

**REGULAR TOWN BOARD MEETING  
TOWN OF DUNKIRK  
JANUARY 23, 2024**

**PRESENT:**

Supervisor Penfold  
Councilwoman Crane  
Councilwoman Miller

**ABSENT:**

Councilman Leone

**OTHERS PRESENT:** Rebecca Yacklon, Town Clerk, Lisa Boyle, Deputy Town Clerk, Attorney Jeffrey Passafaro, Branden Carmen, Dunkirk Observer, Chris Penfold, Town Justice, Steven Haynes, MEO Highway Dept., Garry Hazelton, Sue Hazelton, Irene Strychalski, Barbara Warren, Jay Warren, Juan Pagan

Supervisor Penfold opened the Regular Town Board meeting up at 6:00 P.M. with the Pledge of Allegiance.

Legal proof of post and publishing was presented by Town Clerk, Rebecca Yacklon.

Supervisor Penfold started the Regular Town Board meeting off by thanking the entire previous Town Board and stated how they had their heart in the Town of Dunkirk and kept it a happy place that we all called home. She also gave a many thanks to former Supervisor Purol and Pagan. Supervisor Penfold wanted the audience to know she takes pride in being able to serve on the board and that we are a new board, and we will all work together and build off each other's strength and that they are a team.

**APPROVAL OF SPECIAL MEETING/ORGANIZATIONAL MINUTES JANUARY 9,2024:**

DULY MOVED by Councilwoman Miller to accept the minutes of the January 9,2024, Special Town Board Meeting and Organizational Meeting Minutes. The motion was seconded by Councilwoman Crane, the motion carried unanimously.

**ABSTRACT OF AUDITED VOUCHERS END OF YEAR:**

DULY MOVED by Councilwoman Crane to approve the abstract of audited vouchers as presented by the Town Clerk on December 31, 2023. The motion was seconded by Councilwoman Miller and carried unanimously.

Shorewood	\$5,000.00
General Fund	\$18,399.15
Highway Fund	\$ 463.76

**ABSTRACT OF AUDITED VOUCHERS JANUARY 10,2024:**

DULY MOVED by Councilwoman Crane to approve the abstract of audited vouchers as presented by the Town Clerk on January 10, 2024. The motion was seconded by Councilwoman Miller and carried unanimously.

General Fund	\$ 12,910.06
Highway Fund	\$ 9,878.17
ELRSD	\$2,049.38

**OPEN COMMENTS:**

Irene Strychalski, Town of Dunkirk resident, had brought to the board how she belongs to the Dunkirk-Fredonia Rotary Club, and they count on the funds from having chicken barbeques to help give donations and would like to know why they are not allowed to have them any more in the parking lot of Tractor Supply. She would like an answer as to why they are not allowed or possibly have it on the agenda at the next Town Board meeting.

Jay Warren, Town of Dunkirk resident, congratulated the new Town Board. He brought to the board's attention the article that was published in the Dunkirk Observer in November regarding Short Term Rentals in the Town of Dunkirk. He would like a response from the board at the next meeting on how they responded to that article regarding Short Term rentals in the Town of Dunkirk and how it matches up to the new Short Term rental law.

Sue Hazelton, Town of Dunkirk resident, congratulated the new Town Board and had read an article that was published in the Buffalo News regarding Short Term rentals. A copy of the article and a letter was submitted for the record and is on file in the Town clerk's office.

Gary Hazelton, Town of Dunkirk resident, thanked the entire West Town Fire Department and the Town for their help with clearing of the trees and checking on the residents after the last windstorm.

Barbara Warren, Town of Dunkirk resident, wanted to thank the entire board for all they do for the Town and how caring and concerned they are about the Town and all the residents within.

**TOWN CLERK REPORT: (DECEMBER 2023)**

Clerk Fees	\$420.00
Zoning Fees	\$510.00
Dog Licenses	\$84.00
<b>Total amount transferred to Supervisor Penfold \$1,014.00</b>	

**JUSTICE REPORT: (DECEMBER 2023)**

Total number of cases **335**  
**TOTAL FINES** and surcharges submitted to the Town Supervisor **\$34,284.00**

**JUSTICE REPORT YEARLY 2023**

Total number of cases **3795**

**TOTAL FINES** and surcharges submitted to the Town Supervisor **\$383,213.00**

Town Clerk Yacklon reported that we received our 2023 Mortgage Tax in the amount of \$7,539.19

Town Clerk Yacklon had announced that at the last Town Board meeting it was approved that our Regular Town Board Meetings will now be moved to 5:30 P.M. on every third Tuesday of the month.

Town Clerk Yacklon had thanked former Councilman G. Jay Bishop for his time for training all employees on the AED and had informed Councilmembers that he would be willing to come back in and train those who couldn't make it.

**BOARD MEMBER & COMMITTEE REPORTS:****Councilwoman Miller**

- Nothing to report on water/sewer, buildings & grounds, or highway at this time.
- Reported at the last town board meeting Ben Gloss was moved from an alternate to a planning board member. Received his letter of interest in the vacant seat.

**Councilwoman Crane**

- Councilwoman Crane reported that Supervisor Penfold, Highway MEO, Steve Haynes and herself had a meeting with a representative from RCAP (Rural Committee Assistance Partnership) regarding the ELRS District. This committee is a group that looks for grants for towns or villages for water or sewer at no cost. Councilwoman Crane had spoken on the ELRSD how aging it is, and the life span was only supposed to be 20-25 years and they are now going on 42 years. She stated that the pumps are very outdated and it's very hard and difficult to get parts for them any more along with it being very costly. She stated that we have a couple of options. One being to replace all the pumps with new ones or design a new system for the entire sewer district which would require hiring an engineer. Councilwoman Crane had suggested that we use Clark Patterson Lee since we have used them for other projects within the town and would like the board to authorize CPL to come look at the system and give us quote on replacing it.
- Councilwoman Crane made a motion authorizing the board to contact Clark Patterson Lee for a proposal for a study to be done on the East Lake Road Sewer District. The motion was seconded by Councilwoman Miller and carried unanimously.

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

Reported Submitted:

On file in the Town Clerks Office

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

No Report Submitted

**ATTORNEY REPORT:**

Town Attorney Passafaro reported:

- Working on legal matters and litigations for the Town and reporting to the Supervisor.
- Working on other matters with Supervisor and Town Clerk.

**SUPERVISOR REPORT:**

- Eclipse on April 8<sup>th</sup> - Been in touch with the fire departments. No solid plan yet but they are working with the county. As the time comes closer will try and get some glasses from the County to hand out to the residence of the Town.
- Reported on Immunity BIO. Spoke with the IDA and they are sure there is some activity that is happening there.
- Supervisor Penfold was concerned about our Town residences after the last storm we had with several power outages, she informed the board that we are currently in the process of trying to come up with a phone plan on how to alert our residents and get information out to them with any updates during any emergency situations.
- Court request for an audit for the 2023 year. Will reach out to Bahgat & Laurito-Bahgat for a quote.

**CORRESPONDENCE:**

None received

**SCHEDULE WORKSHOP -ZONING BOOK:**

Councilwoman Crane made a motion to schedule a workshop meeting to discuss town matters on Thursday, February 15, 2024 at 5:00 p.m. The motion was seconded by Councilwoman Miller and carried.

**IMA – TOWN OF SHERIDAN:**

Councilwoman Crane made a motion to authorize Supervisor Penfold to enter into an agreement with the Town of Sheridan for supervisory and management services for the Town of Dunkirk Highway Department commencing January 1, 2024 and terminating December 31, 2024. The monthly compensation \$1,925.00 for the year 2024. The motion was seconded by Councilwoman Miller and carried.

**PURCHASE OF HIGHWAY TRUCK:**

Councilwoman Miller made a motion to authorize Highway Superintendent to go out to bid for a 2024 or newer 4x4, one ton dump truck. The truck shall include dual rear wheels with factory installed plow prep package, electric over hydraulic dump box installed, 360-degree amber LED warning lights installed, along with a one stainless steel toolbox mounted. Shall include one of the four options, #1 gas motor with automatic transmission, #2 diesel motor with automatic transmission and block heater, #3 mounted quick type attachment stainless steel 9'V plow or #4 stainless steel dump box, with bids to be returned to the Town Clerk's office by February 15, 2024 at 3:00 P.M. All such bids will be opened at a scheduled special meeting on February 15, 2024 at 4:45 P.M. The motion was seconded by Councilwoman Crane and carried unanimously.

### **POSTING OF TOWN ROADS:**

The highway Superintendent requested a seasonal resolution authorizing him to post all town roads under the vehicle and traffic laws for the year 2024.

DULY MOVED by Councilwoman Miller, seconded by Councilwoman Crane and carried unanimously.

### **APPROVAL FOR HIGHWAY EXPENDITURES:**

**AGREEMENT** between the Town Superintendent of the Town of Dunkirk and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that the moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

**GENERAL REPAIRS.** The sum of \$3,500.00 shall be set aside to be expended for primary work and general repairs upon 7.5 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

**MOTION** by Councilwoman Crane to authorize the Town Board to sign the above agreement to spend funds levied and collected for the repair and improvement of highways. The motion was seconded by Councilwoman Miller and carried by a roll call vote.

Roll Call:

Supervisor Penfold - AYE

Councilwoman Crane – AYE

Councilwoman Miller - AYE

### **2024 FEE SCHEDULE:**

- Councilwoman Crane made a motion to adopt the revised 2024 fee scheduled for The Town of Dunkirk as presented. The motion was seconded by Councilwoman Miller and carried unanimously.

### **NOTICE OF TOWNBOARD VACANCY:**

- Supervisor Penfold announced that we are seeking an individual who cares for the Town and is truly interested in filling the vacancy seat open on our Town Board. She would like to get this information out there to all our residents either by publishing it in the Dunkirk Observer or some way of advertisement. She would like to have all letters of interest submitted to the Town Clerk no later than February 29, 2024.
- Councilwoman Miller stated she would like to expand this letter of vacancy to our Town Planning Board and Zoning Board members.
- Upon further discussion it was agreed upon by all Town Council members and Supervisor Penfold to schedule a Special Town Board meeting to review all letters of interest received.

**SCHEDULE SPECIAL TOWN BOARD MEETING:**

On motion of Councilwoman Miller a Special Meeting was scheduled for 5:00 P.M. on Thursday, March 7, 2024. The motion was seconded by Councilwoman Crane and carried.

**COVID POLICY:**

Supervisor Penfold had asked Town Council members for their input on coming up with a COVID policy for COVID pay.

Attorney Passafaro had advised Supervisor Penfold to contact the County Health Department for the New York State Mandate.

This matter was tabled till the next Town Board meeting.

**DOG CONTROL UPDATE:**

Supervisor Penfold informed the Town Council that Thomas Rozumalski was our former dog control officer and due to his resignation, we need to fill that position. Supervisor Penfold stated that we did receive two letters of interest and would like the personal committee to review.

**LEAD PIPE REQUIREMENTS:**

Supervisor Penfold had brought to the table her concern in looking at getting a plan in place now for the new law on the Federal Lead and Copper Rule Revisions (LCRR) which went into effect on December 6, 2021. This new law requires every municipality to check every household who is serviced with water to check the service line to determine what it is made of. Supervisor Penfold stated that the testing is from the road to the meter and the meter to the house. Her concern was getting help to perform this study. She also informed the board that this all must be done by October 16, 2024. Supervisor Penfold did mention that when she was away at training there was some information from Cornell University offering volunteers and or internships for students to come out and perform the study. She also informed board members that if we can't find volunteers this may be costly.

Former Supervisor Pagan had informed Supervisor Penfold and the board that the Health Department is looking after this, and they are very instrumental as information becomes available. The North County Water District is also involved, which is made up of five municipalities and they will have a say on how to proceed and what the best option is. Pagan stated that the Health Department doesn't seem to be in any urgent hurry, and they will have the final say.

**JUDGE PENFOLD:**

Honorable Judge Penfold had passed out copies of a resolution in opposition to New York State Senate Bill S-00139B and Assembly Bill A-135B.

Honorable Penfold had stated that if this bill is adopted by the assembly and signed by the governor it would require all justices presiding in the 100 largest Town and Village Courts to be attorneys. Honorable Penfold stated that this is just the beginning of New York State abolishing the 1,200 Justices Courts in the State of New York. Honorable Penfold would like the Town Board to make a resolution not in favor of this Assembly Bill A- 1358B.

Councilwoman Crane had stated that she is in favor of sending this resolution to the State and in support of continuing the way it is with no district courts. Councilwoman Crane stated that our court system brings in good revenue for the Town and we count on that to keep our taxes low.

Councilwoman Miller stated that she is in favor of sending this resolution to the State as well and feels that this takes the locality of being local and being a community out of the Town of Dunkirk.

MOTION by Councilwoman Crane that we solve and send this resolution in opposition to the Districts Courts and the New York State Assembly and Governor. Seconded by Councilwoman Miller and carried.

**ADJOURNMENT**

With no further business, a motion was made by Councilwoman Crane and seconded by Councilwoman Miller. The motion was carried unanimously, and the meeting was adjourned at 7:10p.m.

Respectfully Submitted,

Rebecca Yacklon  
Town Clerk