

**PUBLIC HEARING  
December 20, 2011**

Councilman-at-large Dolce called the Public Hearing to order at 5:55 PM.

Present: Councilman Michalski, Muldowney, Gonzalez, Councilwoman Szukala and Councilman-at-large Dolce.

Also present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Clerk, Board of Assessors Mleczo, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Notice of Public Hearing was read by City Clerk.

Public Hearing was held for the purpose of giving interested persons an opportunity to comment on Local Law #9-2011 entitled:

A Local Law to amend Chapter 31, Fees, Article II - Sewer Rate  
Schedule Section 31-17(A) VIII of the Dunkirk City Code entitled:  
"Significant Industrial User (Permit Level of 500 lbs. or greater per day)".

No one spoke.

Public Hearing adjourned at 5:56 PM

Tom Mleczo, City Clerk

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**COMMON COUNCIL PROCEEDINGS  
December 20, 2012**

The Meeting was called to order at 6:00 PM by Councilman-at-large Dolce followed by the Pledge of Allegiance.

Present: Councilmen Michalski, Muldowney, Gonzalez, Councilwoman Szukala and Councilman-at-large Dolce.

Also present: Mayor Frey, City Attorney Cerrie, Public Works Director Gugino, City Treasurer Woods, Clerk, Board of Assessors Mleczo, Director of Development Ahlstrom, CDBG Administrator Gornikiewicz, Personnel Administrator Heyden, Fire Chief Ahlstrom and Police Chief Ortolano.

Certification of December 6, 2011 meeting was read by City Clerk Mleczo.

**RESOLVED:** That the reading of the minutes of Tuesday, December 6, 2011 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Stephanie Kiyak, 635 Eagle Street, Dunkirk, NY spoke relative to the Council Meeting on December 6, 2011, advising that a resolution was passed to increase the salary of the City Assessor by the amount of \$4,000.00. She stated that this resolution was the direct result of Mayor Frey and City Attorney Michael Cerrie convincing the Council that the additional duties bestowed on the City Assessor warranted an additional stipend due to the elimination of two part-time City Assessors by public vote in the November 2011 election. She advised that although the question was raised by Councilman-at-large Dolce if it was in conflict of City Charter rules, a vote was passed by the Council based on the assurances by the Mayor and City Attorney that a stipend was not the same as a salary. She further stated that the article referenced by Councilman-at-large Dolce was never quoted, and the Council was unaware that the specific wording cited is "compensation", which encompasses the meaning of both salary and stipend. She further informed that based on Article IV of the City Charter, this stipend would have to be granted in the month of June prior to an election, and this not being the case, this stipend increase is in direct conflict with City Charter rules and regulations, and should be rescinded by the Council.

Stephanie Kiyak also referenced the Article for the record as follows:

"S4.02. Powers and Duties.

The Powers and Duties of the Common Council shall include:

(d) Determination of compensations of all Officers and employees of the City, except that the compensation of each Elective Officer shall be fixed by resolution of the Common Council at a meeting thereof to be held in June prior to his or her election and shall not thereafter be changed until the expiration of the term for which he or she has been elected."

She stated that the key word noted is "compensation", and according to the Merriam-Webster dictionary there are two definitions that would apply being something (as money) given or received in return for goods or services and, the act of offering money in exchange for goods or services. Synonyms included but not limited to compensation are consideration, pay, salary, stipend and wage(s), stating that accordingly "compensation" and "stipend" are one and the same. She therefore stated that the resolution should be rescinded, since it is in direct violation of the Charter (Article IV, Paragraph 4.02, ItemD) and if not done, the City Attorney has an obligation to address the legality of this issue in writing.

Lastly, she stated that it was interesting that Mr. Frey, after having witnessed the workings of the Assessor's Office for nearly a decade - believes that there is so little work to be done in that Department that the two part-time Assessors needed to be eliminated, and that the Clerk, Board of Assessors had so much additional time on his hands that he could perform the functions of the City Clerk. In closing, she added that if there is so little work that needs to be done, a real examination should be conducted to determine if the position should be part-time, or contracted out as is done by many other municipalities.

City Attorney Cerrie advised of a resolution passed on April 19, 2005 passed unanimously by the Council of which Councilman Dolce at that time and Councilman Muldowney were part of. He advised that a stipend was given to the Assessor's Office at that time (stipend being for additional work performed). He therefore stated that the stipend was not the full salary of the person discussed, but for additional work to be performed which was done by the part-time Assessors, the inspection, completion of building and demo permits issued by the City; in case of addition any measurements needed for decrease in assessment, and this must be

done by May 1st. He advised that this is what the Assessor would have to do off-site, as there is no time to do this during the day, but on weekends and off-hours. He further stated that he agreed to do it for the stipend, doing additional work, this was practice of the Council in the past, and in June 2013 should be added to his salary every year thereafter.

Councilman-at-large Dolce questioned if the funding was from the Star Program and a budget account. City Attorney Carrie advised that he wasn't here at that time, and it was a compensation as given by definition of the future Councilwoman-at-large.

Councilman Gonzalez questioned if this has happened before, and just because it was done, didn't mean that it was right. He was advised by the City Attorney that the resolution (#38-2005) was all his Secretary found, and it was past practice done by this Council.

Gail Dudzic, 15 McDonough Street, Dunkirk, NY advised that she came to thank a couple of people who have done so much for the City in the last ten years stating that she was on the Council and worked with Mayor Frey and Kevin Muldowney. She stated that this will be a big adjustment for both of them, appreciating all they have done and working with them. She also wished former Councilwoman Rose Floramo good health and good fortune in the coming new year, and stated for Councilman Michalski and Councilwoman Szukala to keep up the good work. She also wished Councilman-at-large Dolce good luck in his new role, and thanked Police Chief Ortolano for continuing to patrol around the schools protecting not only our children but the crossing guards as well. She also wished everyone "Happy Holidays".

Jim Muscato, 280 Lake Shore Dr. West, Dunkirk, NY responded to Stephanie Kiyak's comments, stating that he wasn't disagreeing with her in the way the Charter has it written, but a legal opinion should be sought from the State Comptroller's Office. He then stated that if it is illegal, then the Council can put in a resolution to rescind this. He then advised that the same would apply to Mayor-Elect Dolce taking over the Fiscal Affairs duties, as those requirements are also listed in the City Charter, and if you're going to do one, do both and be fair about it.

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

Mayor Frey spoke relative to the bid being accepted tonight for the waterline, advising that thirteen bids were received for the waterline, and informed that we have to pay prevailing wage when it's a government contract. He further stated that we saved approximately \$400,000 on the bid. On other matters he stated that we will owe \$5,500 more to the landfill, we lost \$50,000 in CDBG money, and union contracts are still on the table. Mayor Frey also stated that if there is a Charter Revision Committee, to seriously think about changing the budget date to be more in sync with the State and County.

Mayor Frey further spoke on the stipend brought to the table back in April or May relative to putting to referendum deletion of the two part-time City Assessors. He advised that the \$4,000.00 was put on the table at that time (for Tom) and no secret. He further stated that if a resolution for \$4,000 were done at that time, and the resolution (LL#5-2011) had failed and not passed, Council would have been stuck with the \$4,000 pay raise. He again stated that this was on the table six to seven months ago, this was done the right way, stating that the stipend would come by eliminating the two part-time Assessors. Mayor Frey further stated that this was done for efficiency in the City, advising of money saved by what was done in the Fire Department and Streets Department as well.

Communication from Mayor Frey reappointing Kevin Glavey to the Plumbing Board and Marcelline Rice to the Zoning Board of Appeals.

Received and filed.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Prior Notice from Margaret A. Napoli informing of a dead tree in front of 69 West Fourth Street between the sidewalk and street.

Councilman Michalski moved to refer this matter to the Public Works Department. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Communication from Gary J. Cerne, Superintendent of Schools requesting legal documentation releasing the School District of any liability, and confirmation that the site will be restored after removal of the playground equipment.

Councilwoman Szukala thanked Mr. Cerne for working with us on this, and stated that she received complaints on School #6. She stated that after speaking with Mr. Cerne and the Mayor and the vote from the School Board, the City will be receiving all the playground equipment that's pulled from the schools when they get their new equipment in the Spring. She stated that the intention for the equipment will be for Kosciusko Park in the Fourth Ward, Wright Park in the First Ward, and wherever else it's needed. Councilwoman Szukala thanked Mr. Cerne for this generous offer.

Mayor Frey requested a report from Fire Chief Ahlstrom in regard to the ambulance service. Fire Chief Ahlstrom advised that July 23rd was the approved billing date, started the billing for private insurance in September, and Medicaid was added as of December 7th, therefore billing 100% of our transports. He advised that the total billing for the city was over \$95,000, and out of that we had approximately \$76,400 billed, and received \$30,000 at this point. He advised what we are owed, explained that most of these run a 6-8 week period of time, and advised that everything is electronically transferred back and forth. He also advised of the amounts we would not receive from Medicaid, Medicare and private pay, and the figures for same. Fire Chief Ahlstrom further informed that 177 trips were already billed, and a total of 210 trips were in the system as of December 20th.

Mayor Frey stated that our budget projection was \$120,000 in revenue for the Fire Department, it may be low with possibly picking up \$20,000, but the money has been budgeted for a new vehicle. He thanked the Fire Department and Chief Ahlstrom for stepping forward and doing this with reduced manpower.

Councilman-at-large Dolce called for a motion on the communication from Gary J. Cerne. Motion by Councilman Muldowney to refer the communication to the City Attorney and Public Works Director. Seconded by Councilwoman Szukala.

Carried, all voting aye.

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

Councilman Michalski addressed the Fire Chief relative to the deadline for the two firemen to retire.

Fire Chief Ahlstrom advised that the first (Kevin Ahlstrom) retired on November 27th after 28 years of service, and Keith Ossman retired on the extended date of December 14th after 35 years of service.

Councilman Michalski thanked Mayor Frey and Councilman Muldowney for their ten years of service. He stated that the Mayor will definitely be remembered as the Mayor who got things done, as there weren't too many plans left sitting on the shelf, that he was committed to the City, and a Mayor 24-7, seven days a week, and he had a lot to be proud of.

Councilman Muldowney stated that it's been a great ten years, thanked his wife and family for being here, and stated that Mayor Frey will definitely be remembered as "the Mayor who got things done." He stated it was nice to have the old Council and new Council; present Mayor and new Mayor here to discuss where we go from here. Councilman Muldowney reminisced over the last ten years advising of the Council Members he worked with and the cooperation of getting things done. He also thanked all of the Department Heads and NYS Senator Cathy Young, former County Executive Mark Thomas, County Executive Greg Edwards, and U.S. Representative Brian Higgins for doing wonders for this area, and Dennis Hefner, former President of FSUC for taking a big leap and building the Incubator in our downtown area. Councilman Muldowney closed in thanking the Mayor for his leadership and the veteran voters that elected him five times.

Councilman Gonzalez thanked the Mayor and Public Works Director Gugino for helping out with Christmas in Washington Park. He thanked everyone for their work, and hopefully we can keep up the good work.

Councilwoman Szukala thanked Kory Ahlstrom, Mike Cerrie and Zeke Curtin for always helping her with any concerns and questions. She also thanked Public Works Director Gugino, hopefully looked forward to working with him, and stated that she will remember everything she's been taught. She addressed Councilman Muldowney, stating that they did not start out as friends, but were able to put their differences aside, and now considered him a friend and wished him happiness with his family. Councilwoman Szukala further stated that we will see other things he will be doing.

Councilwoman Szukala addressed Mayor Frey stating that she was very nervous coming in, but that he always had time for her. She stated that although they didn't always agree, they left respecting each other. She stated that she also considered his wife (Pat) a friend, and advised of her serving on the Library Board for thirty years. Councilwoman Szukala wished the Mayor an enjoyable life, and stated that he will be missed very much.

Councilman-at-large Dolce excused Building/Zoning Officer Zurawski from tonight's meeting.

Councilman-at-large Dolce also commended Mayor Frey for his ten years of service. He stated that they disagreed on many things, but commended him for his dedication, would look to pick up on some things, and stated that it was also a pleasure in working with Councilman Muldowney, and hoped they stay in contact.

**UNFINISHED BUSINESS:****RESOLUTION #82-2011**  
**December 6, 2011****BY ENTIRE COUNCIL:****INTRO NO. 9 TO LOCAL LAW NO. 9-2011**  
**CITY OF DUNKIRK****A LOCAL LAW TO AMEND**  
**CHAPTER 31 FEES, ARTICLE II SEWER RATE SCHEDULE SECTION 31-17(A) VIII**  
**OF THE DUNKIRK CITY CODE**  
**ENTITLED "SIGNIFICANT INDUSTRIAL USER**  
**(PERMIT LEVEL OF 500 LBS OR GREATER PER DAY)"**

**BE IT ENACTED** by the City Council of the City of Dunkirk, New York, as follows:

**Section 1**     **Intent.**

It is the intent of this Local Law to amend Chapter 31, Article II, Section 31-17(A) VIII "Significant Industrial User (Permit level of 500 lbs or greater per day)" to delete the 250 mg/L exemption.

**Section 2**     **Amendment of City Code.**

Chapter 31, Article II, Section 31-17(A) VIII of the Dunkirk City Code is hereby amended as follows:

**DELETE**

VIII.     **SIGNIFICANT INDUSTRIAL USER** (Permit level of 500 lbs or greater per day)  
[Added 12-21-2010 as L.L. #4-2010]

**Charge (\$) (monthly) = Volume + Loading + Permit Charge**

<b><u>Volume</u></b>	Less than 4,000,000 gallons	\$4.75/1,000 gallons
	4,000,000 and greater	\$1.60/1,000 gallons
<b><u>Loading Gallons</u></b>	BOD <sub>5</sub>	\$0.25 lb
	TSS	\$0.14 lb
	NO <sub>3</sub> -N	\$0.51 lb

**\*Less a 250 mg/L exemption**

# BOD<sub>5</sub> calculated on loading (#) that exceeds twenty-five percent (25%) of daily permit level

**Permit Charge:** \$1.52 times daily permit level. [Twenty-five percent (25%) daily permit level times twenty-five cents (\$0.25) per pound times thirty and four-tenths (30.4) days per month.]

**Section 3      Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Councilman Michalski motioned to remove Local Law #9-2011 from the table for vote. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Vote on Local Law #9-2011: Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #86-2011  
DECEMBER 20, 2011**

**BY COUNCILWOMAN SZUKALA:**

**AUTHORIZING AWARD OF BID FOR THE FILTER RENOVATIONS  
FOR THE WATER TREATMENT FACILITY**

**WHEREAS**, the New York State and Chautauqua County Departments of Health have required that the City make improvements to the City's water treatment and distribution systems to conform to current standards and water supply needs, and

**WHEREAS**, sealed bids for **Contract 8-2011 - General Construction Filter Renovations at the Water Treatment Plant** were received and opened on December 13, 2011 at 2:00 PM local time, with five (5) bidders responding, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Director of Public Works Gugino and the City's retained consultant, Hill Engineering, Inc., that the low bid of **STC Construction, P. O. Box 459, Springville, New York 14141**, be accepted in the amount of \$452,575.00 for the above noted bid, and, be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute any necessary documents on behalf of the City of Dunkirk with STC Construction, for the above described equipment in accordance with the bid documents and that funding shall be allocated from Fund Account 015-8320-5041-8048, and, be it further

**RESOLVED**, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts necessary for this construction, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Carried, all voting aye.

**RESOLUTION #87-2011  
DECEMBER 20, 2011**

**BY COUNCILWOMAN SZUKALA:**

**AUTHORIZING AWARD OF BID FOR THE FIRST WARD WATERLINE REPLACEMENT**

**WHEREAS**, the New York State and Chautauqua County Departments of Health have required that the City make improvements to a portion of the City's First Ward water distribution area to conform to current standards and water supply needs, and

**WHEREAS**, sealed bids for **Contract 7-2011 – First Ward Waterline Replacement Project** were received and opened on December 13, 2011 at 2:00 PM local time, with 13 bidders responding, now, therefore, be it

**RESOLVED**, upon the review and recommendation of Director of Public Works Gugino and the City's retained consultant, Hill Engineering, Inc., that the low bid of **S. St. George Enterprises, 3689 Webster Road, Fredonia, New York 14063**, be accepted in the amount of \$1,270,180.00 for the above noted bid, and, be it further

**RESOLVED**, that the Mayor is hereby authorized and directed to execute any necessary documents on behalf of the City of Dunkirk with S. St George Enterprises, for the above described waterline replacement in accordance with the bid documents and that funding shall be allocated from Capital Projects Fund 15, and, be it further

**RESOLVED**, that the City Treasurer and Fiscal Affairs Officer be directed to create the necessary credit/debit accounts in Capital Projects Fund 15 necessary for this construction, and, be it finally

**RESOLVED**, that the City Clerk is hereby authorized to return the bid deposits in accordance with the contract documents.

Carried, all voting aye.

**RESOLUTION #88-2011**  
**DECEMBER 20, 2011**

**BY ENTIRE COUNCIL:**

**RESOLUTION MODIFYING THE TERMS OF THE LEASE ON 30 CENTRAL AVENUE COMMONLY REFERRED TO AS THE CHADWICK BAY MARINA**

**WHEREAS**, the Dunkirk Common Council approved the assignment of leasehold rights located at 30 Central Avenue, Dunkirk, New York 14048, with Resolution 54-2011 from Ryan Marine Services, LP, to JSG Marina Holdings, LLC and its subsequent assigns Chadwick Bay Marina Holdings, Inc.; and

**WHEREAS**, Chadwick Bay Marina Holdings, Inc., has made considerable improvements to the property since taking over the property, and has informed the



Common Council of considerable improvements that are expected to be completed within the next year; and

**WHEREAS**, the New York State Liquor Authority has informed Chadwick Bay Marina Holdings, Inc., that based upon the site plans for the proposed improved building, the facility will need two (2) handicapped spaces, and based upon the current design and lease it is not feasible for this to occur; and

**WHEREAS**, in order for Chadwick Bay Marina Holdings, Inc., to comply with the New York State Liquor Authority, and facilitate Chadwick Bay Marina Holdings, Inc. to make improvements to the existing building, the City of Dunkirk agrees that it is necessary to add to the current lease 62' westerly to the road line at Central Avenue, including the northerly "finger" extending toward the City Pier, while retaining any and all public use or utility easements currently in place; and

**WHEREAS**, it is the intention of Chadwick Bay Marina Holdings, Inc., to not store boats at the Marina during the summer season, except for an exceptional occurrence; and

**WHEREAS**, it has been the past practice of the previous tenant to store boats and equipment at the off site location, located by the Waste Water Treatment Plant during the summer season; and

**WHEREAS**, it order to achieve their goal of not storing boats at the Marina during the season, and thereby allowing for additional parking at the Marina, Chadwick Bay Marina Holdings, Inc., has requested the same consideration be granted to them as was granted to the previous lease holders, and they be allowed to store boats and equipment down at the off site location, located by the Waste Water Treatment Plant year-round; and

**WHEREAS**, Chadwick Bay Marina Holdings, Inc. current lease is set to expire in 2035; and they are making considerable monetary improvements to the property in question, and

**WHEREAS**, Chadwick Bay Marina Holdings, Inc., has requested an extension of the lease until 2062 to allow for the possibility of obtaining commercially available financing; and

**WHEREAS**, the previous tenant was in arrears for his lease payment in 2010 – 2011 in the amount of \$20,000; and

**WHEREAS**, as a result of the significant monetary improvements planned on the property, Chadwick Bay Marina Holdings, Inc., has requested a waiver of their lease payment for 2011-2012, in the amount of Twenty Thousand Dollars (\$20,000.00); and

**WHEREAS**, the current lease calls for an increase in yearly lease payments in 2021 to \$25,000.00; and

**WHEREAS**, in return for the extension of time, and the waiver of payment, Chadwick Bay Marina Holdings, Inc., has agreed to an increase in yearly lease

payments from \$25,000.00 per year in 2034 to \$30,000.00 per year in 2035, through lease expiration; and

**WHEREAS**, the contents of the amendment to the lease agreement will be contingent upon the actual substantial reconstruction of, and opening of a food and beverage operation of the building commonly known as the Marina Store; now, therefore, be it

**RESOLVED**, the Mayor is hereby authorized and directed to execute the amended lease that:

1. Extends the dimensions of the property 62' westerly to the road line at Central Avenue, including the northerly "finger" cut out on the pier, pursuant to the attached Diagram "A", for building expansion, additional parking for Chadwick Bay Marina Holdings, Inc., building and possible seating while retaining any and all public use or utility easements currently in place; and
2. Extends the lease in question until 2062; and
3. Waives Chadwick Bay Marina Holdings, Inc.'s lease payment for 2010-2011 and 2011-2012, which would be Twenty Thousand Dollars (\$20,000.00) per year and Forty Thousand Dollars (\$40,000.00) in aggregate; and
4. Increases in yearly lease payments from \$25,000.00 per year in 2034 to \$30,000.00 per year in 2035 through lease completion; and
5. Allows for Chadwick Bay Marina Holdings, Inc., upon completing the reconstruction of the building commonly known as the Marina Store, to sub-lease the food and beverage operation at its sole discretion in said building to a person, persons, or corporation, who qualifies and receives a valid liquor license through the New York State Liquor Authority; and
6. Holds the aforementioned amendment's to the lease agreement contingent upon the actually substantial reconstruction of, and opening of a food and beverage operation of the building commonly known as the Marina Store; and
7. Allows Chadwick Bay Marina Holdings, Inc., to store boats and equipment at the off site location located by the Waste Water Treatment Plant year round.

Councilman Muldowney stated that he would be supporting this, as it was great for the city to have private money coming back to the waterfront, and encourage other private local monies as well.

Councilman Gonzalez stated that he also supported this, but had concerns in the event that the work was not completed.

Director of Development Ahlstrom advised that this would revert back to the original agreement, and the worse case scenario would be if nothing gets done before the original lease expires, they would not have gotten the land and the \$40,000 that was forgiven, would become given, as all the provisions of the lease would become null and void. He further advised that this is being taken over by the previous tenant, and we have to put a capital improvement in allowing them to invest in the docks, and put this on the end of the lease.

City Attorney Carrie questioned if it was all contingent on their promises to us, and Director of Development Ahlstrom advised that we'll know this soon, as he spoke with the gentlemen, and this is happening now due to them wanting to move on some renovations during the winter months to have something open next summer.

Councilman Michalski stated that he sat on the Committee when the Boardwalk was first put in, the city took the first steps for the development, and we are finally seeing someone knocking on our door six to eight years later. He further stated that he didn't want to see any errors, as he has the best interest of the city and taxpayers to follow through with. He also questioned if the \$20,000 that is being forgiven was included in the revenue in this year's city budget, and how this would affect the bike path.

Director of Development Ahlstrom advised that the money was in the budget, and this would not affect the bike path, as one of the provisions states that we retain the easements for land access through there.

Mayor Frey addressed the \$20,000, stating that we will probably be getting this back a couple times over in sales and tax increase alone. He stated this should be looked at as a five-year period, not one year, as that was how the Incubator was looked at. He further advised that Jeff Gambino previously invested \$150,000 in Stefan's Marina; cleaning up and putting in a new dock area. He also stated that he now has a partnership for Chadwick Bay Marina, and they will be doing what they should be doing.

Councilman Muldowney stated that there should be a commitment for keeping the gates open.

Director of Development Ahlstrom stated that there is a commitment, this was the first phase, and there is a plan to move the fuel tank away from the walkway to open up that area. There is also a business plan of having an open traffic flow from Country Fair to the High Rise.

Councilwoman Szukala questioned when the payments would start, and was advised by Director of Development Ahlstrom that they were due on June 1st of every year, and City Treasurer Woods further informed that this was payable by December 1st. City Attorney Carrie stated that we are waiving the (\$20,000) lease payment for 2011-2012, and the first payment was due December 31, 2013. City Treasurer Woods advised that this would be a budgeted item coming up for 2011 and 2012.

Councilwoman Szukala also questioned the 62' westerly finger towards the city pier, and how this would affect snow plowing, as their intention was to be open year round.

City Attorney Cerrie stated that they were looking at this more for summer use, and this would not affect the plowing as there will be no tables out there.

Vote on resolution: Carried, all voting aye.

Councilwoman Szukala moved to adjourn. Seconded by Councilman Muldowney.

Carried, all voting aye.

**Adjourned at 6:45 PM**

**Tom Mleczko, City Clerk**

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