

AGENDA - COMMON COUNCIL MEETING – APRIL 17, 2012 - 6:00 P.M.  
REGULAR MEETING

1. Call to order, Roll Call and Pledge of Allegiance to the flag.
2. Certification of prior meetings. Resolution dispensing with reading of minutes.
3. Reading of Privilege of the Floor Regulations.
4. Privilege of the Floor:
5. Communications from the Mayor including disapproval messages.
6. Communications from the public and petitions.
  1. Communication from the Village of Fredonia advising of their Local Law & Public Hearing regarding signage.
  2. Request from Ryan Corbett to hold a classic Car Cruise in Washington Park on June 17th from 11:00 AM to 4:00 PM, electrical power for the band & vendors, trash cans, port-a-potties, tent, and possibly closing Washington Avenue between Fifth & Sixth Streets.
  3. Request from the Dunkirk Joint Veterans Council to hold the Annual Memorial Day Services & Parade on Monday, May 28th at 10:00 AM with parade to follow; reviewing stands & chairs at Memorial Park & City Hall, and participation by the Mayor & City Officials.
  4. Request from Section VI - NYS Public High School Athletic Assoc. to use Promenshenkle Stadium on May 30th at 5:00 PM & 7:00 PM & June 2nd at 2:30 4:30 & 7:00 PM (rain dates May 31st & June 3rd), Wright Park Drive closed by the creek and Pine Street, and N. Warsaw by the basketball courts at 3:00 PM on May 30th, and 12:30 PM on June 2nd.
  5. Loudspeaker applications from:
    - a) The Clarion Hotel for live bands starting May 20th from 8:00 PM to 1:00 AM.
    - b) The Moose Club for a band from 1:00 to 5:00 PM at the large shelter on August 19th.
7. Reports of Standing Committees, Boards and Commissions.
8. Unfinished Business:
9. Pre-filed Resolutions:
  37. Resolution authorizing City of Dunkirk Community Garden Program.
  38. Resolution authorizing bid acceptance for 2010 Fire Rescue Vehicle.
  39. Resolution authorizing award of bid for electrical wiring for filters at the Water Treatment Facility.

40. Resolution directing the Building Inspector to repair or remove 209 Swan Street.

10. New Business:

11. Adjournment:

Lacy Lawrence  
City Clerk



# VILLAGE OF FREDONIA

OFFICE OF THE MAYOR  
9-11 CHURCH STREET  
P.O. BOX 31  
FREDONIA, NEW YORK 14063  
716-679-2301

SITE OF FIRST GAS WELL IN U.S.  
BIRTHPLACE OF W.C.T.U.  
HOME OF FIRST GRANGE

STEPHEN W. KEEFE  
MAYOR

March 28, 2012

City of Dunkirk  
City Hall  
Dunkirk, New York 14048

To Whom It May Concern:

Enclosed please find a Notice of Public Hearing on Proposed Local Law No. 1 of 2012 of the Village of Fredonia, New York.

The Public Hearing is scheduled for April 23, 2012.

Should you have any questions, please feel to contact John Monaco at the Building Inspector's Office in Village Hall at 679-2313.

Sincerely,

Stephen W. Keefe  
Mayor

SWK/lk

2012 AP - 9 PM 4:13

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.

**NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW NO.1  
OF 2012 OF THE VILLAGE OF FREDONIA, NEW YORK**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Board of Trustees of the Village of Fredonia on April 23, 2012 at 7:30 PM at the Village Hall, Trustees Room, Second, Floor, 9-11 Church Street, Fredonia, N.Y. to consider the question of the enactment of proposed Local Law No. 1 of 2012 of the Village of Fredonia. Said proposed Local Law reads as follows:

Section 1. This Local Law shall be entitled "A Local Law Amending the Zoning Law of the Village of Fredonia relative to signage to add a definition for "Sign Area" and to add provisions for Commercial Electronic Variable Messaging Signage.

Section 2. Section 297.12 (Definitions) of the Zoning Law of the Village of Fredonia is hereby amended to add the following definition for "Sign Area."

**Sign Area:** Means the surface contained within a single continuous perimeter which encloses the entire sign cabinet but excluding any support of framing structure that does not convey a message. Where signs are of a three-dimensional, round, or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Double sided signs shall be considered one sign and total sign area shall be calculated from one face.

Section 3. Article XVI of the Zoning Law of the Village of Fredonia is hereby amended to add a new section to be known as Section 297-16.8, Commercial Electronic Variable Messaging Signage, to read as follows:

Section 297-16.8. Commercial Electronic Variable Messaging Signage.

A. Definitions:

Commercial Electronic Variable Messaging Signage (hereinafter referred to as "CEVMC"): Signs capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

NIT: A unit of luminance in the meter-kilogram-second system of units.

Animation: The movement of any light used in conjunction with a sign.

Sign Area: See Section 297-1.2 of the Fredonia Zoning Law for definition of "sign area."

Off-premises Advertising: Advertising for a business (goods or services) not conducted on the premises.,

B. Location of CEVMS: CEVMS shall be permitted only in the following area within the C-2 District: Those parcels adjoining New York State Route 60 from the intersection of Route 20 northerly to the Village boundary line. Also the parcel adjacent to northerly side of Route 20 (West Main Street) and which adjoins the parcel located on the northerly corner of Route 60 and Route 20.

C. CEVMS shall comply with the following:

- (1) Transition Methods: The transition between messages shall not exceed two seconds;
- (2) Message Frequency: Each message shall show no less than ten (10) seconds;
- (3) Intensity/Brightness: All CEVMS shall be equipped with technology that automatically dims the electronic variable message displays according to ambient light conditions to a luminance of not more than 0.3 foot-candles (as measured using a foot-candle meter at 100 feet). The nighttime brightness level shall not exceed 500 NIT and the daytime brightness level shall not exceed 5000 NIT (meets FHWA Administration Guidelines);
- (4) Animation: Animation is permitted, except letter and/or texts which are scrolling, blinking, flashing or changing of any light movement are prohibited (continuously lighted is permitted);
- (5) Orientation: CEVMS' may be placed parallel or perpendicular to the street (single or double-sided);  
Setback: CEVMS' must be at least ten (10) feet from the street right of way;
- (6) Height: The maximum height of a CEVMS shall not exceed twenty-five (25) feet measured from ground level;
- (7) Size: The maximum size of the CEVMS' shall not exceed fifty (50) square feet per side.

8) All CEVS are subject to site plan review.

(9) Permit Fee Schedule: Applications for Commercial Electronic Variable Messaging Signage (which requires a site plan review) will be charges \$100.00, as opposed to \$300.00 as is the case for any other action requiring a site plan review;

(10) Political signage shall be subject to the same time restrictions as set forth in Section 297-16.7 of the Fredonia Zoning Law.

(11) Off-Premises advertising is prohibited, unless a permit is issued by the New York State Department of Transportation. Off-premises advertising is not prohibited if the advertising is for a not-for-profit organization or a business which is included within the activities of a not-for-profit organization.

Section 4. This Local Law shall take effect immediately upon filing the Local Law with the Secretary of State of the State of New York.

At said public hearing all persons interested shall be heard.

Dated: March 27, 2012

Richard R. St. George  
Village Administrator (Clerk-Treasurer.)  
Village of Fredonia, New York 14063

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.

2012 MR 26 PM 4:20

Mayor Dolce and City Council members:

I am writing this letter to request the right to hold a Classic Car Cruise in Washington Park on June 17, 2012, Fathers Day, from 11 am to 4 pm to raise money for the Dunkirk Historical Society.

The goal would be to have the cars parked in the park, music in the gazebo and venders selling food. A tent, 20X30, would be erected with tables and chairs.

I will need to obtain a noise ordinance from you for the band, and confirmation that the band and the venders would have the electrical power required to operate. A few extra garbage cans distributed throughout the Park would also be very helpful along with Port-A-Potties set up for restrooms.

If for some reason the ground in the Park cannot support the weight of the vehicles I would need to have Washington Ave. closed down from 5<sup>th</sup> St. to 6<sup>th</sup> St. so that the cars could be parked on the road.

I have already spoken to the PARK Committee and they have agreed to help in any way that they can. I hope that you are as interested and excited as they are to try to make this event a reality.

Thank you for your time and consideration on this matter.

Ryan Corbett

121 S. Ocelot St.

363-1195 Home

410-1015 cell

Or you can contact Diane Andrasik at the Dunkirk Historical Society.

4-3-12 Received and Filed.

RECEIVED  
CLERK'S OFFICE  
DUNKIRK, N.Y.

2012 MR 30 10 17 06  
*Dunkirk Joint Veterans Council*

Honorable Mayor Anthony Dolce  
Members of the Common Council

March 29, 2012

Mayor Dolce and Council Members:

Subject: 2012 Memorial Day Services & Parade

The Dunkirk Joint Veterans Council is requesting permission to hold the Annual Memorial Day Services & Memorial Parade on Monday, May 28, 2012.

The services will begin at 10:00 a.m. in Memorial Park with the Parade to follow immediately.

The DJVC has been proudly hosting the Services & Parade since 1966, making 2012 our 46<sup>th</sup> year.

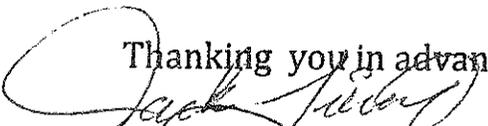
The Parade will start at approximately 11:00 a.m. and proceed East on Lake Shore Drive West to Central Avenue. Parade will turn right onto Central Avenue and proceed South to Fifth Street. Parade turns East on Fifth Street and disbands at Washington Park.

In case of inclement weather, the Parade will be postponed up to one hour. Should the rain continue, Memorial Day Services will be held at the American Legion, Post 62, Central Avenue, Dunkirk, New York.

We are requesting that the Street/Parks Department set up reviewing stands and chairs at Memorial Park and in front of City Hall. Respectfully requesting the assistance of Mr. Anthony Gugino and Mr. Thomas Mleczo.

The Joint Veterans Council is also requesting participation by the Mayor, Common Council and City Officials during the services at Memorial Park and the viewing of the parade from the reviewing stand at City Hall.

Thanking you in advance for your continued support and cooperation.

  
Jack Sievert, Commander

49-B Seel Acres, Dunkirk, N.Y. 14048-3556 Ph: 716-366-4082

Email: [sievert5594@roadrunner.com](mailto:sievert5594@roadrunner.com)

# Section VI

355 Harlem Rd.  
West Seneca, NY 14224  
(716) 821-7092 (716) 821-7299 FAX: (716) 821-7352  
tslade@e1b.org cszczeny@e1b.org website: www.section6.e1b.org

## Proposal/Contract between Section VI and a Sports Facility

This proposal, which becomes a contract when signed by both parties, details the arrangement between Section VI of the New York State Public High School Athletic Association and the venue listed, for usage of specific sports facilities at that venue. Section VI will provide a Certificate of General Liability Insurance for the event(s).

Venue: Promenshenkle Stadium at Wright Park

Address: Wright Park Dr., Dunkirk, NY 14048

Venue Coordinator: Kim Robbins, City of Dunkirk, 342 Central Ave., Dunkirk, NY 14048.

Phone: 366-9866 Fax: 366-1329 krobbins@cityofdunkirk.com

Sporting Event: Softball Sectionals Finals

Date(s)/ Time (s): Wed. May 30, 2012 Class B2 - 5:00pm B1- 7:00 pm (Raindate May 31)

Sat. June 2, 2012 Class D- 2:30 pm, C- 4:30 pm & B(Crossover) 7:00pm (Raindate June 3)

Facility to be used: Softball diamonds (gym, pool, track, etc.)

Rent/ Usage fee: none

Other Fees (if any):	Item	Charge
<u>none</u>		

Additional Request: need to close Wright Park Drive by creek + Pine Street and N. Warsaw by basketball courts at 3:00pm on 5/30 and 12:30pm on 6/2. Need barriers.

Venue Coordinator Signature: Kim M. Robbins 4/12/12

Date

Section VI Sportchair responsible for contest management:

Name: Mark Kruzynski

Phone: (C) 598-1073

Approved By Section VI Office Personnel: \_\_\_\_\_

Name

Title

Signature: \_\_\_\_\_

Date

Revised 1/25/10

Client#: 4577

NYS PUBLI

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/28/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cool Insuring Agency Inc CL 784 Troy Schenectady Road Latham, NY 12110 518-783-2665	CONTACT NAME:	
	PHONE (A/C, No, Ext): 518 783-2665	FAX (A/C, No): 5187838754
	E-MAIL:	
	ADDRESS:	
	PRODUCER CUSTOMER ID #:	
INSURED N Y S Public High School Athletic Assn Section I - XI 8 Airport Park Blvd Latham, NY 12110	INSURER(S) AFFORDING COVERAGE	
	INSURER A: National Casualty Company	NAIC # 11991
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL BSBR INSR Y/YD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		6LKRO0000002129200	09/22/2011	09/22/2012	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		6LKKO0000002129300	09/22/2011	09/22/2012	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 0		6LXKO0000002129400	09/22/2011	09/22/2012	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Sexual Abuse & Molestation		6LKRO0000002129200	09/22/2011	09/22/2012	\$1,000,000

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MAR 30 2012  
Dunkirk City Attorney

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Event: Section VI Softball Sectionals  
Date: May 30, June 2, 2012  
(See Attached Descriptions)

CERTIFICATE HOLDER City of Dunkirk 342 Central Ave. Dunkirk, NY 14048 ATTN: Kim Robbins	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Anthony J. Mandata</i>
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## DESCRIPTIONS (Continued from Page 1)

Rain Date: May 31, June 3 2012

Location: Promenschenkle Stadium Wright Park, City of Dunkirk

City of Dunkirk is named as an Additional Insured with respects to the Liability arising from Named Insured.

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

DATE OF APPLICATION (must be 30 days Prior to event): APRIL 3/2012

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

DATE: 5/20-22/12 TIME: 8PM-1AM LOCATION OF EVENT: DOCKSIDE Bar (Clasico)

SPONSOR: CLARION HOTEL

NAME: Ashok Chopra PHONE NO. \_\_\_\_\_

ADDRESS: 30 Lakeshore Dr. E  
DUNKIRK, NY 14048

INDIVIDUAL  CORPORATE  CHARITABLE  COMMUNITY

RESPONSIBLE INDIVIDUAL:

NAME: Ashok Chopra/Vic Singh PHONE: 716-566-8350

ADDRESS: 30 Lakeshore Dr. E, DUNKIRK NY 14048

REASON: Music for Dockside Summer Bands

AUDIO DEVICE TO BE USED: LIVE BANDS

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: *[Signature]*

DEPARTMENTAL REVIEW	DATE SENT	REPORT BACK
POLICE DEPT <u>OK 4/3/12</u>		
DEPT OF PUBLIC WORKS <u>OK 4/5/12</u>		
DEPT OF LAW <u>OK 4/11/12</u>		
OTHER		

**COMMON COUNCIL ACTION**

RECEIPT OF REVIEW

APPROVAL

CONDITIONS:

DISAPPROVED

RECEIVED  
 CLERK'S OFFICE  
 DUNKIRK, N.Y.  
 2012 APR - 3 AM 2:16

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

DATE OF APPLICATION (must be 30 days Prior to event):		4/10/12
* No more than 3 days TOTAL per Individual or Group - per year		* EXCLUDES HARBORFRONT AREA
<b>EVENT SPECIFICS</b>		
DATE: 8/19/12	TIME: 11:00 TO 5:00	LOCATION OF EVENT: Large Pt
SPONSOR: Dunkirk Moose Club		
NAME: Dunkirk Moose Club	PHONE NO. 716 366-5322	
ADDRESS: LAKE SHORE DRIVE Dunkirk NY 14048		
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE <input type="checkbox"/> CHARITABLE <input type="checkbox"/> COMMUNITY		
RESPONSIBLE INDIVIDUAL:		
NAME: Dunkirk Moose Club		PHONE: 366 5322
ADDRESS: LAKE SHORE DR. Dunkirk NY 14063		
REASON:		
21. CLUB PARTY		
AUDIO DEVICE TO BE USED:		
BAND      SPEAKERS + AMPS		
<input type="checkbox"/> PUBLIC EVENT		<input checked="" 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: <i>John Lawrence</i>		
<b>DEPARTMENTAL REVIEW</b>	<b>DATE SENT</b>	<b>REPORT BACK</b>
POLICE DEPT <i>OK 4/10/12</i>		
DEPT OF PUBLIC WORKS <i>[Signature]</i>		
DEPT OF LAW <i>RAS 4/10/12</i>		
OTHER		
<b>COMMON COUNCIL ACTION</b>		
RECEIPT OF REVIEW		
APPROVAL		
CONDITIONS:		
DISAPPROVED		

RECEIVED  
 1 DEPT'S OFFICE  
 DUNKIRK, NY.  
 APR 10 2012  
 PM 12:53

**RESOLUTION #37-2012**  
**APRIL 17, 2012**

**BY COUNCILMAN GONZALEZ AND COUNCILMAN RIVERA:**

**AUTHORIZING CITY OF DUNKIRK COMMUNITY GARDEN PROGRAM**

**WHEREAS,** the City of Dunkirk owns and maintains various parcels of vacant land located at various sites throughout the City; and,

**WHEREAS,** in order to provide an opportunity to the public to enhance the character of our community, it would be in the best interests of the community's health, safety and welfare to allow interested City individuals and groups to utilize various parcels of City-owned property to establish and to maintain community gardens; now, therefore, be it

**RESOLVED,** that the Common Council hereby authorizes the City of Dunkirk Community Garden Program, and authorizes and directs the Mayor, City Clerk and Department of Planning & Development to formulate and to administer the application and review process to assist eligible individuals and groups participate in such Program.

**RESOLUTION #38-2012**

**APRIL 17, 2012**

**BY COUNCILMAN RIVERA:**

**AUTHORIZING BID ACCEPTANCE – 2010 FIRE RESCUE VEHICLE**

**WHEREAS,** bids for the purchase of a New and Unused 2010 or Newer Model Year Type III Ambulance were let, received and opened in the City Clerk' s Office on March 27, 2012 at 10:00 a.m.; and

**WHEREAS,** the Fire Chief has reviewed and compiled the returned bids and has determined that the lowest responsible bid that materially complies with the bid specifications, waiving any technical non-compliance, that was received for this vehicle was received from WNY Bus Parts, Inc. d/b/a Gorman Emergency Vehicles, 691 Bullis Road, Elma, New York 14059, in the amount of One Hundred Nineteen Thousand, Eight Hundred and Fifty Dollars and Zero Cents (\$119,850.00); and

**WHEREAS,** funds for such purchase include Sixty-five Thousand Dollars and Zero Cents (\$65,000.00) from Fire Department Equipment Account (001-3410-2000) that has been allocated in the 2012 City budget; now, therefore, be it

**RESOLVED,** it is in the best interests of the City to accept such lowest responsible bid that materially complies with the bid specifications, and the Mayor is hereby authorized and directed to enter into an agreement, on behalf of the City of Dunkirk, with WNY Bus Parts, Inc. d/b/a Gorman Emergency Vehicles, 691 Bullis Road, Elma, New York 14059, for the purchase of one (1) new 2010 McCoy Miller Medic 170 Fire Rescue Vehicle in the amount of One Hundred Nineteen Thousand, Eight Hundred and Fifty Dollars and Zero Cents (\$119,850.00), with funds for such purchase to be made as follows:

Fire Department Equipment Account	001-3410-2000	\$119,850.00
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Revenue Account (Emergency Med Services) 001-0001-2018 as revenues are available in the account, \$54,850.00 shall be transferred to 001-3410-2000 to off-set budget allocation for this purchase; and, be it finally

**RESOLVED,** that the City Clerk is authorized to return the bid deposits of the unsuccessful Bidder and the successful Bidder upon unit delivery.

**RESOLUTION #39-2012**  
**APRIL 17, 2012**

**BY COUNCILMAN MICHALSKI:**

**AUTHORIZING AWARD OF BID FOR ELECTRICAL WIRING FOR FILTERS  
AT THE WATER TREATMENT FACILITY**

**WHEREAS**, sealed bids for **Contract 1-2012 – Electrical Wiring for Filters** at the **City of Dunkirk Water Treatment Plant** were received and opened on April 11, 2012 at 10:00 AM local time, with two (2) bidders responding, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Director of Public Works Gugino and the City's retained consultant, Hill Engineering, Inc., that the low bid of **O'Connell Electric Company, Inc., 830 Phillips Road, Victor, New York 14564**, be accepted in the amount of **\$106,400** for the above noted bid, and, be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute any necessary documents on behalf of the City of Dunkirk with **O'Connell Electric Company, Inc.**, for the above described work in accordance with the bid documents and that funding shall be allocated from Fund Account **015-8320-5041-8048**, and, be it further

**RESOLVED**, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts necessary for this work, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

**RESOLUTION #40-2012**

**APRIL 17, 2012**

**BY: COUNCILMAN RIVERA**

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

**WHEREAS**, by Resolution No. 23-2012, the Building Inspector was directed to inspect the building or structure situate at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65), and to report the results of such inspection to this Common Council in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

**WHEREAS**, the Building Inspector provided to Council an inspection report (dated February 22, 2012), which this Council has received and reviewed; and

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

**WHEREAS**, by Resolution No. 28-2012, the Building Inspector was directed to service a notice to repair or remove upon the owner and all other persons having an interest in the building or structure situate at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65), either personally or by registered mail, addressed to his/their last known address(es) as such appears on the current tax roll of the City of Dunkirk, in compliance with the conditions of Chapter 18 of the City of Dunkirk Code; and, the Building Inspector was further directed to report his determination and recommendation within five (5) days of any hearing held in accordance with the provisions of Chapter 18 of the City of Dunkirk Code; and

**WHEREAS**, the Building Inspector provided to the owner an opportunity to be heard as to whether a reasonable basis exists for the owner (or other interested parties) to be relieved of an order to repair or remove the building or structure under consideration; and

**WHEREAS**, the owner (or other interested parties) failed to utilize the opportunity to be heard and did not appear at such opportunity to be heard, and the owner failed to comply with the notice to repair or remove within the time provided or any extension thereof; and

**WHEREAS**, the Building Inspector has reported to the Common Council his determination, dated March 30, 2012, and this Common Council has received and reviewed such determination; now, therefore, be it

**RESOLVED**, that the Building Inspector is hereby directed to take all appropriate steps and procedures as directed by Chapter 18 of the Dunkirk City Code, to repair or remove the building or structure at premises designated as 209 Swan Street, Dunkirk, NY 14048 (79.14-4-65) in that such is a danger to the health, safety or welfare of the public and should be repaired or removed.