

**SPECIAL MEETING
TOWN BOARD TOWN OF DUNKIRK
May 31, 2022**

The Town Board of the Town of Dunkirk held a Special Meeting at 6:30 p.m. on Tuesday, May 31, 2022 at the Town Hall, 4737 Willow Road, Town of Dunkirk, New York with Supervisor Richard A. Purol presiding.

PRESENT:

Supervisor Richard A. Purol
Councilman Juan Pagan
Councilman Henry Walldorff
Councilman Jay Bishop (absent)

OTHERS PRESENT: Town Clerk, Rebecca Yacklon, Sue Hazelton, Gary Hazelton, Phil Leone, John Jay Warren, Barbara Warren, Highway Superintendent, Jeff Feinen

Supervisor Purol opened the Special Town Board meeting up at 6:35 pm with the pledge to the flag.

APPROVAL OF REGULAR MEETING MINUTES APRIL 19, 2022

Councilman Pagan made a motion to approve the Regular meeting minutes of April 19, 2022. The motion was seconded by Councilman Walldorff and carried.

ABSTARCT OF AUDITED VOUCHERS

Councilman Pagan made a motion to approve the abstract of audited vouchers as presented by the Town Clerk on the May 17, 2022. The motion was seconded by Councilman Walldorff and carried.

General Fund	\$15,578.83
Highway Fund	\$3,782.84
Checking Justice	\$23,500.50
Vineyard Light	\$202.09

OPEN COMMENTS

Phil Leone of 5208 Woodlands

Read a letter he wrote to the Town Board.

"Last Wednesday the Zoning Board of Appeals issued a unanimous decision that the Town of Dunkirk zoning law prohibits short term rentals in R-1 districts like the VRBO at 5184 Woodlands Drive. At the request of the owner's attorney, we did not raise any complaints about renters at the VRBO this past Memorial Day since the decision was made so close to the weekend. However, based on her VRBO website it appears that there are renters booked for most of the rest of the summer. Our attorney has asked that the VRBO owner cancel all upcoming rental bookings which are in violation of Town Law, and we are hopeful the owner will do so.

Now that the ZBA has made its decision there should be no further rentals of the property. We already made a complaint about the operation. There is no question that the owner has been operating the VRBO, and the VRBO is prohibited by law. Under the zoning law, Section 184 (2), either the Enforcement Officer or the Town Board can notify a property owner that they are violating the zoning law, and the Town can seek enforcement by the courts.

If the owner at 5184 Woodlands Drive continues to operate a VRBO in defiance of the Zoning Board, as our elected representatives, take steps to enforce the law and prevent the illegal operations. We have taken all of the steps that were required under the law to raise our concerns and complaints about the operation and to get the ZBA to confirm that the VRBO is prohibited. We do not want to have to spend another summer dealing with her customers and trying to have the law enforced.

She may wish to appeal the decision of the ZBA, but as it stands now the short-term rental is prohibited by the code. The property appears to be booked throughout the summer with the exception of this upcoming weekend. The property is still listed on the VRBO website and the owner should be compelled by the Town to remove it and stop advertising.”

In response to Phil Leones letter Supervisor Purol stated that he did receive a copy of the letter from there Attorney in regard to the weekend on renting it out. He stated that this was forwarded to the Town Attorney and the Code Enforcement officer.

John Jay Warren of 5182 Woodlands Dr. stated that in regard to Phil Leones letter he hopes that the Town will move forward quickly on the booking of the VRBO this summer and asks for the support of the Town Board.

John Jay Warren also asked if there are any plans to refill the vacancy of Councilman Penharlow.

Supervisor Purol had informed Mr. Warren that he would like to meet with the entire Board to discuss options and get their opinions.

Sue Hazelton 5178 Woodlands Drive

Read a letter she wrote

“Gerry and I would like to thank the Zoning Board on their decision in regard to the R-1 district code as it was all very clear. Also, a thank you to Rebecca and Kyle for all they do and to have a great summer.”

TOWN CLERK REPORT (APRIL 2022)

Clerk Fees	\$320.00
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Zoning Fees	\$2673.96
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Dog Licenses	\$66.00
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Total amount transferred to Supervisor Purol \$3,059.96

JUSTICE REPORT (APRIL 2022)

Total number of cases **330**

TOTAL FINES and surcharges submitted to the Town Supervisor **\$35,003.50**

BOARD MEMBER & COMMITTEE REPORTS

Councilman Pagan expressed his sympathy of the passing of Councilman Penharlow and stated we were thankful to have him serve on our Board and he's going to be deeply missed and we really appreciated him and his wisdom.

Attended a North County water meeting with Supervisor Purol. Things are moving forward with the second phase going up to Sheridan.

Attended a Zoning Board area variance meeting for a Christmas tree farm on Brigham Road and a car business on Williams Street looking to add an addition on to his building. Both variances were granted.

Councilman Pagan had stated that it's good to see business are coming to our township.

HIGHWAY SUPERINTENDENT REPORT (Jeff Fienen)

- Been mowing in Sheridan and after that we will move to the Town.
- Been patching in Sheridan and will move to the Town as well after Sheridan is finished.
- Steve will be out spraying signs and guard rails soon.
- Been looking for replacement mower (tractor style). They are hard to come by now.
- All Board members received a copy of a quote on a new one-ton truck.
We would still have to order a dump box to put on it. They didn't have a quote, so they gave a rough estimate of around \$14-\$16,000. As far as the one ton goes another option is to start looking at auctions. If you give a dollar amount of how much to spend, I could start looking and we could try to go that route.
- The sweepster tractor that was ordered last year was supposed to be in the last week of May. After following up with them we are now looking at a possible date of September 2022.
- Nova Chips. Planned on doing the section on Williams St. to Roberts Rd. but the prices went up drastically. Maybe do a little patching were needed and would suggest rolling CHIPS over to next year due to the increase of materials and hopefully do that section next year. Overall, the roads are not in bad shape.

ZONING/CODE ENFORCEMENT OFFICER REPORT (Ryan Mourer Absent)

- Permit issued for new signage at Tops Plaza
- Still waiting on Dental office to complete project
- Permit issued for Newcomb Auto Glass to put in business sign on Bennett Rd.
- Permit issued for Columbarium on Bennett Rd.
- Working on potential Brigham Rd Solar Farm
- In the QUE for review application presented to for Williams St. Solar Farm-will require USE variance
- In the QUE for review application presented for Lake Rd. Solar Farm
- Property on Willow Rd. denied water till septic is installed and proper applications submitted
- Permit issued for roof to Bennett Rd. resident
- Permit issued for Pergola
- Permit issued for shed on Linwood Dr.

ATTORNEY REPORT

Attorney Passafaro absent.

SUPERVISOR REPORT

Supervisor Purol informed the Board that we received our Municipal Shelter Inspection Report from New York State which was completed on 4/28/22. Two findings were listed unsatisfactory. The dog control officer for the town is Tom Rozumalski.

Supervisor Purol had notified the Board that we got a quote from Monte's Small Engine Repair of \$800.00 to fix the lawn mower. He stated that he would like to see us purchase a new one considering how old it is and how much it would be to have it repaired.

Supervisor Purol also reported to the Board that we received an estimate from CPL for the Route 5 water main project. It would replace 5,000 foot of water line from a 6-inch line to a 12-inch line starting from Athenex to the Town of Sheridan. He stated that this quote is just speculation and we had to get one due to there may be funding for this from the County. This project would give us a 12-inch line from the City of Dunkirk down to Silver Creek and from the City of Dunkirk to Portland.

Received our second quarter sales tax distribution from Chautauqua County in the amount of \$105,612.25 of that \$176.66 was deducted for town tax bill processing which left us with a total of \$105,435.59.

Supervisor Purol informed the Board that back in January he ordered three grinder pumps for the trailer park, and we received them in March. He stated he will be meeting with the owner of the trailer park this week to hopefully come up with an agreement to take over East Lake Road Sewer district from us.

Supervisor Purol stated that he would like a motion to pay this bill in hopes he can get assurance that we can reach a deal by the next town board meeting.

Councilman Walldorff made a motion to pay for the grinder pumps for East Lake Road trailer park in the amount of \$7,787.00 to Fluid Kinetics and all apparatuses. The motion was seconded by Councilman Pagan and carried.

Supervisor Purol stated that we received a memorandum from our Town Attorney Jeff Passafaro on the Open Meeting Law in regard to holding meetings via zoom. In order to continue with zoom we would have to pass a local law and since the Attorney is absent this was tabled to the next meeting.

CORRESPONDENCE

None to report

SHOREWOOD WATER

Supervisor Purol updated the board on the Shorewood Water project. He informed them that we have signed closing documents for a BAN in the amount of \$100,000 from Greene County Commercial Bank.

AFR/AUDIT

Supervisor Purol stated he received our Annual Financial Report for 2021. This year it was completed by Bahgat & Laurito.

Supervisor Purol received the audit report draft from R.A. Mercer. He stated that overall, everything came back acceptable.

SCHEDULE ROAD TOUR

Supervisor Purol stated that we normally do a road tour in May, and he would like to get one scheduled at the next town board meeting for the end of June.

HIGHWAY EQUIPMENT

Supervisor Purol had stated that all equipment for the highway was discussed under the Highway Superintendent report.

APPOINT JUAN PAGAN AS DEPUTY SUPERVISOR

Supervisor Purol appointed Councilman Pagan to Deputy Supervisor to fill the vacancy position.

EAST LAKE ROAD SEWER DISTRICT

Supervisor Purol discussed with the board that by the trailer park taking over the sewer district we won't be having no more overtime, no more pumping out pumps which has been costly to us every time due to us having to call St. George in to assist.

ADJOURNMENT

With no further business, a motion was made by Councilman Walldorff and seconded by Councilman Pagan. The motion was carried unanimously, and the meeting was adjourned at 7:08 pm.

Respectfully submitted,

Rebecca Yacklon
Town Clerk