

# City of Dunkirk

## Meeting Minutes

### Economic Development Committee

February 27, 2012

Attendees: Andy Gonzalez, Councilman  
Bill Rivera, Councilman  
Stephanie Kiyak, Council Member-At-Large  
Steve Neratko, Director of Planning and Development  
Tim Gornikiewicz, CDBG Administrator, Planning and Development Department  
Travis Gorden, Intern, Planning and Development Department  
Gib Snyder, Observer Reporter  
Nick Benque, Guest  
Mark Kiyak, Guest

*Call to Order:* 11:02 am

#### *Approval Of Last Meeting Minutes:*

Meeting minutes of January 31, 2012, were approved after two corrections were brought to our attention by Tim Gornikiewicz: his name was not on the attendees list, nor was the name of Stephanie Kiyak. With these two corrections noted, a motion to approve the minutes was made by Councilman Andy Gonzalez, seconded by Councilman Bill Rivera.

#### *Issues Discussed:*

Boardwalk Leases: Handout<sup>1</sup> provided by Steve Neratko, Director of Planning and Development referenced 3 leases coming up for renewal and 2 leases being extended in December of 2011, in addition to other items for consideration, such as delinquent loans and creating general parameters for new leases as they come up.

This committee will make the following recommendation(s) to the Common Council:

1. That a standard protocol for lease terms be developed, including rental and tenant selection/replacement.
2. That the Common Council be considered the "Boardwalk Committee", acting as the authority to bind the City, relying on the advice of City Attorney Ron Szot.

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<sup>1</sup> Handout is a memorandum dated February 15, 2012 from the City Attorney to the Mayor, Council and Department of Planning and Development. Memorandum is attached.

City of Dunkirk

Meeting Minutes

Economic Development Committee

February 23, 2012

Attendees: Andy Gonzalez, Councilman  
 Bill Rivers, Councilman  
 Stephanie Kiyak, Council Member-At-Large  
 Steve Nettek, Director of Planning and Development  
 Tim Gorkiewicz, CDBG Administrator, Planning and Development Department  
 Travis Gordon, Intern, Planning and Development Department  
 Gib Snyder, Observer Reporter  
 Nick Bendas, Guest  
 Mark Kiyak, Guest

Call to Order: 11:02 am

Approval of Last Meeting Minutes

Meeting minutes of January 31, 2012, were approved after two corrections were brought to our attention by Tim Gorkiewicz; his name was not on the attendees list nor was the name of Stephanie Kiyak. With these two corrections noted, a motion to approve the minutes was made by Councilman Andy Gonzalez, seconded by Councilman Bill Rivers.

Issue Discussed:

Borntwalk Leases: Handout provided by Steve Nettek, Director of Planning and Development referenced 3 leases coming up for renewal and 2 leases being extended in December of 2011. In addition to other items for consideration such as delinquent loans and creating general parameters for new leases as they come up.

This committee will make the following recommendation(s) to the Common Council:

1. That a standard protocol for lease terms be developed, including rental and tenant selection/requirements.
2. That the Common Council be considered the "Borntwalk Committee," acting as the authority to bind the City, relying on the advice of City Attorney Ron Szor.

\*Handout is a memorandum dated February 14, 2012 from the City Attorney to the Mayor, Council and Department of Planning and Development. Memorandum is attached.

3. That the Planning and Development Department create a current rental ledger to insure prompt receipt of monies due to the City, including issuance of late notices and collection of delinquent payments, including any late fees.

This committee will also be requesting from Mayor Dolce to report on the new terms of the lease agreements for the three leases coming due (Water's Edge – April 30, 2012, Blind Tiger – April 30, 2012 and Yummy's – March 31, 2012) no later than the next meeting (which will be held on March 27, 2012), unless it is decided that this will be done through the Common Council (i.e., Boardwalk Committee).

This committee will also pursue retroactive billing for water and sewer, and whatever else may not have been paid by tenants (but indicated in their lease contract as their obligation) in previous years. A formal request will be submitted to City Attorney Ron Szot if this is possible or not, with a reply submitted to this committee no later than the next meeting.

Other considerations: increasing the monthly rates during off season so that each tenant is paying the same amount each month. It was also suggested that delinquent payments be reported to at least one of the three major credit reporting bureaus (Equifax, TransUnion and Experian).

#### Compliance Issues:

Three separate handouts<sup>2</sup> were provided by Director of Planning and Development Steve Neratko:

1. Compliance Issues: outlining stated non-compliance issues and how they are being addressed.
2. Letter from William T. O'Connell, Director of Community Planning and Development Division at the U.S. Department of Housing and Urban Development regarding Fiscal Year 2011 Monitoring, Community Development Block Grant (CDBG) Program; City of Dunkirk, NY.
3. Memorandum from Edgar Moore, Regional Inspector General for Audit, NY/NJ Division to William T. O'Connell, Director of Community Planning and Development Division at the U.S. Department of Housing and Urban Development regarding The City of Dunkirk, NY, Used Community Development Block Grant Recovery Act Funding for an Ineligible Activity dated July 14, 2011.

General discussion included details of the issues and what is currently being done about it. It was asked of Director of Planning and Development Steve Neratko to report the status and steps taken for each of these issues to this committee at the next meeting.

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<sup>2</sup> All three are attached to these minutes

3. That the Planning and Development Department create a current rental ledger to insure prompt receipt of monies due to the City, including issuance of late notices and collection of delinquent payments, including any late fees.

This committee will also be requesting from Mayor DeLoe to report on the new terms of the lease agreements for the three leases coming due (Water's Edge - April 30, 2012, Blind Tiger - April 30, 2012 and Yummy's - March 31, 2012) no later than the next meeting (which will be held on March 27, 2012), unless it is decided that this will be done through the Common Council (i.e. Boardwalk Committee).

This committee will also pursue retroactive billing for water and sewer and whatever else may not have been paid by tenants (but indicated in their lease contract as their obligation) in previous years. A formal request will be submitted to City Attorney Ron Skut if this is possible or not with a reply submitted to this committee no later than the next meeting.

Other considerations: increasing the monthly rent during off season so that each tenant is paying the same amount each month. It was also suggested that delinquent payments be reported to at least one of the three major credit reporting bureaus (Equifax, TransUnion and Experian).

Compliance Issues:

Three separate handouts were provided by Director of Planning and Development Steve Nematko:

1. Compliance issues: outline stated non-compliance issues and how they are now addressed.

2. Letter from William T. O'Connell, Director of Community Planning and Development Division at the U.S. Department of Housing and Urban Development regarding Fiscal Year 2011 Monitoring Community Development Block Grant (CDBG) Program, City of Dunbar, NY.

3. Memorandum from Edgar Moore, Regional Inspector General for Audit, NYNJ Division to William T. O'Connell, Director of Community Planning and Development Division at the U.S. Department of Housing and Urban Development regarding The City of Dunbar, NY, used Community Development Block Grant (CDBG) funding for an ineligible activity dated July 14, 2011.

General discussion included details of the issues and what is currently being done about it. It was asked of Director of Planning and Development Steve Nematko to report the status and steps taken for each of these issues to this committee at the next meeting.

Director of Planning and Development Steve Neratko also mentioned the following milestones his department must meet:

- A guideline of Policy and Procedure be created and submitted to HUD. He estimates it will take 6 months to complete.
- A 5-year plan needs to be put together and forwarded to HUD by March 13, 2012. Director of Planning and Development Steve Neratko believes that there will be a need for public hearings.
- City accounting firm Johnson, Mackowiak & Associates is currently conducting an audit on these issues as well and will be forwarding their findings to HUD. This committee will be extending an invitation for one of their associates to join us at our next meeting to bring the committee up-to-date with their findings.

The Water Theme Park at the Clarion was also discussed. We were told by Director of Planning and Development Steve Neratko that the portfolio is currently being looked at by City Attorney Ron Szot, and that part of his investigation is requesting information by the attorneys that were involved in this project (Harris Beach, LLP). This Committee will be requesting the City Attorney to report his findings to this Committee no later than our next meeting.

Director of Planning and Development Steve Neratko informed us that HUD gave us a 15-day compliance due date regarding the Clarion Hotel Project, and that this deadline was met and confirmed during a conference call with him and Mayor Dolce February 6, 2012.

It was briefly discussed about the feasibility of opening an Amtrack Station in the City of Dunkirk. Director of Planning and Development Steve Neratko said that a few years ago Amtrack contacted the city expressing an interest in creating a stop here, but the administration at that time did not indicate any interest. This committee will be asking City Attorney Ron Szot to advise us as to the next steps we need to take to see this issue come to fruition.

#### DLDC and City-Owned Properties:

Director of Planning and Development Steve Neratko, with the help of Planning and Development Intern Travis Gorden, put together a list of properties owned by the City and a separate list owned by the DLDC. In addition, a GIS map was provided to indicate locations throughout the city.

#### *New Business:*

Stephanie Kiyak passed out a copy of an article from the Observer dated February 27, 2012, regarding Land Banks. Director of Planning and Development Steve Neratko informed us that the City has offered to be the "pilot" for the County, and that there is incentive monies involved. He promised to keep us posted at future meetings as the program progresses.

#### *Items to discuss at the next meeting:*

Director of Planning and Development Steve Nieratko also mentioned the following milestones in his department must meet:

- A guideline of Policy and Procedure be created and submitted to HUD. His estimates it will take 6 months to complete.
- A 5-year plan needs to be put together and forwarded to HUD by March 15, 2012. Director of Planning and Development Steve Nieratko believes that there will be a need for public hearings.
- City accounting firm Johnson, Moskowitz & Associates is currently conducting an audit on these issues as well and will be forwarding their findings to HUD. This committee will be extending an invitation for one of their associates to join us at our next meeting to bring the committee up-to-date with their findings.

The Water Theme Park at the Clinton was also discussed. We were told by Director of Planning and Development Steve Nieratko that the portfolio is currently being looked at by City Attorney Ron Szoj and that part of his investigation is requesting information by the attorneys that were involved in this project (Harris Beach LLP). This Committee will be requesting the City Attorney to report his findings to this Committee no later than our next meeting.

Director of Planning and Development Steve Nieratko informed us that HUD gave us a 15-day compliance due date regarding the Clinton Hotel Project and that the deadline was met and confirmed during a conference call with him and Mayor Joyce February 6, 2012.

It was briefly discussed about the feasibility of opening an Amtrak Station in the City of Dunkirk. Director of Planning and Development Steve Nieratko said that a few years ago Amtrak contacted the city expressing an interest in creating a stop here, but the administration at that time did not indicate any interest. This committee will be asking City Attorney Ron Szoj to advise us as to the next steps we need to take to see this issue come to fruition.

#### DLC and City-Owned Properties:

Director of Planning and Development Steve Nieratko, with the help of Planning and Development Intern Travis Gordon, put together a list of properties owned by the City and a separate list owned by the DLC. In addition, a GIS map was provided to indicate locations throughout the city.

New Business

Stephanie Kivik passed out a copy of an article from the Observer dated February 27, 2012 regarding I and Banks. Director of Planning and Development Steve Nieratko informed us that the City has offered to be the "pilot" for the County, and that there is incentive money involved. He promised to keep us posted at future meetings as the program progresses.

Items to discuss at the next meeting:

- Land Bank Program – details of pilot program
- It was requested by Councilman Rivera that Director of Planning and Development Steve Neratko put together an informational packet that would allow him (and other council members) to talk about the steps involved in purchasing property within city limits. The Director also reminded us that any inquires should be directed to his office for full details.
- Director of Planning and Development Steve Neratko will be talking about the NEA Grant that the city is formally supporting. Details will be discussed at the next meeting.

*Next Meeting Date:*

March 27, 2012 at 11:00 am in the City Hall Conference Room.

• I and Bank Program - details of pilot program

• It was requested by Councilman Rivera that Director of Planning and Development Steve Nunko put together an informational packet that would allow him (and other council members) to talk about the steps involved in purchasing property within city limits. The Director was reminded as that any matters should be directed to his office for more details.

• Director of Planning and Development Steve Nunko will be taking on the NEA Grant that the city is formally supporting. Details will be discussed at the next meeting.

Next Meeting Date:

March 27, 2012 at 1:00 pm in the City Hall Conference Room.