

DLDC Minutes- Aug. 28th, 2017

DLDC MEETING

Minutes- August 28th, 2017

Consent Agenda:

Meeting date: August 28th, 2017 called to order at 6:00pm in Development Conference Room

Present:

- Wilfred Rosas- Mayor of Dunkirk NY
- Rebecca Yanus- Director of Planning & Development
- E.J. Hayes- Deputy Director of Planning & Development
- Rich Morrisroe-City Attorney of Dunkirk NY
- Andrew Woloszyn- Councilman at Large
- Marty Bamonto- Second Ward Councilman
- Andy Gonzales- Third Ward Councilman
- Nicole Gugino- Dunkirk Observer
- Judy Presutti- General Citizen

Absent:

- Tom Panasci

Old Business:

Accept old minutes from June 5th Meeting; Andrew Woloszyn made motion to accept, 2nd by Andy Gonzales.

New Business:

Resolution #9-2017: Authorizing the Establishment and Signatories for Special City of Dunkirk Dog Park Donation Account.

Resolution #10-2017: Authorizing Sale of Real Property to Pier LLC.

Discussion on the DLDC Dog Park Project/Donations:

Rebecca started meeting with discussion on the Dog Park donations stating

- ❖ Purina donated \$10,000 to the park.
- ❖ Quotes they gathered for constructing the dog park is roughly \$14,000
- ❖ There will be a press release stating they are accepting donations.

- ❖ The City cannot accept donations for the dog park. DLDC can accept donations.

An account similar to Dunkirk Festivals and the Farmers Market will be set up specifically for any dog park donations.

Question and answer on the DLDC Dog Park Account for Donations

- ❖ Judy Presutti asked what will the \$14,000 cover, and is there a budget for the park.
- ❖ Rebecca stated, “The \$14,000 will cover fencing, benches and possible shaded area in the park, the \$14,000 figure quoted is the basic cost for starting the park.”
- ❖ Andy Gonzales asked,” From this donation, does that pay anything back to the city far as maintaining the park.
- ❖ Rebecca responded “yes, it could go toward doggie bags for waste cleanup and other maintenance needs. I’m working with Randy and I spoke with Bob from DPW to get a maintenance budget lined up for 2018.”
- ❖ Andrew Woloszyn asked can revenue be put into the account and also pay expenses out of it as well.
- ❖ Rebecca responded, “Yes, it’s a checking account.”

Motion made by Andy Gonzales to accept the Dog Park Project Donation Account and signers, 2nd by Judy Presutti. All in favor voted Aye.

Resolution #10 Authorizing Sale of Real Property to Pier LLC **Discussion from City Attorney**

E.J. started discussion stated he did not want to comment on the resolution until the city attorney Rich had a chance to modify it. Rich then took over discussion.

- ❖ Pier LLC is the in-buyer for the DLDC Parcels which is adjacent to Demetri’s
- ❖ Rich stated the original contract passed a resolution authorizing the Mayor to sign on behalf of DLDC. The contract was between DLDC and Chautauqua County IDA. IDA assigned its rights to Pier LLC which is the property ownership vehicle for Mr. Pringle.
- ❖ Title insurance company wants to remove Chautauqua County IDA from chain of title or any claim of right to the chain of title by authorizing the same thing that was signed before and remove their name and put Pier LLC which would make it

- a direct transfer of title. This adjustment makes for cleaner title insurance that shows DLDC passed a resolution directly to Pier LLC which allows a clean title.
- ❖ Rich stated the only thing he's changing is the DLDC Inc, because DLDC is incorporation it owns its sole managing member of DLDC real property LLC.
 - ❖ He will be adding INC behind DLDC anywhere it shows. Its 3rd whereas states, "it's the DLDC through its sole member limited liability company DLDC real property LLC"
 - ❖ The 4th whereas states, "Chautauqua County IDA has assigned its purchaser rights to Pier LLC."
 - ❖ He stated these changes mirror what was done in the past it just takes the IDA out of the chain of title equation.

Question and Answer to City Attorney regarding Resolution #10

- ❖ Andrew Woloszyn asked what happens to any previous leans and any issues with the land that the IDA was going to handle if they are no longer in the title.
- ❖ Rich stated the current deal between the DEC and the IDA is that as long as the deal goes down by Thursday all that (meaning leans and so forth) goes away. The Birches family agreed to the same deal with the IDA and Pier LLC.
- ❖ Rich stated their transferring it to cover the fine of the DEC of \$250,000 and the balance of the mortgage to the Birches family trust.
Rich explained that the chain of title is a separate matter then the deal made between the IDA and the DEC, stating that the chain of title is a matter of title insurance, whereas the deal the IDA struck with the DEC is a separate matter that they hold a big liability for the DLDC and the City of Dunkirk however the deal is contingent upon if they close by Thursday.
- ❖ Andy Woloszyn asked, "by doing this the city of Dunkirk will not be liable for any financial and or DEC liability from the past"
- ❖ Rich reaffirmed the question stating, "Correct, any financial liability."
- ❖ Judy Presutti asked if that site has been cleaned up yet and is Pier LLC ran by the people who own the Harbor.
- ❖ Rich answered yes and the owners name is Charles Pringle
- ❖ Andy Gonzales asked how soon after they transfer it over how soon will Mr. Pringle do something with the property.

DLDC Minutes- Aug. 28th, 2017

- ❖ Rich responded to Andy stating, “if we don’t do this deal, there is no clean up and the city is on hook for filing a new grant, then we follow up with Mr. Pringle once he has title, the 2nd issue is once were out of that liability we figure out the plan, which also fits into the Comprehensive plan and RFP Rebecca’s been working on and the article in the Observe from a few Sundays ago about a plan for that specific area.
- ❖ Andy Gonzales stated he asked that question because it has been asked to him several times and it seems like nothing is happening and he wanted to make sure it was on record that he did ask the question.
- ❖ Rich responded to the Andy’s comment regarding nothing being done with the property by basically stating that before him there were legal technicalities and proper paperwork processes that failed to be handled properly.
- ❖ Rich stated that they will have to do the same resolution at the next council meeting for the 3rd Parcel which is owned by the city of Dunkirk, in doing this it makes it strictly a deal between the DLDC and Pier LLC.

Motion to accept Resolution #10 as amended by City Attorney was made by Councilman Andy Woloszyn, 2nd by Councilman Andy Gongalez, all voted Aye.

Closing Comments and Statements

- ❖ Andy Gonzales asked where they at are with progress for the property on Washington Ave due to the fact that they don’t pay anything on there loan.
- ❖ Rebecca responded to Andy stating they are putting together a spread sheet for all the businesses that owe on outstanding loans and will have that available within a couple of weeks, she states they do have a different location for the opioid clinic and they will contact them in regard to payment .

Motion to adjourn called by Andy Gonzales 2nd by Rebecca meeting concluded at 4:30pm.

Next Meeting: To Be Determined