

COMMON COUNCIL PROCEEDINGS
September 20, 2016

The meeting was called to order at 5:30 PM by Councilman-at-large Woloszyn followed by the Pledge of Allegiance.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Brautigam, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Deputy Director of Development Waite, CDBG Administrator Lincoln, Fire Chief Edwards and Police Chief Ortolano.

Certification of, Tuesday, September 06, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, September 06, 2016 be dispensed with.

Motion by Councilman Williams to accept the minutes as presented. Seconded by Councilman Gonzalez.

Carried, all voting aye.

PUBLIC COMMENTS:

Mike Civileto, 138 Ruggles Street, Chairman of the CAC, advised that the CAC would like to see a committee set up to discuss the rules and regulations for rental properties within the City and for Council to approve a proposal for a Dog Park within the City.

Harriet "Skeeter" Tower, 438 Swan Street, representative of Revitalize Dunkirk, spoke in regards to the many bright yellow donated clothing receptacles within the City and advised that the proceeds do not benefit the immediate area and that they are unsightly.

Discussion was held with Ms. Tower, Council and Building Inspector Zurawski on how to proceed with her concerns.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised that the Contract for the Wright Park Amenities Grant has been received, signed and returned to the State and Director of Development Yanus and her staff met with the BOA Consultants and will begin the public participation portion of that process on October 19th with a Community Outreach & Engagement Kick-Off.

Mayor Rosas advised that Music on the Pier and the Picnic at the Point was a success and that Dunkirk Native Estenella Roberts was the winner of the car raffle.

Mayor Rosas advised that he has reached out to State Official Tim Ryan from the Division of Budget in reference to a Financial Restructuring Board for local governments which has been used by municipalities such as Niagara Falls and Jamestown to see what services are available that the City could benefit from and if the City decides to proceed a Resolution would need to be attached to the application.

Mayor Rosas welcomed Director of Development Yanus and invited her to speak on some Grants that her Department is working on.

Director of Development Yanus advised that she is currently working on 2 grant applications, the SAM Grant and the Smart Growth American Grant, detailed what both grants entail and advised that she is making Council aware of the applications should she need a Resolution brought forth for the next Council Meeting.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Mary Jo Pleszewski for alleged damages at 112 S. Serval Street on August 5th due to broken water line.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised his Public Works Committee meeting is scheduled for Wednesday, September 28th at 4:00 PM in the Mayor's Conference Room.

Councilman Bamonto advised he had attended the Picnic at the Point on September 11th, thanked Festivals and Special Events Coordinator Rosas for putting it together and that he had also attended the Dunkirk Midget League fundraiser at the Moose Club as well as the Mayor Rosas Leaders of Tomorrow Inaugural Gala this past Saturday.

Councilman Bamonto inquired to Building Inspector Zurawski for an update on the Lucas Avenue demolition and to Deputy Director of Development Waite for an update on the Wright Park Amenities Grant.

Building Inspector Zurawski advised that everything is progressing as it should.

Deputy Director of Development Waite advised that they received the Contract, signed/notarized and mailed it back, should receive an executed copy shortly and once that is received they will be able to move forward.

Councilman Gonzalez thanked Director of Development Yanus for her Grant work, advised that once the right location is in place they could go ahead with a dog park in the City and thanked STEL for their beautification presentation at the Economic Development Meeting.

Councilwoman Szukala inquired to Chief Ortolano about trucks driving as well as speeding on Middle and Roberts Road, Deputy Director of Development Waite for an update with the Hoyt Street Project, Mayor Rosas for an update on the position available in the City Clerk's Office and thanked City Attorney Brautigam for his work.

Chief Ortolano advised that both Middle Road and Roberts Road are designated truck routes and that he will step up the radar in the area.

Deputy Director of Development Waite advised that the equipment for the Hoyt Street project was ordered last year, workers have been scheduled and that the reconstructing could start at any time now.

Mayor Rosas advised that he had just met with City Clerk Divine today to discuss the open position and that the next Civil Service test is scheduled to be taken soon so they will then be able to hire off that list.

Councilman-at-large Woloszyn advised that the next Finance Committee Meeting is scheduled for Thursday at 4:00 PM in the Mayor’s Conference Room where the Financial Restructuring Board mentioned by Mayor Rosas will be discussed and invited everyone to attend.

Councilman-at-large Woloszyn advised that a motion was needed to change the Rules of Order so that “Unfinished Business” follows “Pre-Filed Resolutions”.

Councilman Williams moved to change the Rules of Order. Seconded by Councilman Bamonto.

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #81-2016
September 20, 2016

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Monday, October 31, 2016, shall be from 4:00 P.M. to 8:00 P.M.

Councilman Williams made a motion to Table Resolution #81-2016. Seconded by Councilman Gonzalez.

Vote to Table Resolution #81-2016:

Ayes: Councilman Williams, Bamonto, Gonzalez and Councilman-at-large Woloszyn.

No: Councilwoman Szukala.

Carried, 4-1. TABLED.

RESOLUTION #82-2016
September 20, 2016

BY: ENTIRE COUNCIL

A BOND RESOLUTION, DATED SEPTEMBER 20, 2016, OF THE COMMON COUNCIL OF THE CITY OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK (THE “CITY”), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT (PHASE III) PURSUANT TO A CHAUTAUQUA COUNTY DEPARTMENT OF HEALTH

CONSENT ORDER, AT AN ESTIMATED MAXIMUM COST OF \$9,000,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.

WHEREAS, the Common Council of the City of Dunkirk, County of Chautauqua, New York (the "City") desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the City Water System; and

WHEREAS, it is the City's expectation that such project is the final phase of improvements required under a Chautauqua County Department of Health Consent Order for the City's water system; and

WHEREAS, the City desires to authorize the issuance of obligations to finance such project; and

WHEREAS, the City intends to construct such project by working with the New York State Environmental Facilities Corporation;

NOW, THEREFORE, BE IT

RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a water system capital improvements project pursuant to a Chautauqua County Department of Health Consent Order, generally consisting of various upgrades to the water treatment plant including, but not limited to, the construction of a new high lift pump station and new clear well, installation of a new storage tank, high lift pumps and associated piping, installation of a SCADA system, new flocculation system, new mixing system and piping work, installation of fencing and gates, interior painting of the Benton Street water tank, installation of a standby generator and electrical system upgrades and the replacement of various equipment, and all preliminary work and necessary equipment, materials and site work, as well as other such improvements as more fully identified in a preliminary engineering report prepared by Hill Engineering of New York, P.C. (the "Engineer") and any preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$9,000,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of the purpose by the issuance of serial bonds in an aggregate amount not to exceed \$9,000,000 of said City, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds

received. Unless paid from other sources or charges, the cost of such purpose is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same will become due and payable.

SECTION 3. It is hereby determined that the purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds.) This resolution shall constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by

Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. To the extent applicable, the City Treasurer is hereby authorized to execute and deliver in the name and on behalf of the City a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the City Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The City Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 16. This Resolution is effective immediately.

Councilman Gonzalez inquired as to what the total will be for Phase 3.

Fiscal Affairs Officer Halas advised that over \$13,000,000 has been spent and that the total appropriation on the Consent Order is approximately \$22,300,000.

Councilman-at-large Woloszyn clarified that this phase of the Consent Order is for approximately \$9,000,000.

Mayor Rosas advised that the City will be receiving a \$3,000,000 Grant from the State and that the rest of the cost will come from a no-interest loan.

Fiscal Affairs Officer Halas advised that the \$3,000,000 will come off the first \$5,000,000 borrowed.

Councilman-at-large Woloszyn advised that this Resolution must pass by 2/3rd's majority as it is a Bonding Resolution.

Carried, all voting aye.

RESOLUTION #83-2016
September 20, 2016

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF CITY ATTORNEY

WHEREAS, Section 2-6.01 of the City Code provides that the City Attorney shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-6.01 of the City Code, Mayor Wilfred Rosas has appointed Sean Connolly, P.O. Box 607, Fredonia, New York, to the position of Part-Time City Attorney for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

RESOLVED, that Sean Connolly, be confirmed as Part-Time City Attorney for the City of Dunkirk, effective September 21, 2016, at Forty-Five Thousand and Zero Cents (\$45,000.00) per annum, with no benefits.

Carried, all voting aye.

RESOLUTION #84-2016
September 20, 2016

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF DIRECTOR OF PUBLIC WORKS

WHEREAS, Section 2-10.02 of the City Code provides that the Director of Public Works shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-10.02 of the City Code, Mayor Wilfred Rosas has appointed Robert Bankoski, of 407 Lake Shore Drive East, Dunkirk, New York, to the position of Director of Public Works for the City of Dunkirk, subject to the consent of the Common Council: now, therefore, be it

RESOLVED, that Robert Bankoski, be confirmed as Director of Public Works for the City of Dunkirk, effective September 21, 2016, at Thirty Thousand Dollars and Zero Cents (\$30,000) *per annum*, with no benefits.

Councilwoman Szukala advised that she had already voiced her concerns during the Workshop portion and that she will not be able to support this at this time.

Vote on Resolution:

Ayes: Councilman Williams, Councilman Bamonto, Councilman Gonzalez and Councilman-at-large Woloszyn.

No: Councilwoman Szukala.

Carried, 4-1.

RESOLUTION #85-2016
September 20, 2016

BY: Councilman Gonzalez

**AUTHORIZATION OF CROSSWALK
AT FIELDBROOK FARMS**

WHEREAS the City of Dunkirk, through the direction and leadership of Mayor Wilfred Rosas, fully supports City industries, including the expanding workforce of Fieldbrook Foods, and

WHEREAS the City of Dunkirk DPW is reconstructing sidewalks to facilitate the Fieldbrook Foods' worker safe pedestrian-traffic crossing of Main Street from the Fieldbrook parking lot on Main Street, and

WHEREAS the crosswalk will be marked for clarity and safety according to specifications of the New York State Department of Transportation manual, now therefore,

BE IT RESOLVED, that the new crosswalk will be constructed by Dunkirk DPW in accordance with said specifications and also constructed to any additional recommendations by the Dunkirk Police Department to help enforce the proper use of the new safety crosswalk.

Councilman Williams asked Police Chief Ortolano to explain the purpose of this Resolution.

Police Chief Ortolano advised that this has been an ongoing project; the purpose is to re-align the crosswalk so that employees may cross over safely to the parking lot and that proper signage will be added.

Carried, all voting aye.

RESOLUTION #86-2016
SEPTEMBER 20, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING RENEWAL AGREEMENT WITH
STATE OF NEW YORK UNIFIED COURT SYSTEM
(CITY COURT CLEANING and MINOR REPAIRS – CONTRACT NO. C300342)
(APRIL 1, 2016 TO MARCH 31, 2017)**

WHEREAS, the City’s five-year contract with the New York State Unified Court System reimburses the City for cleaning and minor repairs for space utilized for City Court; 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 Forty Three Thousand, Four Hundred and Seventy Dollars and No Cents (\$43,470); 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 Forty Three Thousand, Four Hundred and Seventy Dollars and No Cents (\$43,470) to compensate the City for cleaning and minor repairs for space utilized by City Court.

Carried, all voting aye.

UNFINISHED BUSINESS:

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.

Councilman Williams made a motion to remove Resolution #75-2016 from the Table. Seconded by Councilman Gonzalez.

Carried, all voting aye. REMOVED.

Councilman-at-large Woloszyn advised a motion was needed to amend the 6th "WHEREAS" to the following: "WHEREAS, said Council Resolution 34-2016, dated March 15, 2016, further authorized and directed that the EFC funds 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".

Councilman Gonzalez made a motion to amend. Seconded by Councilman Williams.

Carried, all voting aye. AMENDED.

RESOLUTION # 75 - 2016
AMENDED SEPTEMBER 20, 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 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.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:06 PM

Lillian R. Divine, City Clerk
