

**COMMON COUNCIL PROCEEDINGS**  
**September 17, 2024**

The Common Council meeting was called to order at 5:35 PM by Councilman-at-Large Weiser followed by the Pledge of Allegiance.

Councilman-at-large Weiser thanked outgoing City Clerk Lillian Divine for all her hard work and effort in the last 9 months. Councilman-at-large Weiser welcomed our new City Clerk Amy Dobek and we're all looking forward to working together. Lastly, Councilman-at-large Weiser proposed an Amendment be made to tonight's agenda to move the request for the public hearing regarding the hotel to take place immediately following the privilege of the floor.

Councilman-at-large Weiser advised a motion was needed to amend the agenda to include the hearing regarding the demolition order for the Dunkirk Motel as its own agenda item.

Councilwoman Luczkowiak made a motion. Seconded by Councilwoman Nichols.

Carried, all voting aye.

Present: Councilwoman Luczkowiak, Councilwoman Yerico, Councilman Stoye, Councilwoman Nichols and Councilman-at-Large Weiser.

Also, present: Mayor Wdowiasz, City Attorney Raimondo, City Treasurer Woods, City Assessor Munson, City Clerk Dobek, DPW Director Woodbury, Fiscal Affairs Officer Luczkowiak, Building and Zoning Inspector Christner, Personnel Administrator Davis, Director of Development DeJoy, Fire Chief Edwards, Police Chief Ortolano.

Certification of the Tuesday, September 3, 2024 Regular Common Council Meeting was read by City Clerk Dobek.

**RESOLVED:** That the reading of the Tuesday, September 17, 2024 Regular Common Council Meeting be dispensed with and approved as presented.

Councilwoman Nichols made a motion to dispense with the minutes and accept them as presented. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

**PUBLIC COMMENTS:**

Brian Meyer of 49 Greco Lane on behalf of the Dunkirk Flea Market reported the flea market made \$1,740, \$632,80 was used for advertising, leaving a total of \$1,172 with a check presented to the City of Dunkirk.

Mary Louise McGraw of 736 Swan Street advised the relationship between the City of Dunkirk and The Three for Thee project is not able to continue, advised it's not professional, it's not profitable and a complete waste of good energy, advised she was on a conference call with DPW Deputy Director Pryzbicien, Deputy Development Director Hayes, and Development Director DeJoy and it was made clear the program would have their 14 acre territory to plant trees at Point Gratiot Park and it was suggested by Deputy Development Hayes to plant trees at Wright

Park which has always been a plan, advised a week later she had a conversation with Deputy DPW Director Pryzbicien about planting 20 Trees and was told it was ok but to not plant anything until it's been approved, advised they staked out 20 trees going up Serval Street and across Pine Street and the stakes were removed as the City was intending to plant the trees in the same spots. Mrs. McGraw advised 20 trees were staked at Point Gratiot Park and the next day they stake were removed. Lastly, Mrs. McGraw inquired if someone in City government can advise the group where they can and can't plant trees at the parks and would like to know who made the decision to remove the stakes at Point Gratiot Park as they are put at the 14 acre territory they were given, and inquired where the City is going to find \$46,500 dollars up front to plant trees due the to the financial crisis the City is facing right now while a Tree for Thee has 212 applications along with the money and trees to be planted free to the City of Dunkirk.

Mayor Wdowiasz advised the situation will be addressed at a different time.

Patricia Mleczo advised the main concern of the motel is it's in a residential neighborhood of mostly elderly people and although the residents of the motel need help and supervision a residential neighborhood is not the best place.

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

None.

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

1. Request from Jerry McGarrity on behalf of The Lakeshore Humane Society to use the public sidewalks around their Adoption Center to host the Annual Pat McGee Memorial Dog walk on Sunday, September 29, 2024 beginning at 10:30 AM. The dog walk will follow the same route as last year.

Councilman-at-large Weiser advised a motion was needed to refer to the appropriate department as well as approved subject to appropriate insurances and usual conditions.

Councilwoman Nichols made a motion. Seconded by Councilwoman Yerico.

Carried, all voting aye.

2. Request from Jerry McGarrity on behalf of The Lakeshore Humane Society to have Lt. Brian Dietzen and K-9 Gunny lead the Annual Pat McGee Memorial Dog Walk on Sunday, September 29, 2024 at 10:30 AM.

Councilman-at-large Weiser advised a motion was needed to refer to the PBA.

Councilwoman Nichols made a motion. Seconded by Councilwoman Yerico.

Carried, all voting aye.

3. Request from Bill Quinn on behalf of IBEW Union to have a bounce house at the Lower Pavilion of Point Gratiot Park on Saturday, September 21, 2024 for a Union Party.

Councilman-at-large Weiser advised a motion was needed to refer to the appropriate department as well as approved subject to appropriate insurances and usual conditions.

Councilman Stoye made a motion. Seconded by Councilwoman Yerico.

Carried, all voting aye.

4. Request from Mike Broderick on behalf Shaw Educational Services requesting to have Dunkirk Police Officers provide off duty security detail for their home instruction program at School #4 from 9:00 AM to 12:00 PM on school days.

Councilman Stoye inquired of Police Chief Ortolano to advise there would be no overtime involved in this request.

Police Chief Ortolano advised this is directly from the Dunkirk City School District and through the PBA, the City will not be involved other than allowing the officers to do it.

Councilman-at-large Weiser advised a motion was needed to refer to the PBA.

Councilwoman Nichols made a motion. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

5. Notice of Claim from Nora Conteras of 54 Ruggles Street for injuries caused by a fall allegedly due to unmaintained uneven sidewalks in front of the farmer's market.

Councilman-at-large Weiser advised a motion was needed to refer to the Law Department and DPW.

Councilwoman Nichols made a motion. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

6. Complaint for Mortgage Foreclosure, Freedom Mortgage Corporation.

Councilman Stoye inquired of City Attorney Raimondo what this request is about.

City Attorney Raimondo advised this is just a standard notice for foreclosure.

Councilman-at-large Weiser advised a motion was needed to refer to the Law Department.

Councilwoman Nichols made a motion. Seconded by Councilwoman Yerico.

Carried, all voting aye.

7. Loudspeaker Permit Request from Raquel Rosario of 77 Lincoln Avenue to use mics and speakers on Saturday, September 21, 2024 from 3:00 PM to 5:00 PM for a church service at their residence.

Councilman-at-large Weiser advised a motion was needed to refer to the appropriate department as well as approved subject to appropriate insurances and usual conditions.

Councilwoman Yerico made a motion. Seconded by Councilwoman Nichols.

Carried, all voting aye.

8. WALK-ON REQUEST: Request from Variety the Children's Charity of Buffalo & Western New York requesting The Dunkirk Police Department provide 4 to 6 security personnel for a Demolition Derby on Saturday, September 21, 2024 at the Chautauqua County Fairgrounds from 10:00 AM to 6:00 PM.

Councilman-at-large Weiser advised a motion was needed to refer to the appropriate department as well as approved subject to appropriate insurances and usual conditions.

Councilwoman Nichols made a motion. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

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

Councilwoman Luczkowiak inquired of Development Director DeJoy if the pickleball courts can remain open throughout October and if the bathrooms can be opened on Monday and Wednesdays, advised there will be an Economic Development Committee Meeting on Tuesday, September 24, 2024 at 4:00 PM in the Stearns Building, inquired of Development Director DeJoy about the \$4.75 Million offshore funding passed by Congress, inquired of Mayor Wdowiasz about the presentation of the two budgets and it's press release.

Mayor Wdowiasz advised DPW did address this request with her and directed them to reach out to Councilwoman Luczkowiak.

Development Director DeJoy advised last week Congressman Langworthy announced the request submitted earlier in the year has been included in their projects, advised Homeland Security and the Senate have not met yet and still awaiting to see if it makes it to the Appropriations Bill and once that happens it's in both versions and the bill will be voted upon, advised it's a hazard mitigation against violent storms and events that occur in Lake Erie that could damage our infrastructure.

Mayor Wdowiasz advised she's anticipating presenting the budgets on Friday and there will be a press release and press conference.

Councilman Stoye apologized to Fiscal Affairs Officer Luczkowiak for her name being mentioned in the article that was published in the newspaper as she is trying really hard to get things into place during this difficult time with the City finances.

Councilwoman Stoye advised the Lucas Avenue yard and recycling is closed for the season as the City is not paying any overtime, advised brush collection will be in the 3<sup>rd</sup> ward this week and the 4<sup>th</sup> ward next week, inquired if the City has a loitering code, inquired of Development Director DeJoy about the sidewalk program and why the City is working on a sidewalk in the pathway by School 7 leading to the little league fields. Lastly Councilwoman

Nichols inquired of Mayor Wdowiasz why Council wasn't advised when the potential budget presentation would be and why Council wasn't given the budget to review and it's upsetting.

Police Chief Ortolano advised it would be difficult to remove anyone from a public bench as long as they are not causing a problem, advised it would cause a liability to the City to remove someone that is not causing a problem.

Development Director DeJoy advised sidewalks are for pedestrian safety and handicap accessibility which is why sidewalks are being installed in areas where there weren't sidewalks.

Mayor Wdowiasz advised she said numerous times that the Budget presentation would be done by mid-September.

Councilman-at-large Weiser advised the City's financial challenges are significant and working together with the New York State Comptroller's Office to ensure we are meeting the necessary standards for Financial accountability, advised beyond the ongoing audits the City has suspended on-going overtime and continuing further measures, advised addressing the deficit won't be accomplished with quick fixes and will require longer term commitment from all parties involved. Lastly, Councilman-at-large Weiser advised we anticipate Mayor Wdowiasz upcoming budget presentation which will lay out two paths forward to finalize a budget reflecting the realities we face, advised the next Finance Committee Meeting will be held Monday, September 23, 2024 at 9:00 AM in the Mayor's Conference room.

**UNFINISHED BUSINESS:**

None.

**PRE-FILED RESOLUTIONS:**

None.

**NEW BUSINESS:**

**Walk In RESOLUTION #60-2024**  
**September 17, 2024**

**BY: ENTIRE COUNCIL**

**AUTHORIZING ACCEPTANCE OF FUNDS FROM LAKE ERIE MANAGEMENT  
COMMISSION FOR KAYAK LAUNCH REPAIRS**

**Whereas**, the City of Dunkirk has been awarded Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00) from County Occupancy Tax through the Lake Erie Management Commission, and

**Whereas**, these funds are designated for repairs to the kayak launch which sustained storm damage; now therefore be it

**Resolved**, the Mayor is hereby authorized to execute any agreements for acceptance of funds for the repairs to the kayak launch.

Councilman-at-large Weiser advised a motion was needed to accept the Walk-In Resolution onto the agenda.

Councilwoman Nichols made a motion. Seconded by Councilwoman Nichols.

Carried, all voting aye.

Councilman-at-large Weiser advised to vote on Resolution #60-2024.

Carried, all voting aye.

**Walk In RESOLUTION #61-2024**

**September 17, 2024**

**BY: ENTIRE COUNCIL**

**AUTHORIZING THE CITY OF DUNKIRK TO ENTER INTO A MARINA LEASE WITH  
TRIPLE S. MARINA, LLC.**

**WHEREAS**, Triple S. Marina, LLC has to come to terms to purchase the privately held portion of the Dunkirk Marina from Chadwick Bay Marina, LLC ; and,

**WHEREAS**, the City owns a portion of the Dunkirk Marina and currently leases it to Chadwick Bay Marina, ; and,

**WHEREAS**, now that Triple S. Marina. has brought the privately held portion of the Dunkirk Marina from Chadwick Bay Marina, LLC., now the City wishes to enter into a companion lease and license agreement with Triple S. Marina, LLC., for the City owned portion now therefore, be it

**RESOLVED**, the Mayor will be authorized to enter into a Marina lease and License Agreement with Triple S. Marina, LLC. For the City owned portion of the Marina contingent upon the purchase of the privately held portion of the Dunkirk Marina from Chadwick Bay Marina, LLC.

Councilman-at-large Weiser a motion was needed to accept the Walk-In Resolution into the meeting.

Councilwoman Nichols made a motion. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

Councilman-at-large Weiser advised a motion was needed to enter into Executive Session for the purpose of discussing matters of contract negotiation.

Councilwoman Nichols made a motion. Seconded by Councilwoman Luczkowiak.

Carried, all voting aye.

Executive Session Start Time: 6:41 PM

Executive Session End Time: 7:01 PM

Councilman-at-large Weiser advised now to vote on Walk-Resolution #61-2024.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman-at-large Weiser advised a motion was needed to adjourn.

Councilman Stoye made a motion. Seconded by Councilwoman Nichols.

Carried, all voting aye.

**Adjourned at 7:05 PM**

**Amy L. Dobek, City Clerk**

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