

# Meeting Minutes

Economic Development Committee

January 31, 2012

Attendees: Andy Gonzalez, Councilman  
Lacy Lawrence, City Clerk  
Steve Neratko, Director of Planning and Development  
Ron Szot, City Attorney  
Gib Snyder, Observer Reporter  
Jim Muscato, Guest

Absent: Bill Rivera, Councilman

Call to Order: 11:00 am

Discussed:

The meeting was turned over to Director of Planning and Development Steve Neratko to discuss the recent appointees of the Planning Board that were made by former Mayor Frey in December 2011, in addition to the terms of the current members. The meeting began with a brief overview of what the Planning Board is responsible for: oversight of parking variances (residential and business), signage throughout the city, and sight review. We were then provided with the following package:

- Memorandum from Director of Planning and Development Steve Neratko to Mayor Dolce and the Common Council dated January 27, 2012, outlining the Dunkirk City Code §52 and NYS General City Law §27 pertaining to the makeup of the planning board, and specifically, the terms of office for members.
- Memorandum from former Mayor Frey to the Dunkirk Common Council, dated January 13, 2005, regarding the *2005 Planning Board Changes and Appointments*.
- A “term of office graph” depicting the terms of members from 2001 through 2020
- Memorandum from former Mayor Frey to the Dunkirk Common Council dated October 21, 2008, advising of a resignation and appointment.
- Memorandum from former Mayor Frey to the Dunkirk Common Council dated January 18, 2011, advising of an appointment.

It was pointed out by Director of Planning and Development Steve Neratko that the City Charter (DCC §52) states those terms of office for members shall be as follows: “one member to serve for a one year term, two members to serve for a two-year term, and two members to serve for a three-year term. However, State Law (GCL §27) provides for the members terms to be equal in length to the number of members – hence, in the City’s situation, five members, each with a five-year term, staggered to terminate at the end of the City’s fiscal/official year (December 31<sup>st</sup>)”<sup>1</sup>

Director of Planning and Development Steve Neratko went on to say that because of this conflict, the recent appointees made by former Mayor Frey were made in error in that there was only one opening/holdover position subject to appointment/reappointment, but that three names were submitted to Council.

To resolve the situation, two courses of action were suggested:

- A letter be sent to former Mayor Frey requesting that he pick one of the three appointees to fill the opening. If Mayor Dolce and Council do not hear back from Mayor Frey before the end of February, then Mayor Dolce will fill the position at his discretion.
- Current terms of each office will be extended to the end of December 31<sup>st</sup> of whatever year they are scheduled to expire (current expiration dates are 2012, 2013, 2014, 2015 and 2016).

---

<sup>1</sup> Quoted from Director of Planning and Development Steve Neratko memorandum to Mayor Dolce and Council, January 27, 2012 (see attached).