

**REGULAR TOWN BOARD MEETING  
TOWN OF DUNKIRK  
MARCH 19, 2024**

**PRESENT:**

Supervisor Penfold  
Councilwoman Crane  
Councilmember Miller  
Councilman Leone

**ABSENT:**

Councilman Price

**OTHERS PRESENT:** Rebecca Yacklon, Town Clerk, Lisa Boyle, Deputy Town Clerk, Attorney Jeffrey Passafaro, Sue Hazelton, Gary Hazelton, Mark Twitchell, Henry Pencek, Kitty Pencek, Patti Meckes, Irene Strychalski, Sue Conway, Norm Conway, Scott Pagano, Jay Warren, Jeff Feinen, Highway Superintendent, Chris Penfold

Supervisor Penfold opened the Regular Town Board meeting at 5:30 P.M. with the Pledge of Allegiance.

**APPROVAL OF REGULAR TOWN BOARD MINUTES FEBRUARY 20, 2024:**

DULY MOVED by Councilmember Miller to accept the minutes of the February 20, 2024 Regular Town Board Meeting. The motion was seconded by Councilwoman Crane, the motion carried unanimously.

**APPROVAL OF SPECIAL TOWN BOARD MINUTES MARCH 7, 2024:**

DULY MOVED by Councilwoman Crane to accept the minutes of the March 7, 2024, Special Town Board Meeting. The motion was seconded by Councilmember Miller, the motion carried unanimously.

**ABSTRACT OF AUDITED VOUCHERS:**

DULY MOVED by Councilman Leone to approve the abstract of audited vouchers as presented by the Town Clerk on March 19, 2024. The motion was seconded by Councilmember Miller and carried.

General Fund	\$36,360.63
Highway Fund	\$1,424.59
Vineyard Light	\$180.02
ELRSD	\$18,943.28
Shorewood	\$26,477.50
Trust & Agency	\$6,596.36

**OPEN COMMENTS:**

Jay Warren, Town of Dunkirk resident commended Mark Twitchell and Patti Meckes for all their hard work they are doing to keep wind turbines out of Lake Erie. Jay Warren who is a member of the LWRP had brought the board up to date on the projects that are happening and was concerned about the DOT fixing the bridge on Rt 5 over Canadaway Creek due to one of the projects in the works was to

make off road parking for the fisherman. He also commended the Board and staff for all their time, effort, and dedication that they put in every day.

Chris Penfold, Town Justice, had informed the board that back in September he applied for a Justice Court Assistance Program Grant for a new court bench and for new lighting throughout the court room and he was pleased to announce that we were approved for \$30,000. Justice Penfold had stated that the bulk of that amount is to go toward the new bench and \$200 was to go toward the lighting. Justice Penfold requested that upon receiving the check he would like the Town to send a downpayment in the amount of \$20,000 to Jeff Davis Construction so he can begin work.

Scott Pagano, Town of Dunkirk resident brought his concern to the board about the old Urban Rd that runs behind his property that is owned by the Town. Scott Pagano had stated that the ditches are overgrown with brush and trees and the Dead- End sign is damaged and it's literally in rough shape. He would like the Highway Superintendent to look at it and see if the Town can come and clean out the ditches and maybe put gravel down. Scott did stress to the board that this is a major eye sore to his property and he is not interested in taking that property over he's just looking for the Town's support in cleaning it up.

Highway Superintendent Feinen had told Scott that he will look and see if it's on the CHIPS inventory and will go and examine the Road as this has not been maintained in years.

Attorney Passafaro had suggested that Highway Superintendent Feinen start with looking at the inventory filed with the County and to check CHIPS inventory.

Mark Twitchell, Fredonia resident attended the Town Board meeting to speak on Pattie Meckes' fight to keep wind turbines out of Lake Erie and show he is not in favor of them. He brought with him a letter that was written from the North Chautauqua County Water District in which they adopted a resolution a few years back in opposition to wind turbines in Lake Erie. He passed out copies of the resolution to all representatives of the board that may have not been here when the resolution was adopted.

Kitty Pencek, 3789 Franklin Ave. addressed her concern over her water pressure since they put the new lines and pump station in on Roberts Road and Teny. She stated she has made several phone calls regarding this concern to CBI and has not seen any improvement. She also stated that they received a letter from CBI in the mail back in October inquiring if they had a pressure regulator and if not, CBI would need to install that before the new pump station. After following up with CBI she stated the homeowner would be the one responsible for putting the pressure regulator in. Kitty stated this has been going on for three years now and they would like some explanation.

Henry Pencek, 3789 Franklin Ave, addressed his concern over the water pressure issue they are having, and it was never this low till they started this project with new lines and the placement of the new pump station on Roberts Road. He feels they are getting the run around and is also concerned over the garbage bags that are on the fire hydrants making them not accessible. He was questioning if the Town can do something about this since the Town is the one that was pushing for this project to happen.

Kitty Pencek of Franklin Ave had presented the board a sample of the water and was concerned over how much chlorine was in it.

Norm Conway 3782 Franklin Ave. had concern over his water pressure and informed the board that he has been recording the pressure and it's been around 38.

Supervisor Penfold informed the residents of Franklin Ave. that she is a member on the North County Water Board, and this is a topic up for discussion at every meeting and it's been a slow and long process but hopefully we are almost at the end but she will follow up with Mitch at CBI regarding there concerns that they have addressed and she will get back to them.

**TOWN CLERK REPORT: (FEBRUARY 2024)**

Clerk Fees	\$710.00
Zoning Fees	\$2,895.96
Dog Licenses	\$102.00

**Total amount transferred to Supervisor Penfold \$3,707.96**

**JUSTICE REPORT: (FEBRUARY 2024)**

Total number of cases **340**

**TOTAL FINES** and surcharges submitted to the Town Supervisor **\$32,386.00**

**BOARD MEMBER & COMMITTEE REPORTS:**

**Councilmember Miller**

- Followed up with Kyle Damon Fire Chief for East Town Fire regarding the preparation of the Solar Eclipse and their biggest concern is still traffic on the Thruway.
- Followed up with Chuck Holder Emergency Coordinator from Fredonia State along with Chautauqua County Emergency Services regarding staffing to help where there could be problems during the Eclipse. Currently neither has any additional staffing at this time but hoping they can rely on the Fire Departments to have Fire Police stationed throughout the Town and this is something that Fire Chief Kyle Damon is still working on.
- Southern Tier West will be holding their Annual Government Conference again this year at Houghton College on Thursday, June 6, 2024, for those interested in attending.

**Councilman Leone**

- Met with Town Clerk Yacklon to review the changes made to the Zoning Book.
- Spoke with Eric Wies, Clark Patterson Lee regarding the possibility of applying for a grant for the infrastructure of the Town Hall making it handicap assessable, and more storage.

Eric Wies will be sending out a tech to meet with Councilman Leone and he will let us know what we can and can't do.

- Met with Phil Wright from Integrity Plus LLC, about coming out to do an entire building inspection of the Town Hall. A complete inspection with the written report would cost \$350.00.
- Attended the Zoning Board meeting on March 15<sup>th</sup> for two area variances both for garage additions and both were granted.

- Made an appointment with Gugino Plumbing & Heating for an inspection of the boiler.

Councilman Leone made a motion to authorize Phil Wright of Integrity Plus Inspection Services, LLC to complete a full inspection of the Town Hall building at a cost not to exceed \$350. The motion was seconded by Councilwoman Crane and carried by a roll call vote.

ROLL CALL:

Supervisor Penfold – AYE

Councilwoman Crane – AYE

Councilmember Leone – AYE

Councilmember Miller - AYE

### **Councilwoman Crane**

- Met with Town Clerk, Yacklon this month to review the financial reports for January and February.
- Received our Easements for the Shorewood Water Project. A total of 89 have been submitted.

### **HIGHWAY SUPERINTENDENT: (JEFF FEINEN)**

Highway Superintendent, Jeff Feinen read the Highway work report for the month and submitted it for the record and is on file in the Clerk's office.

- Update on the new truck. Told 6 - 8 weeks before its ready.
- Midland came out to measure Chestnut Road. Looking at possibly Nova Chip.
- Looking at stoning & oiling Williams and Arrowhead.
- County DPW will be working on the Willow Rd. bridge this fall.
- NYS DOT will be doing a complete replacement of the Rt 5 bridge over Canadaway Creek in Spring of 2025. Not sure about what they plan on doing as far as detouring as traffic will not all fit under the RR bridge.
- The Railroad is also planning on doing work to one of the RR bridges on Willow Rd. No update as far as timing yet.
- Highway guys will be back to normal hours effective Monday, March 25<sup>th</sup>.
- Highway Superintendent, Feinen presented the board with a quote for a new backhoe and informed the board that they will need one possibly next year.

Councilman Leone made a motion to authorize Highway Superintendent Feinen to purchase concrete at a cost not to exceed \$700 for the purpose of repairing both front entrance ways to the Town Hall and to be completed by the Highway Department and shared services with the Town of Sheridan. The motion was seconded by Councilwoman Crane and carried unanimously.

The Highway Superintendent had informed all Board members that he would like to start this on April 28<sup>th</sup>, and 29<sup>th</sup> and we would need to close both entrance ways to the Town Hall and would suggest that we use the side door.

Supervisor Penfold had informed board members that the Highway Department is in need of a Pole Saw, Leaf Blower and a Chain Saw and we have gotten two quotes and would like the board to review the quotes and make a decision.

Montes Small Engine Repair -- \$871.97

The Power Shop - \$1,199.92

Councilmember Miller made a motion to accept the quote as presented from Montes Small Engine Repair for the items listed at a cost not to exceed \$871.97 as budgeted for. The motion was seconded by Councilwoman Crane and carried unanimously.

**ZONING/CODE ENFORCEMENT OFFICER REPORT: (RYAN MOURER ABSENT)**

Monthly Code Enforcement Report was submitted and read by Supervisor Penfold and is on file in clerk's office.

**ATTORNEY REPORT:**

Nothing to Report

**SUPERVISOR REPORT:**

- Easements were delivered for the Shorewood Water Project.
- Supervisor Penfold had announced that she would like to recognize Court Officer Ron Raczka for his 43 years of service with the Town.

Councilwoman Crane made a motion to schedule a Special Meeting of the Dunkirk Town Board for Tuesday, April 9, 2024 at 5:00 P.M. at the Dunkirk Town Hall, 4737 Willow Road, Dunkirk, for the purpose any lawful business before the board. The motion was seconded by Councilmember Miller and carried unanimously.

**CORRESPONDENCE:**

NONE

**SPEAKER PATTI MECKES – WIND TURBINES LAKE ERIE**

Patti Meckes from CAWTILE (Citizens Against Wind Turbines in Lake Erie) was in attendance to speak on the stopping of wind turbines from being placed in Lake Erie. Patti explained to the board and audience that in recent years there has been a push by Big Wind Industry and Activists to place Industrial Wind Turbines in Lake Erie. She explained that how this is a massive Industrial Project and by allowing them to place turbines in Lake Erie would become an environmental disaster along with taking our beautiful view of the sunsets away. She explained how she has been going to every town asking for all the Towns support by drafting up a resolution about how they are against wind turbines in Lake Erie and hopes that the Town of Dunkirk would consider drafting a resolution as well. A handout was passed out to all those present with information on wind turbines.

Supervisor Penfold would like to act on this resolution at the April 9<sup>th</sup> meeting.

**OFFICE HOURS FOR APRIL 8<sup>TH</sup>**

A motion made by Councilmember Miller to close the Town Hall Office and Court Office at 12:00 P.M. noon on Monday, April 8, 2024, for the Solar Eclipse. The motion was seconded by Councilman Leone and carried unanimously.

**APPROVAL OF RATE INCREASE CPL**

Councilwoman Crane made a motion to approve the amended contract with Clark Patterson Lee for the completion of work to the Town of Dunkirk Zoning Book in an amount not to exceed \$2,500. The motion was seconded by Councilman Leone and carried unanimously.

Attorney Passafaro had informed the Board that he will review the changes with the Town Clerk when the book comes back from CPL and see what format it is in and will determine the next step to take.

#### **LEAD PIPE SURVEY INVENTORY UPDATE**

##### **Letter to Residents**

Supervisor Penfold has given all board members a copy of a letter for their review that will go out to all residents of the Town and businesses requesting their help in the Lead and Copper water service line inventory. Supervisor Penfold had informed all board members that she went to Copy Boy to get a quote and it was not ready intime for the meeting, but the quote would consist of printing of all the letters black & white or colored along with addressing of envelopes and mailing them out at their bulk rate. Supervisor Penfold is hoping to get the quotes back by the April 9<sup>th</sup> meeting.

#### **HIGHWAY SURPLUS**

##### **TOWN BOARD TOWN OF DUNKIRK RESOLUTION TO DECLARE SURPLUS PROPERTY**

WHEREAS, the Highway Superintendent has recommended that the Town Board declare as surplus the following items which are no longer needed or required for Town Purposes:

1. One GMC cube van used for the sewer department
2. One New Holland GT22 lawn mower 60" cutting deck
3. One John Deere 325 lawn mower 46" deck
4. One HTC (hydraulic truck conveyer), and

WHEREAS, the Highway Superintendent has also recommended that the Town Board declare as surplus, and dispose of, scrap metal now on site at the Town Barns.

NOW THEREFORE, a motion of Councilwoman Crane seconded by Councilman Leone it is

RESOLVED that the Town Board of Town of Dunkirk does hereby declare as surplus property no longer required for Municipal purposes all of the equipment, vehicles, and scrap metal as recited above, and it is further

RESOLVED that the Highway Superintendent is authorized to dispose of the scrap metal at a local scrap yard offering the highest rate for scrap metal at this time.

##### **TOWN BOARD TOWN OF DUNKIRK RESOLUTION ON SURPLUS PROPERTY**

WHEREAS, the Town Board of the Town of Dunkirk has declared four vehicles/equipment as surplus property upon the recommendation of the Highway Superintendent, and

WHEREAS, the Town Board does wish to authorize the sale of such surplus property

NOW THEREFORE, on motion of Councilwoman Crane seconded by Councilmember Miller it is

RESOLVED that the Town shall advertise for written, sealed bids for the sale of said surplus items. Sealed and written bids by prospective purchasers to be received in the Town Clerk's office by April 16, 2024 at 12:00 pm, and it is further

RESOLVED that the advertisement shall also recite that the vehicles and equipment are "sold as", without any warranty of fitness or use, and no representations are hereby made. Purchasers may inspect equipment/vehicles on Town premises by prior arrangement during business hours.

Roll Call Vote:

Supervisor Penfold	Aye
Councilwoman Crane	Aye
Councilwoman Miller	Aye
Councilman Leone	Aye

All sealed bids will be opened at 5:15 P.M prior to the Regular Town Board meeting scheduled for Tuesday, April 16, 2024 at 5:30 P.M.

#### **ADJOURNMENT**

DULY MOVED by Councilman Leone to adjourn the Regular Town Board Meeting at 7:00 P.M., seconded by Councilmember Miller and carried unanimously.

Respectfully Submitted,

Rebecca Yacklon  
Town Clerk