

**City of Dunkirk DLDC Meeting**  
**Minutes- March 19<sup>th</sup>, 2018**

**Consent Agenda:**

N/A

**Present:**

- Wilfred Rosas- President/CEO
- Shaun Heenan- 3<sup>rd</sup> Ward Councilman
- Andrew Woloszyn- Councilman-at-Large
- Tom Panaci- Business Owner
- Rebecca Yanus- Chairwoman
- Edward Hayes- Recording Secretary
- Marsha Beach- Treasurer

**Also Present:**

- Matthew Bourke- Community Development Planner/CDBG
- Don Williams-1<sup>st</sup> Ward Councilman
- Marty Bamonto- 2<sup>nd</sup> Ward Councilman
- Mike Civiletto- 4<sup>th</sup> Ward Councilman
- Nicole Gugino- Dunkirk Observer

**NEW BUSINESS:**

Motion made to accept minutes from Aug 28<sup>th</sup> 2018 by Rebecca Yanus seconded by Shaun Heenan.

**DLDC Bylaws discussion:**

Rebecca Yanus- Mayor will appoint some new members to the board; Marsha will be on the resolution to accept her as appointed treasurer for the DLDC. I will answer any questions regarding membership, resignation, removal, membership meetings and forms.

Andrew Woloszyn- how many vacant positions are there?

Rebecca Yanus- It would be fewer than 7 & no more than 17 for Directors.

Mayor Rosas- Commentary unknown

Rich Morrisroe- one thing I will propose is getting rid of the membership form and keeping it as board of directors... The Mayor has up to 9 seats he can fill... (Most commentary unknown)

Rebecca Yanus- we can do a motion to update the bylaws by removing membership and moving it specifically to board of directors.

Rich Morrisroe- if you look at the bylaws in the prior packet and then look at section 1 on Membership; I think that's worth revisiting. I can take a look at it and come up with a proposed amendment for that section. On pages 4&5 the frame work of it makes sense, however having a membership organization for any of the DLDC's don't make sense considering the membership is a part of its function; its unnecessary. What's needed is a strong board of directors.

Shaun Heenan- is there a lot of requirements the board will have to take on as far as the responsibilities membership once had or any type of responsibilities that could be transferred in some type of language concerning the board.

Rich Morrisroe- the board had all duties. That's why I was wondering why they had the membership component because the board did most responsibilities.

Rebecca Yanus- Based on Rich's council I propose a motion to make some revisions.

❖ Motion to accept revisions:

Motion accepted by Shaun Heenan 2<sup>nd</sup> by Andrew Woloszyn. All in favor, all voted aye.

Discussion of outstanding Loans:

Rebecca Yanus- in the past there was a loan program which there are still some outstanding loans that are on the list. On page 11 as of December 31<sup>st</sup> 2016 is what we have on record. The idea is to start collecting on this; there is a resolution up tonight to approve DLDC to start collecting on these outstanding loans and we will start with putting out invoices to all these businesses.

Tom P- I notice a couple of these are not even in businesses anymore; which ones are active and which are not?

Mayor Rosas- Before I took office the City was dealing with this issue. The problems comes in because previous administrations did not keep records of what was owed so we ran into problems there when we tried to collect which became a real issue because when you call them they tell you they paid and now we have to prove they didn't. I wanted to put it out there today that we are going after these debts however we don't have documentation as to what they paid.

Tom P- that means also we don't know what the security is. I would think we'd clear this up by saying 1<sup>st</sup>, which ones are uncollectable.

Mayor Rosas- you've been here for awhile so you know what we've gone through over the years; when it comes to this page in mention we always come back to the same issue.

Tom P- my only thing is if it's not collectable why are we wasting our time with it?

Shaun Heenan- I understand what the Mayor is saying; these amounts are from Dec 2016, what were the amounts of Dec 2015?

Rebecca Yanus- the same.

Shaun Heenan- so even if there were payments made in-between there it never reflected between 2015 & 2016; in other words we don't have a starting place, this stuff could've been six years ago.

Marsha Beach- how far back do these go?

Rebecca Yanus- 2014-2015 shows the last payments.

Tom P- are we receiving any payments now from any of these people?

Rebecca Yanus- No. None.

Mike Civileto- do we have any documentation on when these loans were given out?

Matt Bourke- there may be some paperwork on some of the loans but not all, it depends on how far back they go.

Tom P- we have to identify which businesses aren't here anymore and which are. We can't go into 2018 with the same list; we have to start narrowing it down and start collecting on the ones that are still here.

Andrew Woloszyn- for the sake of not using names we'll identify them as 1-10. Which ones do you know of that are no longer around?

Tom P- I dealt with an organization years ago at the Incubator that I know are no longer around.

Andrew Woloszyn- #3; I think if they are still in business they are ran out of COI/ Incubator that's if they're still in business.

Tom P- #4 I guess still is, right.

Rebecca Yanus- Yes.

Tom P- #5 is that the one on Leopard and Fourth St. or Fifth Street, my gut is they are not there anymore. #6 is \$5.00 so that's the least of our worries.

Shaun Heenan- #7 was one of our 1<sup>st</sup> incubator projects which are no longer here anymore.

Andrew Woloszyn- has anyone ever heard of #8; we'll cross that one off. #9 is done (Tom P). #10 is still there.

Rich Morrisroe- with some of these entities, even if they're still in the system we could find them through an internet search.

Tom P- if you add up the ones that aren't paying that's roughly \$68,000.

Marsha Beach- what your saying is these go back to 2014?

Shaun Heenan- some of these go back 10 years from when I was on the board.

Tom P- #2 is our biggest one and I know they're still in business, #1 and #4 also. #10... I'm not sure if he went bankrupt or not. No he's still in business (Andrew Woloszyn).

Shaun Heenan- for #2 I'd be surprised if that amount is that high.

### *New Loan Program Discussion:*

Rebecca Yanus- we had funds through HUD that were frozen but now that we're in good standing with HUD the idea is to put together a new loan program which would be highly documented and go through a separate committee that would be part of the DLDC for these specific loans and review any applications. Matt and I have been working on a draft application process which looks at things from the village of Hamburg. They have a great loan program for new & existing businesses which deal with equipment purchasing & SOD improvements. Our recommendation which is what the village of Hamburg did was to focus on the central business district to improve Main Street; in thinking about wanting to bring back businesses to our waterfront I think we should have a specific boundary. As you can see with these past loans none of the businesses are located on our central business district so I think it's important to focus our efforts on bringing businesses back to Downtown Dunkirk and the waterfront. Just to keep you all informed we are working on this and starting the draft which there is funding available for the program.

Tom P- to collateralize these loans so we don't have a list anymore and keep them current up to 30 days by notifying them that they haven't paid; what have you looked at in terms of as if we were a bank to collateralize these. Have you gone to a bank and asked what we should do to collateralize these to make sure we don't get burned.

Matt Bourke- I don't know if I can answer that specifically; the draft you have is almost verbatim to Hamburg's application which I have the full copy of that application if anyone is interested in looking at that; I did kind of tailor it more to Dunkirk and changed some of the language. One of the recommendations we heard from Hamburg was on the committee that would review these applications to have bank representatives and other people as such who are knowledgeable. We did ask about how we could make sure we're making safe loans and things like that; having expertise like that on the committee is things that they recommended. However we didn't get into the discussion of collateral specifically with them.

Rebecca Yanus- some of the requirements for doing the application is that you'll need your tax information; for an existing business they used the tax form for the previous year; so if you're a new business they wanted the past 3 years of personal. They look at those and say okay is this person in good standings financially to do something like this. Obviously we want to help new businesses succeed so it is somewhat lenient but in a way of, is this business going to succeed from this funding. And as Matt said with that loan committee they had a couple of bankers on the committee as well as an accountant and a few business owners that look into it; which I think is very important for when the Mayor appoints some new directors that we have a couple of bankers on there as well.

Matt Bourke- Hamburg's loan program has been hugely successful as well, it's been around since 1985; they started with a small seed of revolving loan fund money and it's been recycled many times over. Hamburg's downtown is doing pretty well and lots of businesses have come back and I'm sure this loan program has something to do with it.

Andrew Woloszyn- what's your time frame for this?

Rebecca Yanus- we have the draft started. We would like to have something going by this spring which is the goal originally from back in January. We're still working out the details with HUD but it looks good for something possibly this spring.

Shaun Heenan- would you have an idea of what our bank would start at?

Rebecca Yanus- we have roughly \$80,000. It would be small business loans. One thing we did from Hamburg; you want to start roughly \$10,000-\$12,000 which is the average sized loan, \$5,000 doesn't go very far so we wanted to do a substantial size which is what they recommended in between that which would help 8-10 businesses.

Shaun Heenan- are there any other monies out there from any other agencies, I know there was mention of the AI-Tech revolving loan.

Rebecca Yanus- Chautauqua Opportunities have funding available in their coding program which helps minority and woman owned businesses. We would like to promote this in addition to ours.

Shaun Heenan- so \$80,000 is what we're starting off with and then the only place we're getting money from is HUD. As it moves forward is this something you would get x amount of dollars for from HUD every year?

Rebecca Yanus- Possibly from the CDBG funding we get every year we could put a certain allocation toward that, yes.

Shaun Heenan- So it's something we ask for? You don't just stop at a line item every year; it's something you apply for?

Matt Bourke- in the pool of money we would get every year if we wanted to allocate something for a loan program like this, yes we could do that.

Shaun Heenan- I'm glad we're moving forward with that. I think the façade program and a lot of programs we could use to enhance the way the downtown district looks; I don't think a lot of them have high value dollar wise, I think people can do a lot of things to the outside of their businesses which may also help to promote their business inside their shops at the same time. Hopefully we can also come up with a plan in the city where certain things are done in a specific way to where everything ties together. There was a gentleman whose name I can't recall who about 15 years ago went throughout the company and talked about the facade programs; how the signs should be set out and not up against the buildings to where when people drive up and down you can see the name of the business before you get in front of it.

Mike Civileto- piggy backing off of what Shaun said; as far as Revitalize Dunkirk and the talk about the Main Street draft for the Coburn, with a stretch of buildings the more they look a lot the more people had a tendency to keep walking along that stretch and feel comfortable. But with buildings like ours where every 50ft there's different facades, that actually breaks up the flow of the business. If we're going to be getting money for facades especially along Central Ave I think we should take into consideration what type of facades we want or you want because you are the economic developer; and that they stay within a certain style considering studies show this.

Shaun Heenan- the city does already have zoning but I know in the harbor front district there are things that we can and can't do, so I do understand what you're saying; we want it to work for them and for us.

### Resolutions run-down

E.J. Hayes- the 1<sup>st</sup> resolution is adopting the DLDC mission statement and performance standard; this is something we have to do annually to appease the state which we have to submit this for our reports. This mission statement was put together by the DLDC board some years ago as well as performance goals. If there's nothing there that we need to revisit far as changing a mission statement or revising it we can simply make a motion to approve the resolution.

### Resolution #1- Accept Mission Statement

- ❖ *Motion*-Andrew Woloszyn made a motion to accept the Mission Statement Shaun Heenan 2<sup>nd</sup> the motion.

### Resolution #2- Re-elect E.J. Hayes as Secretary

E.J. Hayes- The 2<sup>nd</sup> resolution is to re-elect myself as the secretary, I was for a 1 year term and running for another term.

- ❖ *Motion*-Shaun Heenan made a motion to accept E.J. Hayes as secretary Rebecca Yanus 2<sup>nd</sup> the motion.

**Resolution #3- elect treasurer for CFO**

E.J. Hayes- called for a motion to elect Marsha Beach as officer for treasurer of CFO.

Andrew Woloszyn motioned to accept 2<sup>nd</sup> by Shaun Heenan.

**Resolution #4- authorizing agreement with CCHN Grant**

E.J. Hayes- this resolution is authorizing the agreement with Chautauqua County Health Network for creating healthy schools and communities grant. This is the 3<sup>rd</sup> or 4<sup>th</sup> year in a row that they have exclusively chosen us for a \$5,000 grant which is mainly used toward our Dunkirk's Farmer Market and to support our market manager; there are some other pieces in the grant that we do to help them, such as keep track of some of the community garden's and look at different ways in the community to find access to healthy foods for our residents; it's been a great partnership and they'd like to continue it with the grant.

❖ *Motion*- Andrew Woloszyn made a motion to accept the resolution 2<sup>nd</sup> by Marsha Beach.

**Resolution #5- motion to retain Sarah Sorci as Farmer's Market Manager**

E.J. Hayes- Sara Sorci was our market manager from last year; last year we were able to increase her stipend to \$6,000 and we're looking to do that again this year which would come out of the farmer's market account; between our grant and some money's we have from the account we have enough to support that without any issues.

Andrew Woloszyn- The way it reads, "For management of Dunkirk's Farmers Market with a budget of up to \$6,000". When you say it like that does that include... is that \$6,000 for her salary and all expenses it's for?

E.J. Hayes- no, that's specifically for her. We have other monies on top of that to run the market.

Andrew Woloszyn- So that \$6,000 is her salary?

E.J. Hayes- Yeah, that's her stipend salary. She gets paid for 6 months which starts in April and wraps up in October and it's a monthly stipend.

❖ *Motion*- Andrew Woloszyn made the motion to accept the resolution seconded by Shaun Heenan.

**Resolution #6- Authorizing the Signatories Community Bank/Farmers Market Account**

E.J. Hayes- the grant money and other monies go into this account; it will be The Mayor, Rebecca and myself (E.J. Hayes).

Shaun Heenan- I would like to run all of these accounts; we just did this recently with Mr. Williams; a resolution of two signatures per check is what I would like to propose.

Rebecca Yanus- yeah, we do that.

Shaun Heenan- we do that already? It doesn't say that here.

E.J. Hayes- we do that for all the other ones; for this particular one we can add that here.

Rich Morrisroe- you can just add that clause.

E.J. Hayes- so it will be a motion to accept with the position of Marsha.

❖ *Motion*- Andrew Woloszyn made a motion to accept Shaun Heenan 2<sup>nd</sup> the motion.

**Resolution #7- Authorizing the Checking Account Signatories for DLDC operating Account**

E.J. Hayes- it does state here that Community Bank does require two signatures on the account; Rebecca and Marsha are on as signors.

- ❖ *Motion*- Shaun Heenan made a motion to accept Andrew Woloszyn 2<sup>nd</sup> the motion.

**Resolution #8- authorizing the checking account signatories for the Dog Park**

E.J. Hayes- the account is already established at Community Bank, it requires two signatures and it houses all the donations received for the Dog Park account. The Mayor, Rebecca and Marsha will be the signors.

- ❖ *Motion*- Andrew Woloszyn made a motion to accept Shaun Heenan 2<sup>nd</sup> the motion.

**Resolution#9- authorizing the DLDC/Festivals checking account signatories**

E.J. Hayes- the account is established at Community Bank the four signatures will include Rebecca, The Mayor, Hector and Marsha.

- ❖ *Motion*- Marsha Beach motioned to accept Tom P 2<sup>nd</sup> the motion.

**Resolution #10- authorizing the collection of the DLDC Loans**

- ❖ *Motion*- Tom P motioned to accept Rebecca Yanus 2<sup>nd</sup> the motion.

**DLDC Schedule Discussion**

Andrew Woloszyn- this is something I've talked with Marsha about before concerning this. Seeing that there's so many different moving parts to the DLDC and we meet once a year and with a lot of question marks about the outstanding loans; and we're starting a new loan program along with the finances and the festivals which I didn't even realize there were four different accounts. I would like to see going forward for the DLDC meetings that we have them a little bit more regularly #1; and #2 if you could give us finance reports of all expenses for the DLDC. We don't need to see your checking ledgers, but kind of like how you do with the finance committee so we can see what the expenses are and what the income is and also whether we're getting income from grants or donations since the DLDC is our donation funnel; or whether we're getting it from some kind of revenue we're generating from our festivals or sells or things of that nature. But if we could have more specific... we don't even know what's in each account or how it's even operated.

Rebecca Yanus- I think that can be done fairly easily.

Tom P- on the loans; isn't there an account that the loans would be paid back to for example the \$80,000 does that go in something or is it just geared up to go in there, so shouldn't it be more than \$80,000 given hopefully someone somewhere paid something back; shouldn't there be an account where money is in?

Matt Bourke- there is a HUD specific savings account where a lot of these loans were paid back into. One of the questions I'm trying to figure out is which ones were HUD originated loans and which were not and whether those were correctly put in the HUD account or if they should have been put in another account but I believe there's just the HUD account and the checking's account; there's not a separate loan account beyond that.

Shaun Heenan- can I ask that when you get this information, hopefully it will be within the next 30 days then we have another meeting it could be right after an economic development meeting on a Tuesday; it could be a real short thing about 15 minutes or so just to get things updated. I do agree with Andy that we have meetings at least once every quarter.

Mike Civiletto- it's supposed to be a monthly meeting on the board at the time and place directed by Chair; one such monthly meeting shall be held.

Rich Morrisroe- it is part of the written by-laws and one of the things I would suggest is at minimum quarterly.

Shaun Heenan- and again it's not just the finance part but that we all are aware of what's going on with the festivals and pier and what's going on in the city; sometimes we don't always discuss the things that we're doing but maybe we could have some input all of us as a board and have some input at the same time.

Andrew Woloszyn- and we're trying to clean up a lot of past inequity also.

#### Real Property Piece Discussion

Rich Morrisroe- my recommendation would be it makes sense to hold them.

Shaun Heenan- the DLDC owns them so we have it in our power of who we sell them to.

Marsha Beach- Matt and I could take a day and go in the records room and try to uncover these old DLDC files.

Shaun Heenan- you would have to go back a minimum of 12-15 years.

Marsha Beach- I'm not even sure if there's anything that old in there. I know you guys did a clean out within the last couple of years.

Shaun Heenan- the records room more than anything would be the original loan agreements...

Rich Morrisroe- there is the idea of rewriting the DLDC which legally it's pretty simple to do it would be just creating a new name.

Shaun Heenan- I think that's very smart that's how Jamestown does theirs.

Tom P- what are the funds we have available now; do we have the \$80,000?

Rebecca Yanus- we have the \$80,000; we're just clearing up a few more items with HUD and we should be good to go.

Andrew Woloszyn- so that means in the meantime you have to form your 12 committees.

#### ❖ Motion to Adjourn meeting

Shaun Heenan made 1<sup>st</sup> motion Andrew Woloszyn 2<sup>nd</sup> the motion which concluded the meeting.