

**REGULAR TOWN BOARD MEETING
AUGUST 16, 2022**

PRESENT:

Supervisor Richard A. Purol
Councilman Juan Pagan
Councilman Henry Walldorff
Councilwoman Priscilla Penfold
Councilman Jay Bishop (via zoom)

OTHERS PRESENT: Town Clerk, Rebecca Yacklon, Deputy Clerk, Kyle Coughlin, Attorney Jeffrey Passafaro, David Maternowski, Kimberly Maternowski, Sue Hazelton, Gary Hazelton, John Jay Warren, John Warren, Phil Leone, Joe Muscato, Bob Price, Mary Ann Szczublewski, Frank Levandoski, Pat Levandoski, William Wright, Matthew Bromberg, Brooke Pennica, Maggie Bromberg, Irene Strychalski, James Strychalski, Erika Strychalski, Braden Carmen, Dunkirk Observer, Maureen Stegle, Ed Stegle, Allison Lang

Supervisor Purol opened the regular Town Board meeting up at 6:30 pm with the pledge to the flag.

APPROVAL OF SPECIAL TOWN BOARD MEETING MINUTES JULY 19, 2022

Councilman Walldorff made a motion to approve the special town board meeting minutes of July 19, 2022. The motion was seconded by Councilman Pagan 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 August 16, 2022. The motion was seconded by Councilman Penfold and carried.

General Fund	\$24,409.62
Highway Fund	\$2,613.74
Vineyard Light	\$160.82
ELRSD	\$25,620.00

OPEN COMMENTS

- Dave Maternowski of 5144 W. Shorewood Dr. shared his concern with the board regarding the ongoing short-term rental. His concerns were the size of the roads, emergency personnel, future investors, and liability. He asked the board for their support to provide a safe neighborhood by not allowing short term rentals in the Town of Dunkirk.
- Phil Leone of 5208 Woodlands had a couple concerns he addressed to the board. He stated that he had filled out a Coastal Erosion Permit for work on a seawall that adjoins with his neighbor. He wanted the board to know that the Code Enforcement officer had requested that another application had to be filled out for that neighbor. Even though it was one job on a shared wall. Mr. Leone wanted to know the correct procedure and fee for a typical job like that. Mr. Leone also brought his concern to the Town Board of the on-going short-term rental. He had presented to the board a petition that was signed by residents who were against short term rentals. His concern about short term rentals was the enforcement of them. He stated they cannot be enforced currently and asked how they could plan on them being enforced in the future.

- Allison Lang of 5192 Woodlands shared a study about short term rentals and concerns about this community and the effects that short term rentals will have in the community.
- Irene Strychalski of 5170 W. Shorewood Dr. had informed the board of her concern about the short term rentals in a R-1 district and asked the board to look at the future when making their decision on short term rentals.
- Erica Strychalski of 5170 W. Shorewood Dr. brought up her concern about short term rentals and how the roads are both narrow and private. She was worried about emergency personnel being able to make it down the streets with the extra flow of traffic that will come with VRBO's.
- William Wright of 5098 W. Shorewood Dr. addressed his concern regarding short term rentals and the effect it would cause in his neighborhood. The concern not only is the narrow roads but the size of the lots in the area. He also shared with the board that he has seen this firsthand as an attorney with one of his clients and that this is a problem that a lot of municipalities are facing.
- Sue Hazelton of 5178 Woodlands read a letter regarding short-term rental concerns and submitted for the record.
- Gary Hazelton of 5178 Woodlands shared his concerns about short term rentals and submitted a letter for the records.
- Frank Levandoski of 4743 Wildwood Dr. brought his concerns to the Town Board regarding short-term rentals. He explained that his concerns were with the ability law enforcement would have with the issues that would occur because of these. He stated that unless the town intends to adopt a leash law and noise ordinance there will be nothing law enforcement can do to assist with these problems.
- Barbara Warren of 5182 Woodlands explained to the board that this has been going on now for a year. She stated that even a year later the issues remain the same. They have continued to rent since the Zoning Board of Appeals made their decision.
- Jay Warren of 5182 Woodlands brought to the board's attention that at the last workshop discussion there was talk about Cassadaga and their short-term rental issue. He stated that he got some information about that issue and it's not great over there either. He asked if the board would investigate allowing short term rentals further. Mr. Warren also asked the board if the property owner of the short-term rental is above the law why is there no enforcement on this issue. He proceeded to ask if there was any follow up with the owner of the short-term rental and the Code Enforcement Officer. Mr. Warren also suggested setting up a moratorium and strongly urged the board to not change the law and to represent them.
- Matthew Bromberg of 3778 East Lake Road stated he has rented out his home and has had no problems at all. He informed the board that he would be willing to volunteer his time to sit on a committee for short-term rentals and to help figure out a resolution. He stated he doesn't want to lose what he has and loves to bring his family back here to stay.

- Brooke Pennica of 3778 East Lake Road expressed her feelings to the town board regarding short term rentals. She stated that not all R-1 properties are alike. Their home is on 28 acres and they bought the house because they love it, not just to make money off it. They rent it out sometimes for month long stays and they are happy to be able to share their home. She further explained that not all properties experience the bad situations others have described. She stated that she hopes the town can find a solution and allow short term rentals.
- Maggie Bromberg of 32 Curtis Place, Fredonia voiced her concern. She asked if there could be some sort of flexibility in the code. There are some positive things that come out of short-term rentals. They are not all alike. She also stated that if you put some type of criteria on them so people can continue to have short-term rentals it would be great for the community.
- John Warren thanked all the board members for their time and service. He explained lake etiquette and mentioned that anyone voting on this should take into consideration the areas where to put short term rentals. There is a lot of private areas and roads. He also stated that he hopes the Town would take Mr. Bromberg's 28 acres and factor that in for consideration.

TOWN CLERK REPORT (JULY 2022)

Clerk Fees	\$140.00
Zoning Fees	\$1,200.00
Dog Licenses	\$108.00

Total amount transferred to Supervisor Purol \$1,448.00

JUSTICE REPORT (JULY 2022)

Total number of cases **271**

TOTAL FINES and surcharges submitted to the Town Supervisor **\$27,961.00**

BOARD MEMBER & COMMITTEE REPORTS

Councilman Pagan

- Attended a North County Water meeting on the 11th with the Supervisor. Phase 2 is progressing on Roberts Rd.
- Water tank on Christy Rd. tying up all loose ends.
- Waiting for materials for the pump station on Roberts Rd.
- Attended the ribbon ceremony on Aug 11th with Supervisor Purol and Councilwoman Penfold at the North County Dental office in the Town.

Councilwoman Penfold

- Shared with the board that Governor Hochul is allowing Towns to lower the speed limit to 25 mph where it may be necessary.
- Took a management webinar with the Town Clerk. A couple items that were discussed were fraud in municipalities and how to control it and keeping up to date with all assets in highway department yearly.
- Would like to look at the handbook and update some policies and hand out yearly to all employees.

HIGHWAY SUPERINTENDENT REPORT (Jeff Feinen Absent)

- Steve chipped with County, Villanova, and Cherry Creek
- Paved with Sheridan, Hanover, Pomfret
- Mowed around Town
- Put new belt on and leveled the deck on the new mower
- Weed sprayed and took backhoe to Tim Hortons on Vineyard Dr. to clear brush that was being an issue to exiting traffic.
- Still waiting on Sheridan to grader patch
- We will use "pave our pothole" (POP) money this year, there is no guarantee that money will roll over. The rest of CHIPS we will roll over to spend on Williams next year.

ZONING/CODE ENFORCEMENT OFFICER REPORT

Code Enforcement Officer Ryan Mourer was absent, and no report was submitted.

ATTORNEY REPORT

- Mr. Passafaro informed the board that he met with the assessor, and they finished the last Article 7 case.
- Draft contract for ELRS District & MHP for review was given to the Supervisor.

SUPERVISOR REPORT

- Attended a ribbon cutting ceremony for North Chautauqua County Dental Office on August 12th.
- Attended the 100-year Anniversary Celebration for the Dunkirk Conference Center on August 14th. They were issued a certificate of proclamation from the Town of Dunkirk.
- Sent a letter of support for the Local Waterfront Revitalization Program (LWRP) to the Secretary of State Mr. Robert J. Rodriguez.
- Received a letter from Associations of Towns stating the annual dues for 2023 have increased.
- Received our Mortgage Tax of \$10,918.00
- Received our 3rd Quarter Sales Tax in the amount of \$118,113.61. Of that \$41,339.76 went to the Highway fund and \$76,773.85 went to the General Fund.
- Attended the North County Water meeting --- looking at buying water from Fredonia to fill the existing line that runs to Sheridan to make sure there is no leaks before the contractors start work.
- Attended a PPD meeting. Smoke tests have been done on sewer lines to see if anyone is having problems and if they are, those residents will be notified.

CORRESPONDENCE

- Received a letter from Hon. Christopher Penfold regarding the Deputy Court Clerk becoming fulltime.
- Received a letter for the record from Richard & Rebecca Conti, Town of Dunkirk residents in regard to short-term rentals. They stated that they are both opposed to any short-term rental variance that the Town of Dunkirk would allow.
- Received a letter from East Dunkirk Fire Chief Kyle Damon regarding the Knox Box System. He brought to the board's attention that some of the local businesses currently do not have them. It is there understanding that there is a local town law requiring this system for new commercial buildings with a fire alarm, or any business that remodels their building. A couple of properties that they have come across that do not have them installed are Well Now

Urgent Care, and Northern Chautauqua County Dental. Mr. Damon suggested that in the future maybe withhold the certificate of occupancy until the box is installed and they have placed the proper keys installed in each box. He stated the reason for this is to help them enter a building in an emergency with little delay or damage.

- Received two quotes from the court to purchase a desk hutch for the deputy court clerk. One quote received from Bush Industries in the amount of \$387.00. Second quote from Quill in the amount of \$240.00.

Councilman Pagan made a motion to purchase a hutch desktop for the court. The motion was seconded by Councilman Walldorff and carried.

Supervisor Purol informed the Board that he would like to drop the Internet service through DFT in the Highway Dept and pick up Verizon and purchase a tablet for the Highway Dept. for them to submit their reports. Picking up Verizon with unlimited data would be \$37.99 per month and now we are paying \$60.90 a month with DFT.

Councilwoman Penfold made a motion to drop the Internet Service with DFT for the Highway Department and purchase a tablet for the highway dept. The motion was seconded by Councilman Pagan and carried.

ARPA FUNDS

Received final round of APRA funds for a total of \$64,153.64.

Supervisor Purol stated that he would like a motion to use this funding toward the Shorewood Water District.

A motion was made by Councilman Walldorff to transfer the COVID relief funds also known as ARPA funds from General to the Shorewood Water District in the amount of \$64,153.64 to be used to pay for the Shorewood Water project. The motion was seconded by Councilman Pagan and carried.

GOVERNMENT STATE OF EMERGENCY-REMOTE MEETING UPDATE

Supervisor Purol made mention that the Emergency declaration has been extended thru Sep.12th.

AIR CONDITIONING UNIT

Supervisor Purol had informed the board that he received quotes for the air conditioner in the Court room and only received one back. Casale sent a quote of \$9,700.00. Supervisor Purol investigated this more and inquired about a wall mount air conditioner unit. This could be a cheaper option for the Town. He stated he will have Casale come and give us another quote for that type of unit.

EXECUTIVE SESSION (to discuss personnel matters)

The Town Board closed the Regular Meeting at 7:45 p.m. and went into executive session to discuss personnel matters. A motion was made by Councilman Pagan to go into executive session. The motion was seconded by Councilwoman Penfold and carried.

OPEN REGULAR MEETING

A motion was made to exit executive session and open the regular town board meeting at 8:10 p.m. by Councilman Walldorf. The motion was seconded by Councilwoman Penfold and carried.

ADJOURNMENT

With no further business, a motion was made by Councilman Walldorf and seconded by Councilwoman Penfold. The motion was carried unanimously, and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Rebecca Yacklon
Town Clerk