

**REGULAR MEETING OF THE TOWN BOARD  
OCTOBER 20, 2020**

**PRESENT**

Supervisor Richard A. Purol  
Councilman Robert Penharlow  
Councilman Juan Pagan  
Councilman Jay Bishop (via zoom)

**ABSENT**

Councilman Henry Walldorff

**OTHERS PRESENT** : Town Clerk, Jean Crane, Attorney Jeffrey Passafaro, Highway Superintendent Jeffrey Feinen, Code Enforcement Officer Ryan Mourer, Dan Salerno, Josh Hudson.

Supervisor Purol opened the regular meeting at 6:30 p.m. with the pledge of allegiance.

**REGULAR MEETING MINUTES**

Councilman Penharlow motioned to approve the Regular meeting minutes of September 15, 2020. The motion was seconded by Councilman Pagan and carried.

**APPROVAL OF SPECIAL MEETING MINUTES**

Councilman Penharlow motioned to approve the Special meeting minutes of October 7, 2020. The motion was seconded by Councilman Pagan and carried.

**ABSTRACT OF AUDITED VOUCHERS**

Councilman Pagan motioned to approve the payment of bills as presented by the Town Clerk on the October 20, 2020 Abstract. The motion was seconded by Councilman Bishop and carried.

General Fund	\$5,409.96
Highway Fund	\$387.69
East Lake Rd Sewer	\$856.84
East Industrial Water	\$133.61
Bennett Improvement	\$359,011.20
Water Service #1	\$21,589.50

**AUDIENCE CONCERNS**

Dan Salerno, 11236 Urban road inquired about the old Urban Road Ext (approximately a third of an acre) which ran behind his property . He currently used the road to get to his barn which was further setback on his property. He would like to put up a small garage but with the location of his house and his property lines was no room to put it close by. He thought the Town owned the property and would be interested in purchasing it. He asked the Supervisor what steps he would need to do so.

Attorney Passafaro stated it would have to be determined if the Town did have ownership of the property. If owned by the Town, the Town Board would have to make a finding that the property was no longer needed or required for municipal purposes.

Supervisor Purol stated he would do some research into the history of the road and get back to Mr. Salerno.

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Joshua Hudson, Hudson Motor Sports, 3732 New Road stated he submitted a site plan application for an addition onto his existing building. He was scheduled for a meeting last week however it was canceled at the last minute, hours before the meeting. No one reached out to him from the planning board about the cancellation. He could not understand why the planning board was giving him such a hard time putting up the addition.

Code Enforcement Officer Ryan Mourer stated Mr. Hudson was granted a use variance several years ago to operate his motorsports shop out of the building. Mr. Hudson approached him several months ago and was he told what would be required to start the process. Because the addition would increase over 20 percent of the floor space he would need to go before the Town Planning for site plan review. Mr. Hudson was provided a 26-point bulletin of things he needed to complete for the site plan review.

Mr. Mourer stated he reached out to all planning board members via email regarding the hearing but received no response from any of the members. The zoning/planning secretary also had a difficult time getting a response from them.

Two weeks prior to the meeting Mr. Mourer notified planning members board in advance he would not be present at the scheduled meeting due to a medical procedure however would be available via zoom. The day of the scheduled meeting he received a call from the planning secretary stating Chairman Warren had canceled the meeting. Mr. Mourer reached out to Mr. Warren and asked why the meeting was canceled and was told there was a zoning issue. Mr. Mourer responded to Mr. Warren stating it was his job to make that determination and the issue had already been addressed. Two out of four members initially scheduled for the meeting also canceled the morning of the meeting. Mr. Mourer was quite concerned because the Town of Dunkirk was getting a reputation as not being business friendly to the community. Both boards seemed to be discouraging productive growth for residences and businesses in the Town.

Mr. Hudson stated he was in real need of having the addition completed. His machinery was on order and would be delivered within two weeks. He would have to start making payments on his equipment, and with the machinery not up and running he would be losing money and unable to make those payments. He would also have to pay additional costs for storage.

Board members agreed there were many personnel issues with the planning and zoning boards which needed to be addressed.

Councilman Pagan stated the Town always wants to be business friendly. He apologized for the glitch in the system asked Mr. Mourer to help expedite the site plan process of getting a meeting scheduled.

Mr. Mourer stated he would work with the secretary and planning board members to get a meeting scheduled as soon as possible.

DATED 10/20/20

**TOWN CLERK REPORT (September)**

Clerk Fees	\$120.00
Zoning Fees	\$1,822.50
Dog Licenses	\$80.00
Miscellaneous	\$0.64

**TOTAL SUBMITTED TO TOWN SUPERVISOR \$2023.14**

**JUSTICE REPORT (September)**

Total number of cases 256

**TOTAL FINES and surcharges submitted to the Town Supervisor \$30,683.00**

**DOG CONTROL OFFICER REPORT**

Four calls for service during the month of September regarding animal complaints. No impounds, dogs at large citations or unlicensed dog citations issued.

Supervisor Purol stated the Town of Dunkirk will hold a free rabies clinic on Saturday, November 7<sup>th</sup> from 2-5 p.m. at the Town highway barns.

**EAST LAKE ROAD SEWER DISTRICT (Richard Purol)**

No service calls for the month. We still need to change out one of the pits.

**STEGELSKE (Richard Purol)**

One incident with the pump down for three hours. Lost almost a foot of water.

**HIGHWAY SUPERINTENDENT (Jeffrey Feinen)**

- Chips money had been received minus 20% held back by the state.
- Ditched and piped a residence on Wilbur road.
- New truck cleaned up and frame painted. Scheduled for inspection tomorrow.
- Urban arborist removed two trees on Shorewood, three on Greenhurst and one on Chestnut.
- Mattresses and trash picked up on Temple road across from the County home.
- Backhoe cylinder rebuilt and new skin welded on the bottom of bucket.
- All mowing completed.
- Brocton has approached town about landfill credits.
- The Kenworth will need four new tires before winter. Good year (state bid) would cost \$1956.
- Auctions International will come out on November 12<sup>th</sup> to look at surplus equipment.

**Highway Surplus**

Councilman Pagan made a motion to declare the following highway equipment surplus:

- Yellow dump truck
- Two portable generators
- Mojo.

The motion was seconded by Councilman Penharlow and carried.

DATED 10/20/20

**County Points System**

Mr. Feinen stated the County issues points to municipalities to use at the County landfill. Points can only be used for demolition material. The Town currently had 240 points and the Village of Brocton was asking for assistance in using 100 of the Towns points.

A motion was made by councilman Pagan to allot 100 of the Town of Dunkirk points to the Village of Brocton. The motion was seconded by Councilman Penharlow and carried.

**New Tires for Kenworth**

Councilman Penharlow made a motion to authorize purchase of four new tires at state bid from Goodyear at a cost of \$1956. The motion was seconded by Councilman Pagan and carried.

**CODE ENFORCEMENT OFFICER** (Ryan Mourer)

- Purina will start a new project which will take 19,800 sq. ft of warehouse space and convert it to production space.
- Southern Tier Credit Union has put in an offer to purchase the former Bob Evans. They do have a 90-day due diligence to see what happens with the planning board.
- Spectrum will be remodeling their store on Vineyard Drive.
- The Narraway property on Lake Road is under contract. Talk of putting a few new homes.
- Ramp next to Benchley residence has been poured and completed.

**CORRESPONDENCE**

Received a proclamation request to consider joining city and county leaders across the country in officially recognizing January 24 – 30, 2021 as School Choice Week in Dunkirk. Will discuss at next meeting.

**PANDEMIC OPERATIONS PLAN**

Supervisor Purol stated effective April 1, 2021 all public employers must have a detailed operations plan to ensure continuation of operations during a public health emergency that results from the spread of communicable disease. Will work with Town Attorney over the next couple of months to come up with a plan.

**WATER SERVICE #1**

**Pay App#7**

Councilman Pagan made a motion to authorize Supervisor to sign forms to release payment of funds for pay app #7. The motion was seconded by Councilman Penharlow and carried.

**Project Budget Modifications**

WHEREAS, the Town of Dunkirk has received funding from Rural Development for their Water Service Area #1 Project ("Project"); and

WHEREAS the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

DATED 10/20/20

RESOLVED, that the Town Board of the Town of Dunkirk authorizes the following Budget modifications for the Project:

Fiscal Coordination (Municipal Solutions)	Increase of	\$2,050.00
Net Interest	Increase of	4,980.66
Miscellaneous	Decrease of	5,000.00
Legal Services (Passafaro)	Decrease of	954.50
Bond Counsel (Hodgson Russ)	Decrease of	2,503.00

On motion of Councilman Pagan , seconded by Councilman Penharlow the resolution was adopted by the following vote:

Richard A. Purol, Supervisor- Aye  
 Councilman Robert Penharlow – Aye  
 Councilman Juan Pagan – Aye  
 Councilman Henry Walldorff(absent)  
 Councilman Dr. G Jay Bishop – Aye

### **BENNETT IMPROVEMENT**

#### **Pay App#1**

Councilman Penharlow made a motion to authorize Supervisor to sign forms to release payment of funds for pay app #1. The motion was seconded by Councilman Pagan and carried.

### **TAX CAP LAW**

On motion of Councilman Pagan , seconded by Councilman Penharlow the following resolution was adopted :

WHEREAS, a Local Law being proposed for the Town of Dunkirk for 2020, a copy of which is attached hereto, was introduced at a regular meeting of the Town Board of the Town of Dunkirk held the 20<sup>th</sup> day of October, 2020, and

WHEREAS the Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW THEREFORE, BE IT RESOLVED that a public hearing be held by the Town Board of the Town of Dunkirk with respect to the adoption of the aforesaid Local Law on the 4<sup>TH</sup> day of November, 2020 at 6: P.M. at the Town Hall, 4737 Willow Road, Dunkirk, New York, and it is further

RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by Law.

### **SCHEDULE PUBLIC HEARING FOR FIRE PROTECTION CONTRACTS**

Councilman Pagan made a motion to schedule the public hearing for the West Town Fire and East Town Fire protection contracts on Wednesday, November 4, 2020 at 6:15pm and 6:30pm respectively. The motion was seconded by Councilman Penharlow and carried.

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**SCHEDULE PUBLIC HEARING FOR PRELIMINARY BUDGET**

Councilman Penharlow made a motion to schedule the public hearing to review the preliminary budget for 2021 on Wednesday, November 4, 2020 at 6:45 pm. The motion was seconded by Councilman Pagan and carried.

**SCHEDULE SPECIAL BOARD MEETING**

Councilman Pagan made a motion to schedule a special meeting for November 4, 2020 at 7:00 p.m. following the public hearing on the preliminary budget at which time any lawful matter may come before the Town Board. The motion was seconded by Councilman Penharlow and carried.

**DESIGNATE POLLING PLACES**

A motion was made by Councilman Bishop to designate East Town Fire Hall as District #1 and the Town Hall as District #2. The motion was seconded by Councilman Penharlow and carried.

**POLICE CONTRACT**

Attorney Passafaro will amend contract and get it over to City Attorney.

**RABIES CLINIC**

Councilman Pagan made a motion the Town Board sanctions the rabies clinic to be held on November 4, 2020. The motion was seconded by Councilman Penharlow and carried.

**ADOPT LGS-1**

On motion of Councilman Penharlow, seconded by Councilman Pagan the following resolution was adopted:

RESOLVED, by the board of the Town of Dunkirk that the Retention and Disposition Schedule for New York Local Government Records LGS-I, issued pursuant to Article 57-A of the Arts and Cultural Affairs law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A: a. Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-I), after they have met the minimum retention periods described therein; b. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

**LOCAL LAWS FOR ATV'S**

No action taken.

**EMPLOYEE HANDBOOK**

No action taken.

**ATHENEX UPDATE FROM REPRESENTATIVE**

No action taken.

DATED 10/20/20

**CONTACT WITH COUNTY EXECUTIVE**

No action taken.

**ADJOURNMENT**

With no further business, on a motion of Councilman Pagan seconded by Councilman Penharlow the meeting adjourned at 7:49 p.m. Carried unanimously.

Respectfully submitted,

Jean Crane, Town Clerk