

**COMMON COUNCIL PROCEEDINGS**  
**May 6, 2014**

The meeting was called to order at 5:30 PM by Councilwoman-at-large Kiyak followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Rivera, Gonzalez, Councilwoman Szukala and Councilwoman-at-large Kiyak.

Also present: Mayor Dolce, City Attorney Szot, Public Works Director Gugino, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mlecsko, Director of Development Neratko, Personnel Administrator Heyden, CDBG Administrator Nicole Waite and Police Chief Ortolano.

Councilwoman-at-large Kiyak excused Building and Zoning Officer Zurawski from tonight's meeting.

Absent: Fire Chief Ahlstrom.

Certification of April 15, 2014 meeting was read by City Clerk Joiner.

**RESOLVED:** That the reading of the minutes of Tuesday, April 15, 2014 be dispensed with.

Motion by Councilman Gonzalez to accept the minutes as presented. Seconded by Councilman Michalski.

Carried, all voting aye.

**PUBLIC COMMENTS:**

Walter Rutland, 184 W. Second Street, Dunkirk, New York commended the Police Department, Department of Public Works, Fire Department and Mayor Dolce for their work, announced he will be hosting a talk show on ACCESS 12 and advised the city needs to attract new business to this area such as The Golden Corral.

Harriet "Skeeter" Tower, 438 Swan Street, Dunkirk, New York advised she is in favor of the Complete Streets Project Resolution on tonight's agenda and hopes the city will support the Community Gardens proposal.

Philip Decker, 210 Antelope Street, Dunkirk, New York advised he is excited about the Complete Streets Project.

**COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Communication from Mayor Dolce appointing Loretta Torain to the Board of Assessment Review due to an expired term, effective May 7, 2014 and will expire September 30, 2018.

Received and filed.

Communication from Mayor Dolce appointing Joe Gould and Mark Karalus to the Cable T.V. and Communications Advisory Board, effective May 7, 2014 and will expire March 26, 2016.

Received and Filed.

Mayor Dolce announced the Empire State Department notified the city that we can begin the bid process regarding the Seawall Reconstruction Project, advised bids for this project will be advertised within the next few days and is hopeful the bid will be awarded at the June 3<sup>rd</sup> Common Council Meeting. Mayor Dolce advised the project should be completed by the fall of 2014 and the parks portion should be completed in the spring of 2015.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Petition from Harvest Chapel Church requesting to use Washington Park on July 11<sup>th</sup> (Rain date July 18<sup>th</sup>) from 5:00 PM until 8:30 PM, permission to bring in grills, coolers and use of electric power for their popcorn machine. Also, requesting permission to bring in ponies for pony rides.

Councilwoman Szukala asked Department of Public Works Director Gugino and Police Chief Ortolano if they had any concerns regarding this petition.

Director of Public Works Gugino and Police Chief Ortolano advised they had no concerns with this petition.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Putnam Record Insurance Agency requesting the Mayor's presence on June 7<sup>th</sup> for their annual "Safety Saturday". Also requesting the use of 30 orange cones and 8 wooden barriers.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Stephen O'Brien, Dunkirk High School Principal, for two police officers at the Moose Club for the Junior/Senior Prom on Saturday, May 10<sup>th</sup> from 7:45 PM until 12:15 AM.

Councilwoman-at-large Kiyak confirmed with Police Chief Ortolano the school will pay for the PBA services.

Police Chief Ortolano replied yes.

Councilwoman-at-large Kiyak advised a motion to approve was needed and referred this to the PBA.

Councilman Gonzalez moved to approve. Seconded by Councilman Michalski.

Carried, all voting aye.

Petition from Special Olympics New York and The Law Enforcement Torch Run to use city streets on May 29<sup>th</sup> between 9:00 AM and 9:30 AM.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilman Rivera moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from the Kosciuszko Polish Home Association requesting to close traffic between E. Doughty Street and Courtney Street on Friday, June 27<sup>th</sup> and Saturday, June 28<sup>th</sup> from 5:00 PM until 12:30 AM for their "Annual Street Dance." Also, requesting the support of the City Parks Department, Police Department, Streets Department and Fire Department.

Councilwoman-at-large Kiyak asked City Attorney Szot is liability insurance needed since this event is being held on their property.

City Attorney Szot advised liability insurance is needed as they are requesting the closure of a city street.

Councilwoman-at-large Kiyak advised a motion to approve contingent on prior proof of appropriate insurance by the sponsor and by all participating vendors or contractors naming the city as additional insured, approval of loudspeaker permit, if applicable, and that all city property is left in the same condition as prior to the event was needed and referred this to the Department of Public Works, Police Department, Fire Department and Law Department.

Councilwoman Szukala moved to approve. Seconded by Councilman Rivera.

Carried, all voting aye.

Loudspeaker application from Harvest Chapel Church for audio equipment, speakers, amplifiers and microphones in Washington Park on July 11<sup>th</sup> (Rain date July 18<sup>th</sup>) from 6:00 PM until 7:30 PM.

Loudspeaker application from Kosciuszko Polish Home Association to use bands and speakers on June 27<sup>th</sup> and June 28<sup>th</sup> from 7:00 PM until 11:00 PM for their "Annual Street Dance."

Councilwoman-at-large Kiyak advised a motion to approve these applications was needed.

Councilman Michalski moved to approve these applications. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Notice of claim from Debra Kujawa for damages to her vehicle allegedly caused by a pothole on Lincoln Avenue.

Notice of claim from Vanessa Pagan for damages to her vehicle allegedly caused by a pothole on S. Roberts Road and E. Talcott Street.

Notice of Claim from Edna Sek for no water to her residence for five weeks.

Councilwoman-at-large Kiyak advised a motion to refer these to the City Attorney was needed.

Councilwoman Szukala moved to refer these to the City Attorney. Seconded by Councilman Rivera.

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Michalski advised there was a Main Street Managerial position advertised in the paper last week and inquired how will the position be funded and who determines who will be hired for that position.

Development Director Neratko advised \$15,000.00 has been set aside within this grant for managerial purposes; this position will be treated as an Independent Contractor, there will be internal discussion as to who will be hired for this position and a future meeting will be held to approve the hiring.

Councilman Rivera advised the next Public Safety Committee Meeting will be held on May 27<sup>th</sup> at 3:15 PM in the Mayor's Conference Room, tonight's council meeting will be posted to the city's website this Friday and Dunkirk High School's Track and Field meet will be televised live on ACCESS 12 this Wednesday at 4:30 PM.

Councilman Gonzalez announced the next Personnel Meeting will be held on May 19<sup>th</sup> at 4:00 PM in the Mayor's Conference Room; reports will be presented by Personnel Director Heyden regarding the summer jobs hiring and the Recreation Department.

Councilwoman Szukala announced the next Public Works Committee Meeting will be held on May 19<sup>th</sup> at 3:00 PM in the Conference Room and the Common Council will be on WDOE the morning of May 15<sup>th</sup>. Councilwoman Szukala announced this year's Senior Sweep will be held on Wednesday, June 25<sup>th</sup>; she sent 30 letters to local businesses and clubs for donations and advised if anyone is interested in donating to this event to contact her.

Councilwoman Szukala asked Department of Public Works Director Gugino for an update on potholes and advised city residents to be patient regarding this matter.

Department of Public Works Direct Gugino advised his crew began filling potholes last week.

Councilwoman Szukala advised she has been receiving calls regarding the Millennium Parkway Project as semi-trucks have been using Courtney Street since Talcott Street is closed, stated these drivers are not obeying the speed limit and stop signs and advised residents to call the Police Department immediately. Councilwoman Szukala asked Department of Public Works Director for the completion date of this project.

Department of Public Works Director Gugino advised the scheduled completion date for this project is this fall.

Mayor Dolce advised he spoke with the project manager last week regarding the large vehicles using our side streets and informed him if the trucks continue to use our side streets, this company will be responsible for rebuilding or repairing these streets. Mayor Dolce stated the project manager has advised he has spoken with the contractor regarding this matter and announced 100 trees will be planted as part of this project.

Councilwoman-at-large Kiyak announced the next Economic and Development Committee Meeting will be held on May 13<sup>th</sup> at 1:45 PM in the Mayor's Conference Room.

Councilwoman-at-large Kiyak asked Department of Public Works Director Gugino if the pothole repair schedule could be posted on website and inquired if he is utilizing the website for brush pickup.

Department of Public Works Director Gugino advised the pothole repair is on a flex schedule as he has to factor recyclable, brush and weekly trash pickup and stated brush pickup is posted on the website as well as the newspaper.

Department of Public Works Director Gugino advised he had a meeting today with the Millennium Parkway Project Coordinator and announced S. Roberts Road between Talcott Street and Courtney Street will be closed within the next week for approximately three weeks.

Councilwoman-at-large Kiyak asked for an update on the Water Treatment Plant and is it on schedule.

Department of Public Works Director Gugino gave an update on the Treatment Plant and announced bids will be opened this Friday for the electrical contract and the project is on schedule.

Department of Public Works Director Gugino advised the Willowbrook Water Tank is almost filled and is being tested for residuals; electrical work needs to be completed and the tank should go on-line within the next two weeks.

Councilwoman-at-large Kiyak read the following statement:

“On April 27, our Lake Erie waterfront was cleaned by over 70 volunteers, most of them students of SUNY Fredonia, Cub Scout Pack #267 and members of the Unitarian church. With the coordination of Professors Christina Jarvis, Michelle Kuns and Sam Mason and the help of Nate Drag, the New York Outreach Coordinator for the Alliance for the Great Lakes, over 369 pounds of trash was removed. It is with gratitude that I extend a thank you from the City of Dunkirk to everyone involved in this massive cleanup. It is also with sorrow to point out that our beaches need to be cleaned in the first place. Littering is a conscious choice and reflects our attitudes about where we live, work and play. If Dunkirk is to continue growing as a city that attracts new residents and tourism, not to mention retain the current population, we need to recognize our collective responsibility in treating our surroundings with the respect it deserves. I can only hope that the number of pounds of trash removed becomes less and less as the years go by, to a point where a beach cleanup is no longer necessary because we are all helping to keep it clean in the first place.”

Police Chief Ortolano advised traffic flow pattern maps regarding the Millennium Parkway Project will be posted and updated on the Police Department’s website.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #36-2014**  
**MAY 6, 2014**

**BY: ENTIRE COUNCIL**

**INTRO NO. 1 TO  
LOCAL LAW #2-2014  
CITY OF DUNKIRK, NEW YORK**

**A LOCAL LAW MODIFYING CHAPTER 65 OF THE DUNKIRK CITY CODE  
ENTITLED “SIDEWALKS AND STREETS”**

**BE IT ENACTED** by the Common Council of the City of Dunkirk as follows:

**Section 1    Intent**

It is the intent of this Local Law to amend the Dunkirk City Code in order to provide a framework to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Dunkirk by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation through a *Complete Streets Policy*.

## Section 2    Amendment of City Code

Chapter 65 – Sidewalks and Street, Section 32 – Complete Streets Policy of the Dunkirk City Code is hereby amended as follows:

ADD

### § 65-32.        Complete Streets Policy.

- A.    **Declaration of Policy.** In the interest of improving inter-modal transportation options, safety and accessibility for all users, the concept of *Complete Streets* has been recognized and adopted in numerous localities across the United States. The City of Dunkirk will make *Complete Streets* practices a routine part of everyday operations, will approach every transportation project and program as an opportunity to improve City streets, will incorporate all relevant existing and future planning documents approved or adopted by the Common Council, and will work in coordination with other departments, agencies and jurisdictions to achieve *Complete Streets*. *Complete Streets* design and practices include, but are not limited to, sidewalks, crosswalks, curb ramps, accessibility features for people with disabilities, paved shoulders for biking, designated bicycle lanes, off-road paths, signage and traffic-calming measures.
- B.    **Designs and Practices.** *Complete Streets* designs and practices shall be incorporated in new construction and reconstruction projects in the City, except when the Director of the Department of Public Works demonstrates that one of the following conditions is met:
1.    Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, bicyclists and pedestrians will be accommodated elsewhere within the right-of-way of within the same transportation corridor; or,
  2.    The cost would be excessively disproportionate to the need based on the following factors: population density, land use, projected and current traffic volumes, projected and current bicycle and pedestrian use; or,
  3.    The existing right-of-way does not allow for sidewalks, paved shoulders or other improvements, in which case potential alternatives will include the appropriate use of lane re-striping, signage, traffic-calming measures and/or enhanced education and enforcement; or,

4. Where severe topographic or natural resource constraints prohibit such accommodations; or,
  5. Where conditions or restrictions outside the purview of the City prohibit such actions.
- C. **Guidelines.** *Complete Streets* designs and practices shall be provided and maintained in accordance with guidelines adopted by the U.S. Department of Transportation (USDOT) and NYS Department of Transportation (NYSDOT), and with best practices identified by the City's Department of Public Works.

### **Section 3    Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

Councilman Rivera advised he is in favor of this resolution, there is a lot of community interest in this and asked Department of Development Director Neratko to explain this resolution.

Department of Development Director advised this will improve the look, safety and health concerns of city residents and it increases the city's chances for New York State grants (road and street improvements, infrastructure improvements).

Councilwoman-at-large Kiyak advised she needed a motion to table Local Law #2-2014 with a Public Hearing to be held on May 20, 2014 at 5:20 PM.

Councilwoman Szukala motioned to table this Resolution. Seconded by Councilman Michalski.

Carried, all voting aye. TABLED.

**RESOLUTION #37-2014**  
**MAY 6, 2014**

BY:    **THE ENTIRE COUNCIL**

### **SUBMISSION OF FY2014 CDBG ANNUAL ACTION PLAN TO HUD**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

**WHEREAS**, the City develops an **Annual Action Plan** each year which identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

**WHEREAS**, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via three public meetings, two technical assistance sessions, and a thirty-day public review and comment period has been afforded to City residents, now, therefore, be it

**RESOLVED**, the following activities have been included in the 2014 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan for review and are to be submitted to HUD for its approval.

**2014 CDBG ALLOCATIONS**

<b>Administration and Planning</b>		<b>\$ 94,000.00</b>
• Administration	\$ 94,000.00	
<b>Public Facilities and Infrastructure Improvements</b>		<b>\$ 110,00.00</b>
• Street Improvements	\$ 40,000.00	
• Water Line Reconstruction	\$ 60,000.00	
• Park Development	\$ 10,000.00	
<b>Public Services</b>		<b>\$ 11,000.00</b>
• Career Explorers – Boys & Girls Club	\$ 11,000.00	
<b>Housing</b>		<b>\$180,000.00</b>
• Owner Occupied Housing Rehabilitation	\$100,000.00	
• Rental Rehabilitation	\$ 50,000.00	
• Emergency Repairs	\$ 30,000.00	
<b>Acquisition, Disposition, Clearance, Relocation</b>		<b>\$ 77,735.00</b>
• Demolition	\$ 77,735.00	
<b>Total 2014 Allocation</b>		<b>\$472,735.00</b>

Mayor Dolce thanked Nicole Waite and Steve Neratko for their work on this plan.

Councilwoman-at-large Kiyak also thanked Nicole Waite for her work and stated council did receive this year's copy of HUD's details of this plan and council has had ample time to review it.

Councilman Gonzalez advised this grant is awarded every year however the city never receives reports as to who received this money, how the money was spent and who benefited from the grant.

CDBG Administrator Waite advised Chautauqua Opportunities was awarded a three year contract for 2012 thru 2014; they have not spent any of the money because the program has been frozen the past year which is why the city has not received any reports. CDBG Administrator Waite further advised Chautauqua Opportunities has accepted applications and has chosen five properties this year and another five

properties for next spring; they have allotted \$25,000.00 per property and stated COI must provide proper documentation for any work completed to receive reimbursement from the city; at that point she will provide updates and reports to the council.

Carried, all voting aye.

**RESOLUTION #38-2014**

**MAY 6, 2014**

**BY: THE ENTIRE COUNCIL:**

**AUTHORIZING BUDGET MODIFICATIONS  
(May 2014)**

**WHEREAS**, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2014, ending December 31, 2014; now, therefore, be it

**RESOLVED**, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2014 budget:

**FUND 2**

Description: Water Purification & Pumping – Replenish Contracted services line item. Emergency repairs to equipment plus demolish city building at Water filtration site created deficit balance.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
002.8320.4736	Water-Water Purification	Contracted Services	\$ 2,000
002.1900.1990	Water-General Services	Contingencies Allowance	\$ (2,000)
		<b>TOTAL</b>	<b>\$ -</b>

**FUND 1**

Description: Recreational Department - Replenish Rent/Lease Expense line item. Utilities underestimated creating deficit balance.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7140.4150	Recreation Department	Rent/ Lease	\$ 750
001.7140.4036	Recreation Department	Program Maintenance	\$ (750)
		<b>TOTAL</b>	<b>\$ -</b>

**FUND 1**

Description: Celebrations - Replenish Flags & Memorial Day Expense line item. Purchase of Cemetery flags and Memorial Day flags created deficit balance.

<u>Account No.</u>	<u>Department</u>	<u>Line</u>	<u>Change</u>
001.7550.4509	Celebration	Flags & Memorial Day	\$ 1,500
001.7550.4009	Celebration	Other Celebration Expense	\$ (1,500)
		<b>TOTAL</b>	<b>\$ -</b>

Carried, all voting aye.

**RESOLUTION #39-2014**  
**MAY 6, 2014**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE  
FOR POLICE DEPARTMENT THROUGH LOCAL GOV'T (VILLAGE) CONTRACT**

**WHEREAS**, the City of Dunkirk Police Department is in need of one (1) new automobile for use by the Police Department; and

**WHEREAS**, one (1) suitable vehicle is available for purchase on Local Government (Village) Contract Bid; and

**WHEREAS**, sufficient funds are available in the Police Department's Budget [Rent/Lease Account 001-3120-4150]; and

**WHEREAS**, the cost of one (1) vehicle is \$29,717.00, from DeLacy Ford, Inc. (including financing charges); now, therefore, be it

**RESOLVED**, that the Mayor is authorized and empowered to execute a two-year lease-to-purchase agreement, on behalf of the City of Dunkirk, with DeLacy Ford, Inc., 10361 Transit Road, Elma, New York 14059-0437, and/or First Niagara Leasing, Inc., for the purchase of one (1) Year 2014 Ford Police Interceptor SUV for the sum of Twenty-Nine Thousand Seven Hundred Seventeen Dollars and Zero Cents (\$29,717.00) (including financing charges), with such funds to come from Account 001-3120-4150.

Councilman Gonzalez asked is this for a current vehicle or a new vehicle.

Police Chief Ortolano advised this is for a new vehicle.

Councilwoman Szukala asked Police Chief to explain this resolution.

Police Chief Ortolano advised the oldest vehicle in the fleet is taken out of circulation (K-9 vehicle this year) and is replaced with the new vehicle.

Councilwoman-at-large Kiyak asked will the vehicle that is being removed from the fleet be auctioned off.

Police Chief Ortolano advised the vehicle that is taken out of circulation will not be auctioned off, the city will keep the vehicle and use it for parts and commended city mechanic Jason Schrantz for his work in maintaining the fleet.

Carried, all voting aye.

**RESOLUTION #40-2014**  
**MAY 6, 2014**

**BY: THE ENTIRE COUNCIL**

**APPROVE CDBG REIMBURSEMENT AGREEMENT  
(US DEPARTMENT OF HOUSING & URBAN DEVELOPMENT)**

**WHEREAS**, the US Department of Housing & Urban Development ("HUD") has conducted a review of the City of Dunkirk's utilization and administration of certain Community Development Block Grant ("CDBG") funds over the past several years; and

**WHEREAS**, as a result of such review, HUD has determined that various allocations and uses of certain CDBG funds were non-compliant with certain HUD protocols and guidelines and is directing that the City reimburse the CDBG program certain monies previously delineated for various uses; and

**WHEREAS**, one of the allocations and uses involved monies provided by the City to the Dunkirk Local Development Corporation ("DLDC"), which was subsequently provided to S&K Hospitality, Inc. (S&K) for economic development purpose utilizing US HUD CDBG-R funds; and

**WHEREAS**, HUD has determined that the various allocations and uses of such CDBG-R funds were non-compliant with certain HUD protocols and guidelines and is directing that such funds be reimbursed; and

**WHEREAS**, the DLDC has received advance repayment from S&K of \$126,346.52 from such CDBG-R funds and is to repay such money to the City, for repayment to HUD; now, therefore, it is hereby

**RESOLVED**, that the City will accept the repayment from the DLDC in the amount of \$126,346.52 and make any necessary budgetary modifications to accept such monies and provide for their reimbursement to HUD; and, it is finally

**RESOLVED**, that the Mayor and/or Director of Development is/are authorized and directed to execute and/or confirm any agreements or understandings with the US Department of Housing & Urban Development regarding reimbursement for certain Community Development Block Grant (CDBG-R) monies involving the S&K Hospitality, Inc. project, and confirms the reimbursement of **\$153,520.00**, with \$126,346.52 to be provided by the DLDC to the City, and the balance to be provided through Account No. 001.8020.1990 (HUD Reimbursement).

Councilwoman Szukala advised she has been adamant in that she does not want Fund I to be used to repay back these funds to HUD and asked Mayor Dolce to explain why this resolution for the Clarion Hotel has been separated from the rest.

Mayor Dolce stated "this loan is classified as CDGB-R; R standing for recovery and is part of President Obama's Recovery Act from 2008, whereas the rest of the funds were not." Mayor Dolce advised the Clarion Hotel has paid \$126,000.00 to the DLDC, the remaining amount received has to be returned to the Treasury and any outstanding difference will be paid out of Fund I. Mayor Dolce advised we have a proposal with HUD

for the other repayments that will be incurred and these payments will go back into the program.

Councilwoman Szukala advised CDGB Administrator Waite and the City Attorney have reached an agreement with The Clarion Hotel and the Hotel has paid back \$126,346.52 plus prior outstanding monthly loan payments to the DLDC.

Mayor Dolce confirmed The Clarion Hotel paid \$126,000.00 to the DLDC.

Councilwoman Szukala advised she wanted to clarify that the payments that The Clarion Hotel are now paying are directly going to the Treasury and not coming out of Fund I.

Mayor Dolce advised \$27,000.00 is the approximate amount of money that will come from Fund I.

Carried, all voting aye.

**NEW BUSINESS:**

**NEW BUSINESS**

**RESOLUTION #41-2014**

**MAY 6, 2014**

**BY: COUNCILMAN SZUKALA:**

**SECONDED BY COUNCILMAN MICHALSKI:**

**ACCEPTING WNY REGIONAL ECONOMIC DEVELOPMENT COUNCIL GRANT  
(Lake Front Boulevard Seawall Reconstruction)**

**WHEREAS**, the City submitted an application, pursuant to Resolution No. 53-2013 (August 5, 2013), for funding for the reconstruction and redevelopment of the "seawall" along Lake Front Boulevard (the "Project") through the New York State Consolidated Funding Application of the Western New York Regional Economic Development Council ("WNYREDC"); and

**WHEREAS**, such application was approved in the amount of Three Hundred Forty-One Thousand Dollars and Zero Cents (\$341,000.00); and

**WHEREAS**, such Project would enhance the City; now therefore, be it

**RESOLVED**, that the Mayor and/or Director of Planning & Development is hereby authorized to execute any and all contracts and related documents with the Western New York Regional Economic Development Council to accept and utilize funds for use by the City of Dunkirk for the NYS Consolidated Funding Application in the amount of Three Hundred Forty-One Thousand Dollars and Zero Cents (\$341,000.00); and, be it further

**RESOLVED**, that the Fiscal Affairs Officer is hereby directed to create the appropriate accounts and make the necessary budget line modifications to properly

account for the receipt and use of the monies for the Reconstruction and Redevelopment of the Lake Front Boulevard Seawall Project.

Councilwoman-at-large Kiyak advised she needs sponsors for this resolution.

Councilwoman Szukala and Councilman Michalski advised they will sponsor this resolution.

Vote on resolution:

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:08 PM**

**Nicole Joiner, City Clerk**

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