants of
CITY OF DUNKIRK, CITY OF DUNKIRK
POLICE DEPARTMENT, COUNTY OF CHAUTAUQUA,
COUNTY OF CHAUTAUQUA SHERIFF'S DEPARTMENT)

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the plaintiff's
attorneys at the address stated below, a written Answer to the attached Complaint.

RECEIVED
CLERK'S OFFICE
DUNKIRK, N.Y.
2016 OCT 24 PM 2:10

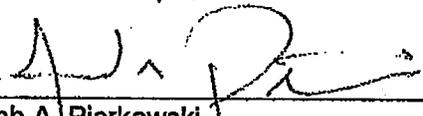
If this Summons is served upon you within the State of New York by personal service you must respond within 20 days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within 30 days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

Plaintiff designates Chautauqua County as the place of trial.

Dated: October 7, 2016
Hamburg, New York

SHAW & SHAW, P.C.



Jacob A. Piorkowski
Attorneys for Plaintiff
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
jporkowski@shawlawpc.com

RESOLUTION # 87-2016
October 4, 2016

BY THE ENTIRE COUNCIL:

LOCAL LAW NO. 1-2016
CITY OF DUNKIRK

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c

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

Section 1 Purpose. It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Dunkirk, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and to allow the City of Dunkirk, County of Chautauqua, to adopt a budget for general city purposes and any other special or improvement district governed by the Common Council for the fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.

Section 2 Authority. This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Common Council to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty percent (60%) of the Common Council, adopted prior to the adoption of the budget by the Common Council.

Section 3 Override. The Common Council of the City of Dunkirk, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the City of Dunkirk, for which the Common Council is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.

Section 4 Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.

Section 5 Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

10/4/16: Councilwoman Szukala made a motion to Table Resolution #87-16 until a Public Hearing to be held on Tuesday, October 18th at 5:20 PM. Seconded by Councilman Williams.

Carried, all voting aye. TABLED.

10-18-16 No member of the Common Council motioned to remove this Resolution from the table. Resolution remains TABLED.

RESOLUTION # 91-2016

November 1, 2016

BY: Councilwoman Szukala

CONSENT TO FORMATION OF DOG PARK ADVISORY COMMITTEE

WHEREAS, the City of Dunkirk has been approached by a number of individuals in support of a municipal dog park; and

WHEREAS, grant funds are available for construction and maintenance of a municipal dog park at no cost to the city; and

WHEREAS, the Economic Development Committee has identified a number of issues that require further research; now, therefore, be it

RESOLVED, that a Dog Park Advisory Committee be formed to undertake a comprehensive study for the purpose of making appropriate findings and recommendations to the City of Dunkirk Common Council regarding a potential municipal dog park; and be it further

RESOLVED, that Rebecca Yanus, Director of Planning and Development for the City of Dunkirk, is hereby appointed to the committee and that Monica Kemp is hereby appointed as the Chairperson of the committee with the power to appoint any other persons to the committee in her sole discretion.

RESOLUTION # 92 - 2016
NOVEMBER 1, 2016

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING RENEWAL AGREEMENT WITH
NYS UNIFIED COURT SYSTEM
(CITY COURT SECURITY SERVICES – CONTRACT NO. C200495)
(APRIL 1, 2016 TO MARCH 31, 2017)**

WHEREAS, the City of Dunkirk's five-year contract with the New York State Unified Court System (the "Court System") which reimburses the City for security services in City Court was renewed in 2014, for a five-year period; and

WHEREAS, an annual Renewal Agreement between the parties is provided for each period (State fiscal year) which new period commenced on April 1, 2016, and terminates on March 31, 2017, and during which reimbursement has been allocated to not exceed Two Hundred Thirty-Nine Thousand Dollars and Zero Cents (\$239,000.00); and now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Annual Renewal Agreement on behalf of the City of Dunkirk, with the NYS Unified Court System, covering the period (April 1, 2016 to March 31, 2017) for which reimbursement shall be in an amount not to exceed Two Hundred Thirty-Nine Thousand Dollars and Zero Cents (\$239,000.00) to compensate the Police Department for City Court security services.

RESOLUTION # 93-2016
NOVEMBER 1, 2016

BY: THE ENTIRE COUNCIL

INTRO NO. 1 TO LOCAL LAW #2-2016
CITY OF DUNKIRK, NEW YORK

**A LOCAL LAW TO AMEND THE DUNKIRK CITY CODE, CHAPTER 31, ARTICLE III,
SECTION 31-19 ENTITLED "RATE STRUCTURE"**

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 Dunkirk City Code Chapter 31, Article III, Section 31-19 "Rate Structure", to amend the Quarterly and Monthly Water Rates, in order to generate additional required income necessary to retire the capital debt incurred as a result of the construction and improvements necessitated by compliance with certain regulatory agency mandates arising out of a Consent Order (October 2009) between the City of Dunkirk and the Chautauqua County Department of Health.

Section 2 **Amendment of City Code.**

Dunkirk City Code Chapter 31, Article III, Section 31-19 is hereby amended as follows:

ARTICLE III

Water Rate Schedule
[Adopted 6-18-1992 as L.L. #6-1992]

§ 31-19. Rate structure. [Amended 10-27-1993 as L.L. #11 (Intro No.15) 1993; Amended 6-6-1995 as L.L. #16-1995; Amended 10-28-1996 as L.L. #17 (Intro No. 17) 1996; Amended 12-3-2002 as L.L. #4-2002; Amended 12-12-2006 as L.L. #12-2006; Amended 12-14-2009 as L.L. #3 (Intro No. 4) 2009; Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended 11-17-2015 as L.L. #3 (Intro No. 3) 2015; Amended _____ as L.L. #2 (Intro No.) 2016]

The following constitutes the rate structure for water services provided by the City of Dunkirk.

DELETE

EFFECTIVE JANUARY 1, 2016

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2016: [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$1,800.00	\$3,150.00
-----------------------------------------------------	-------------------	-------------------

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2016): [Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014]

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$20.00	\$35.00
Next 5,000 gallons	\$ 3.30 per 1,000 gal.	\$ 5.78 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.57 per 1,000 gal.	\$ 4.50 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.34 per 1,000 gal.	\$ 2.35 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

ADD

EFFECTIVE JANUARY 1, 2017

FOR ACCOUNTS BILLED QUARTERLY (fully-reflected in the three-month billing cycle ending March 31, 2017): **[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended _____ as L.L. #3 (Intro No. 1) 2015]**

QUARTERLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 5,000 gallons	\$60.00	\$105.00
Next 15,000 gallons	\$ 4.33 per 1,000 gal.	\$ 7.58 per 1,000 gal.
Next 23,980,000 gallons	\$ 2.96 per 1,000 gal.	\$ 5.18 per 1,000 gal.
All over 24,000,000 gallons	\$ 1.54 per 1,000 gal.	\$ 2.70 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$1,800.00	\$3,150.00
-------------------------------------------------	------------	------------

FOR ACCOUNTS BILLED MONTHLY (fully-reflected in the one-month billing cycle ending January 31, 2017): **[Amended 11-05-2012 as L.L. #1 (Intro No. 1) 2012; Amended 12-16-2014 as L.L. #3 (Intro No. 1) 2014; Amended _____ as L.L. #3 (Intro No. 1) 2015]**

MONTHLY

	<u>CITY RATE</u>	<u>SUBURBAN RATE</u>
Minimum up to 2,000 gallons	\$20.00	\$35.00
Next 5,000 gallons	\$ 4.33 per 1,000 gal.	\$ 7.58 per 1,000 gal.
Next 7,993,000 gallons	\$ 2.96 per 1,000 gal.	\$ 5.18 per 1,000 gal.
All over 8,000,000 gallons	\$ 1.54 per 1,000 gal.	\$ 2.70 per 1,000 gal.

METER RATES [Amended 12-3-2002 as L.L. #4-2002]

1"	\$ 25.00	\$ 43.75
1.5"	\$ 60.00	\$ 105.00
2"	\$ 125.00	\$ 218.75
3"	\$ 250.00	\$ 437.50
4"	\$ 375.00	\$ 656.25
6"	\$ 437.50	\$ 765.63
8"	\$ 500.00	\$ 875.00
10"	\$ 562.50	\$ 984.38

<u>MAXIMUM METER CHARGE PER CUSTOMER</u>	\$ 600.00	\$1,050.00
-----------------------------------------------------	-----------	------------

Section 3 Effective Date.

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

RESOLUTION #94-2016
November 1, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING STREET LIGHT INSTALLATION AT
PLOVER STREET NEAR THE HIGH SCHOOL PARKING LOT**

WHEREAS, it has been recommended by Police Chief Ortolano that a street light be installed at Plover Street near the High School Parking Lot to increase illumination and security in the area; now, therefore, be it

RESOLVED, that National Grid is hereby authorized to install one utility pole at the above referenced location with the City's portion to be paid out of the CHIPS fund; and, be it further

RESOLVED that National Grid is hereby authorized to install one street light at the above referenced location at an approximate annual cost of \$107.12 to be paid out of the annual street lighting fund; and, be it finally

RESOLVED, that the Mayor is hereby authorized to execute any and all necessary documents, and that the Public Works Department is directed to notify Niagara Mohawk Power Corporation of this change.

RESOLUTION # 95-2016
November 1, 2016

BY: COUNCILMAN ANDREW GONZALEZ

**AUTHORIZING AGREEMENT FOR ARCHITECTURE AND ENGINEERING SERVICES
POINT GARTIOT PARK
(LABELLA ASSOCIATES)**

WHEREAS, the City of Dunkirk owns and operates Point Gratiot Park, that contains approximately 48 acres of park land, beaches, pavilions, restrooms, and playgrounds. Due to age and wear the 6 pavilions are in need of repairs and renovations, the restrooms are outdated and non-ADA compliant, and the electrical system creates a safety hazard for the public; and

WHEREAS, professional engineering and architecture services are required for immediate replacement of these key components, and LaBella Associates, are ready, willing and able to provide such services for the City in a good and workmanlike manner as determined by the Director of Planning and Development under her responsibility and authority by the City Code, and with the further consideration that LaBella Associates of New York has over 30 years of architecture and engineering experience, and comes highly recommended from the nearby communities that have designed, repaired, and replaced similar equipment; now, therefore be it

RESOLVED, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with LaBella Associates, Olympic Tower, 300 Pearl St # 325, Buffalo, NY, to design, provide engineering, architecture, and construction administration, and to meet New York State Minority & Women Business Enterprises requirements with a cost not to exceed a total of forty-two thousand five hundred dollars (\$42,500); and be it further

RESOLVED, that the revenue, and appropriations for this project be set up by Fiscal Affairs as an income and expense in a separate City Fund, and that any and all engineering/architecture and construction contract administration services be paid from the engineering/architecture expense line of said Fund.