

**REGULAR TOWN BOARD MEETING  
JULY 19, 2022**

**PRESENT:**

Supervisor Richard A. Purol  
Councilman Juan Pagan  
Councilman Henry Walldorff  
Councilman Jay Bishop  
Councilwoman Priscilla Penfold

**OTHERS PRESENT:** Town Clerk, Rebecca Yacklon, Deputy Clerk, Kyle Coughlin, Attorney Jeffrey Passafaro, Peter Miller, Shari Miller, Mike Miller, Phil Leone, Bob Price, Sue Hazelton, Gary Hazelton, Jay Warren, Barb Warren, Irene Strychalski, Chris Penfold, Bill Jakubowski, Anthony Dolce from the Observer

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 JUNE 21, 2022**

Councilman Walldorff made a motion to approve the special town board meeting minutes of June 21, 2022. The motion was seconded by Councilman Pagan and carried.

**ABSTARCT OF AUDITED VOUCHERS**

Councilman Bishop made a motion to approve the abstract of audited vouchers as presented by the Town Clerk on the July 19, 2022. The motion was seconded by Councilman Pagan and carried.

General Fund	\$16,898.75
Highway Fund	\$4,728.45
Checking Justice	\$17,287.00
Vineyard Light	\$148.75
ELRSD	\$180.44
Plaza 59	\$1,144.26
Bennett Improvement	\$9,500.00

**OPEN COMMENTS**

- Phil Leone 5208 Woodlands had thanked the Board for listening and shared concern about the ongoing short term rental issues. He also asked about the status of his FOIL request. Mr. Leone stated that they are looking at asking for an injunction so they could get a court order and have the police handle any complaints they have.
- Irene Strychalski 5170 Shorewood Dr. shared her concern with the Board of the on-going short-term renting in the R-1 district.
- Sue Hazelton 5178 Woodlands read a letter to the Town Board with concern over the the article that was published in the Observer on June 28<sup>th</sup> regarding the VRBO. She also thanked the Town Board for all their time during this issue.
- Pete Miller of 5184 Williams Street addressed an issue of increased semi traffic on Williams St. He asked the board if there was any way they could post signage on South Roberts Road and

Bennett alerting drivers of the truck route to the freezer facility. Mr. Miller also stated that there was an issue of increased speed from dump trucks, and cement trucks on Williams St. Lastly, Mr. Miller also brought to the board's attention that a property on Franklin Ave. that needs the attention of the Code Enforcement Officer. He stated that there are several vehicles, trailers, and junk. He also stated there is a property on Greenhurst with the same issue. Mr. Miller recommended that the board consider hiring someone to help the code enforcement officer so they can look into these issues and keep the Town of Dunkirk a beautiful place. Mr. Miller had asked Supervisor Purol how many unregistered vehicles are allowed at a residence as well.

Supervisor Purol had informed Mr. Miller that only one unlicensed vehicle at a resident unless it's being worked on. Supervisor Purol also told Mr. Miller that he will address the traffic issue on Williams St. to Highway Superintendent Jeff Feinen.

- Chris Penfold, Justice of the Town of Dunkirk read a letter of request that he had passed out to all board members. The letter was in regard to the court clerk Ashley Dubois becoming a fulltime employee. He asked that the board consider this request.
- Barbara Warren of 5182 Woodlands stated she was in favor of making Ashley Dubois fulltime and stated that she would be a great asset to the Town of Dunkirk Court. Barbara Warren also mentioned that there were three renters at 5184 Woodlands since the Zoning Board appeals decision.
- Jay Warren of 5182 Woodlands had thanked the Boards for listening to them and their help during the process of the short-term rental situation and hopefully they would receive closure soon. Mr. Warren had asked Supervisor Purol who will be representing the Town in the Article 78 hearing on August 8<sup>th</sup>. Mr. Warren had also brought to the boards attention that he was concerned as to why he wasn't reappointed and apologized if he offended anyone in any way. He also stated that he would continue to support the Town in any way he can.
- Gary Hazelton of 5178 Woodlands brought to the board's attention that the VRBO owner is still continuing to rent out her property.
- Shari Miller 3889 Williams Street asked if the Board had sent there LWRP letter of support out yet due to the deadline approaching.

Supervisor Purol stated that he will see that it goes out before the deadline.

#### **TOWN CLERK REPORT (JUNE 2022)**

Clerk Fees	\$670.00
Zoning Fees	\$400.00
Dog Licenses	\$4140.00

**Total amount transferred to Supervisor Purol \$1,210.00**

#### **JUSTICE REPORT (JUNE 2022)**

Total number of cases **263**

**TOTAL FINES** and surcharges submitted to the Town Supervisor **\$27,516.50**

### **BOARD MEMBER & COMMITTEE REPORTS**

Councilman Pagan reported to the board that he has been working with the DOT, Home Depot, KFC, Southern Chautauqua County Credit Union, and the County since late June to clear away the overgrowth of the grass on Vineyard Dr. and Rt 60 that had become hazardous. Councilman Pagan stated that KFC had taken care of their section and DOT had cut their section along Rt 60. He was still trying to get ahold of the County to help with their section along Vineyard Dr. Councilman Pagan stated that he did meet with the Manager of Home Depot and showed him their section of the property. The Manager stated he would pass that along to Home Depot's Corporate Headquarters. Councilman Pagan stated that he will continue to work on this and in the future send out letters to the business as a reminder of the upkeep of the grass. Councilman Pagan also thanked Senator George Borrello for his help contacting the DOT and County Executive Wendell's office for their help.

### **HIGHWAY SUPERINTENDENT REPORT (Jeff Feinen Absent)**

- New /used mower is in. Thank you, Henry & Dick, for getting this taken care of.
- Still in search of a used 1-ton dump
- Steve has been mowing around Town
- Set up lunch area outside the Townhall
- Weed sprayed around signs and guardrails
- Picked up and removed dead racoons and deer off the roads around town
- Picked up trash around town including 6 tires
- Assisted Sheridan, Pomfret, Fredonia and Silver Creek paving
- We still have grader patching to do throughout the town
- The government has a program called POP (pave our potholes). I would like to see us use those funds to grader patch Bennett East. Of all the CHIPS monies this is the newest program and could be cut into next year's budget. The rest of the CHIPS funds I would like to roll over to next year and nova chip or type 6 topcoat the section of Williams Street that needs it.
- Bob has left the Town leaving us with only one employee. I would like to have a meeting to discuss bringing another person in.

### **ZONING/CODE ENFORCEMENT OFFICER REPORT**

Code Enforcement Officer Ryan Mourer was absent, and a report was received and reviewed by Supervisor Purol and Town Board.

### **ATTORNEY REPORT**

Resolved the last tax assessment case with no payment or refund paid.

Attorney Passafaro also informed the board that they need to entertain to obtain Hodgson & Russ for the Article 78 hearing.

Councilman Pagan made a motion for the Town Board, of the Town of Dunkirk to retain Hodgson & Russ as special counsel for Article 78 litigation on behalf of the Town of Dunkirk. The motion was seconded by Councilwoman Penfold and carried.

### **SUPERVISOR REPORT**

- A Sam & Son approached us for help with suppling water to them for irrigation due to the drought. They started pumping last Thursday. A Sam & Son is responsible for paying for all the water they are receiving at a bulk rate to CBI.
- Supervisor Purol reported to the Board that he would like a motion to authorize him to sign a letter of support for the LWRP and that he is in favor of it.
- Received a letter from New York State in regard to our ARPA funds allocation. We will be receiving our final payment of \$64,153.64.
- Councilman Pagan made a motion to authorize Supervisor Purol to sign a letter of support for the LWRP program. The motion was seconded by Councilwoman Penfold and carried.

### **CORRESPONDENCE**

Received a thank you letter from the Dunkirk Humane Society. They thanked the Town of Dunkirk for the donation in memory of Councilman Robert Penharlow.

Received a letter from Priscilla Penfold resigning from the Zoning Board due to her recent appointment to the Town Board.

Received a letter from Deputy Clerk Kyle Coughlin in regard to time off for maternity leave and was concerned about the office being staffed due to tax season.

### **ASSIGN COMMITTIES TO BOARD MEMBERS**

Supervisor Purol informed the board that he would like them to update the committee work sheet and choose what committee they would like to serve.

### **MRB TRAINING**

Supervisor Purol had informed the Board that on July 21<sup>st</sup> he had set up a 4-hour Planning Board and Zoning Board of Appeals Member Training Workshop with MRB group. Supervisor Purol stated that he would like a motion to sign the proposal for \$1,200.00.

A motion was made by Councilman Walldorff to authorize Supervisor Purol to sign the proposal from MRB in the amount of \$1,200.00. The motion was seconded by Councilwoman Penfold and carried.

### **SHOREWOOD WATER**

Supervisor Purol had received a memo from engineer Seth Krull from CPL in regard to the soil boring test for the Shorewood Water project. SJB will be starting to perform these tests in the Shorewood District and then will move to Van Buren.

### **EAST LAKE ROAD SEWER DISTRICT**

#### **TOWN BOARD, TOWN OF DUNKIRK EAST LAKE ROAD SEWER DISTRICT JULY 19,2022**

WHEREAS, there is in the Town of Dunkirk the East Lake Road Sewer District, which contains a mobile home park within its boundaries on Lake Shore Drive East (Route 5), and

WHEREAS, the owner of the mobile home park has agreed that it will pay for new

replacement grinder pumps, electric connections, and appurtenances thereto, together with installation of the above on the sanitary sewer lines located within the lands of the mobile home park, and

WHEREAS, the East Lake Road Sewer District main line runs along Lake Shore Drive East (Route 5), the parties have agreed that the sewer line and all pumps and appurtenances from the edge of the public right-of-way leading into the property of the mobile home park shall be the responsibility of the owner of the mobile home park, and said lines shall be considered service lines to the property owner, not District mains, and

WHEREAS, the existing grinder pumps and appurtenances are no longer necessary or required for the East Lake Road Sewer District, they may be abandoned to the property owner of the mobile home park.

NOW THEREFORE, ON MOTION OF COUNCILMAN Walldorff, SECONDED BY COUNCILMAN Pagan, IT IS

RESOLVED, that the owner of the mobile home park in the East Lake Road Sewer District on Lake Shore Drive East (Route 5) shall pay for, or reimburse, the Town of Dunkirk East Lake Road Sewer District for all new grinder pumps, electric connections, and installations, and appurtenances, together with any installation required for the facilities line beyond the bounds of the public right-of-way running into the mobile home park, and it is further

RESOLVED, that all such sewer lines, pumps, appurtenances, and electrical connections lying outside the public right-of-way and within the bounds of the property of the mobile home park shall be considered service lines to the home park owner, and not district mains, and it is further

RESOLVED, that the property owner of the mobile home park shall be responsible for the good order, operation, maintenance and repair of the grinder pumps, sewer service lines, electric connections and appurtenances serving the mobile home park, and it is further

RESOLVED, that the Supervisor of the Town of Dunkirk is authorized to execute any and all necessary agreements to effectuate this Resolution.

#### **EXECUTIVE SESSION** (to discuss personnel matters)

The Town Board closed the Regular Meeting at 7:32 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 Councilman Walldorff and carried.

#### **OPEN REGULAR MEETING**

A motion was made to exit executive session and open the regular town board meeting at 8:00 p.m. by Councilman Pagan. The motion was seconded by Councilman Bishop and carried.

**ADJOURNMENT**

With no further business, a motion was made by Councilman Pagan and seconded by Councilman Bishop. The motion was carried unanimously, and the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rebecca Yacklon  
Town Clerk