

**PUBLIC HEARING OF THE TOWN BOARD TOWN OF DUNKIRK**  
**March 15, 2022**  
**SHOREWOOD WATER PROJECT**

The Town Board of the Town of Dunkirk held A Public hearing at 6:15 p.m. on Tuesday, March 15th at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Richard A. Purol presiding.

**PRESENT:**

Supervisor Richard A. Purol  
 Councilman Robert Penharlow  
 Councilman Henry Walldorff  
 Councilman Juan Pagan

Councilman Jay Bishop (via zoom)

**OTHERS PRESENT:** Town Clerk, Rebecca Yacklon, Deputy Clerk, Kyle Coughlin, Attorney Jeffrey Passafaro, Sue Hazelton, Gary Hazelton, Joe Muscato, Barbara Warren, John Jay Warren, Carter Town, Mary Ann Town (via zoom), Phil Leone, Jerry Dziduch, Lisa Briggs, Paul Parker, Allison Lang (via zoom), John Jay Warren IV (via zoom), Irene Strychalski, Chris Simcik, Jane Simcik, Joan Will, Brenda Swanson, Anthony Dolce from the Observer, Highway Superintendent, Jeff Feinen, CPL Engineer, Seth Krull

Supervisor Purol opened the Public Hearing up at 6:15 p.m. with the pledge to the flag.

Supervisor Purol explained to the public that the Observer had another misprint under the opinion section with the wrong date published for the Public Hearing and the Town had nothing to do with it.

Supervisor Purol stated the purpose of the Public Hearing was to hear public comments in the matter of the Increase and Improvement of Facilities in the Town of Dunkirk, Shorewood Water District project. Supervisor Purol introduced Seth Krull engineer from Clark Patterson Lee to those in attendance and stated he was here to help answer any questions or concerns that anyone might have. He also informed the audience that there is a full-size map plan for anyone to review. He also stated that before the start of the project they come and take pictures ahead of time of the streets and properties so when they are finished, everything will be restored to how its original state.

Legal Proof of publication was presented and is herewith attached and made part of these minutes.

The Town Clerk, Rebecca Yacklon published the Public Hearing Notice on Tuesday, March 1, 2022 and read as follows

**At A Regular Meeting of the Town**

**Board of the Town of Dunkirk, County  
of Chautauqua, New York, held at  
the Town Hall in said Town on the 15th  
day of February, 2022.**

**PRESENT: Richard Puro, Supervisor**

**TOWN BOARD:**

**Juan Pagan, Councilman  
Henry Walldorff, Councilman  
Dr. G. Jay Bishop, Councilman - Absent  
Robert Penharlow, Councilman**

**In the Matter of the Increase and Improvement  
Of Facilities in the Town of Dunkirk, Shorewood  
Water District, Town of Dunkirk, County of Chautauqua,  
State of New York**

**Under Section 202-b of the Town Law**

**ORDER CALLING PUBLIC HEARING  
TO BE HELD MARCH 15, 2022  
At 6:15 PM.**

WHEREAS, the Town Board of the Town of Dunkirk, in the County of Chautauqua, New York, as the governing body of Shorewood Water District, requested and obtained from CPL, Licensed Engineers, licensed in the State of New York, a preliminary map, plan, and report for the increase and improvement of facilities of the District consisting of the construction of approximately 12,900 lineal feet of 8-inch water main to replace existing water main, which has deteriorated over the years; and including lands or rights in land, furnishings, equipment, machinery, and apparatus required therefore; and pursuant to the direction of the Town, the Engineers have completed and filed with the Town Board such map, plan, and report, dated April 2021 for said improvement of facilities, and have

estimated the maximum cost thereof to be Two Million, Two Hundred, Ninety-Five Thousand (\$2,295,000.) Dollars, which amount shall be raised by levy and assessment against the lands and properties located in said water district, and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan, and report for such increase and improvement of facilities of the district, and as estimated the total cost thereof to be an estimated maximum amount of Two Million, Two Hundred, Ninety-Five Thousand (\$2,295,000.) Dollars: said cost to be financed by the

issuance of serial bonds of the Town in an aggregate principal amount not to exceed Two Million, Two Hundred, Ninety-Five Thousand (\$2,295,000.) Dollars, offset by any federal, state, county, and/or local funds received, and

WHEREAS the expense of said increase and improvement of the facility shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed Two Million, Two Hundred, Ninety-Five (\$2,295,000.) Dollars, said amount to be offset by any federal, state, county, and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvements of facility shall be paid by the assessment, levy, and collection of special assessments from the several lots and parcels of land within the district for such purpose in the same manner, and at the same time, as other Town charges, to pay the principal and interest on said bonds as the same shall be come due and payable, except as otherwise provided by law, and be it further

NOW THEREFORE, be it

ORDERED that a Public Hearing be held by the Town Board of the Town of Dunkirk at the Town Hall, 4737 Willow Road, Dunkirk, New York 14048, on the 15th day of March, 2022 at 6:15 p.m., to consider said increase and improvement of facilities of the District, and to hear all persons interested in the subject thereof concerning the same, and for such other and further action on the part of the Town Board with relation thereto as may be required by law; and be it further

ORDERED that this resolution shall constitute the declaration and reaffirmation of the Town's official intent, to reimburse the expenditures authorized in this resolution with the proceeds of bonds, notes, or other obligations, as required by United States Treasury Regulations, § 1.150-2; and be it further

ORDERED that the Town Board shall also consider all matters relating to the State Environmental Quality Review Act at said Public Hearing as it pertains to said project; and be it further,

ORDERED that the Town Clerk shall post and publish this Order calling for a Public Hearing as required by law.

**February 15, 2022**

**By Order of the Town Board of the  
Town of Dunkirk**

## **OPEN COMMENTS**

Paul Parker of Morewood Dr. asked a couple questions in regard to the location of the water line. He explained that according to state code the water line had to be 10 feet away from the existing sanitary line. He felt that this could be a complication. He also asked what the material of the pipe was. He then asked if the Public Health Department had reviewed the plans or would they prior to the start of the project. Paul Parker stated that he would like more detail on the pipe before it goes to the County.

Seth Krull, engineer from CPL introduced himself and informed the public that he had worked on multiple projects for the Town as well as Portland, Pomfret, and Sheridan. In regard to Paul Parker's questions, he explained the 10-foot rule is just a recommendation not a requirement, there are other ways to ensure the separation of those lines. He stated that they will do their best to keep the lines separated to the 10-foot standard. He told the public that there would be an in-depth formal review with both the state and county. During that review they will work on issues such as the 10-foot separation of lines.

Paul Parker asked if the water lines that do cross the sanitary line, would they be enclosed with a concrete cap.

Seth Krull had informed Mr. Parker that is an option but with other projects they have completed with the County Health Department, it is acceptable in certain areas to have less than 10-foot separation. He stated that the pipe traditionally is a metal pipe surrounded with a type of bag to protect the water line. Seth Krull also informed Mr. Parker that the County Health Department has not reviewed this set, that these are the preliminary designs documents. The first designer plans were sent out to the County Department of Health, Department of transportation and the State Funding for review. He explained that they have to have the final project approval before the project can go up for bid. Seth Krull also stated that normally would not have taken that long but they had to propose easements throughout the project. In most cases, they try to avoid easements, but many were not easily avoided for this project.

Supervisor Purol mentioned that they would like everyone to come to the Town Hall to sign the easements due to them having to be notarized.

Mr. Parker also raised a question in regard to the curb boxes. He felt since the hydrants were all being replaced that the curb boxes should be replaced as well.

Seth Krull had told Mr. Parker that in this project they are going to do meter pits. In the meter pits are the water meter and the shut off valves. Outside the meter pit is where the contractor will tie into the existing service line. He also stated that this meter pit will be located flush with the ground.

Jerry Dziduch of Shorewood Dr. asked where the meter box would go.

Seth Krull explained to Mr. Dizduch that they tunnel the pipe under the ground. He also explained how they dig a 5x6 pit and insert the meter pit in the ground. Depending on where the curb box is located that will determine the connecting of the line.

Phil Leone of Woodlands stated after looking at the map there is 3 or 4 different lines under the road itself. He asked with the road being so narrow where is the water line going to be located.

Seth Krull told Mr. Leone that depending on the location and what's in the area off the road, those are the factors that will determine the location. He also stated that they will be working with the County and will have inspectors on site to help locate the lines.

Phil Leone also asked if they dig the road up, are they going to just patch that spot or pave the entire road? Phil noted that due to there roads being private in that area they maintain the roads themselves and are worried that a patch job just won't hold out long term.

Seth Krull stated at this point we will only be patching, to patch the entire road will be very costly.

Jay Warren of Woodlands was concerned about the heavy equipment coming down the private roads and felt that the roads will not be able to handle the weight of the equipment.

Chris Simcik of 4948 East Shorewood Dr. was concerned about the taxes that would be raised to do this project. He explained that the lack of grant funding for the project that maybe the town should wait until there are funding opportunities available. He stated he understood the purpose of the project but was still concerned about the new amount of pressure and potentially needing plumbers to come make repairs and updates to the lines within their home. Mr. Simcik stated they would like a better understanding on some of these matters.

Supervisor Purol stated that there still will be opportunities for funding. He explained that until the project is approved, they cannot apply for any funding opportunities.

Councilman Penharlow stated that the map shows the line going on the North side of Shorewood Drive West and there are some homes with brand new cement driveways, he asked if the same material is going to be used to fix the homeowners driveways. He also asked if the map plan could be changed as to where the waterline was going to go to his house. After reviewing the map, he stated it showed it coming in on Farmlane and currently it comes from Shorewood.

Seth Krull told Councilman Penharlow that the map plan can be changed and whatever material the homeowners have now is what they will use to repair.

Councilman Bishop stated that he lives on East Shorewood Dr. and has lived there since 1999. He stated that presently they have an antiquated 4-inch pipe supplying water to the residents. He stated they have had frequent leaks and issues with water pressure that have gotten worse over the last 5 years. The leaks have required repairs which entails tearing up the road. As time progresses, the efficiency and function of the 4-inch line will continue to deteriorate. Councilman Bishop informed the public that he has seen heavy equipment on their narrow roads, and it wasn't an issue. He also stated that the Town has done other projects like this before. He told the audience that he is in total favor of the Town of Dunkirk's plan to put an 8-inch water main to replace our antiquated, rusting, low pressure and volume, and frequently leaking 4-inch line with an 8-inch line.

**ADJOURNMENT**

With no further questions or concerns Councilman Pagan made a motion to close the public hearing. (6:40 pm.) The motion was seconded by Councilman Walldorff and carried.

Respectfully submitted,

Rebecca Yacklon  
Town Clerk