

**REGULAR MEETING OF THE TOWN BOARD
NOVEMBER 17, 2020**

PRESENT

Supervisor Richard A. Purol
Councilman Robert Penharlow
Councilman Juan Pagan
Councilman Jay Bishop
Councilman Henry Walldorff

OTHERS PRESENT : Town Clerk, Jean Crane, Attorney Jeffrey Passafaro, Highway Superintendent Jeffrey Feinen, Code Enforcement Officer Ryan Mourer, Deputy Clerk, Becky Yacklon, Terry Grisanti, Josh Hudson, and Natasha Matteli.

Supervisor Purol opened the regular meeting at 6:30 p.m.

REGULAR MEETING MINUTES

Councilman Pagan motioned to approve the Regular meeting minutes of October 20, 2020. The motion was seconded by Councilman Penharlow and carried.

TAX CAP MEETING MINUTES

Councilman Walldorff motioned to approve the tax cap meeting minutes from November 4, 2020. The motion was seconded by Councilman Penharlow and carried.

WEST TOWN FIRE PROTECTION CONTRACT MEETING MINUTES

Councilman Pagan motioned to approve West Town Fire Department's Fire Protection meeting minutes from November 4, 2020. The motion was seconded by Councilman Walldorff and carried.

EAST TOWN FIRE PROTECTION CONTRACT MEETING MINUTES

Councilman Walldorff motioned to approve East Town Fire Department Fire Protection meeting minutes from November 4, 2020. The motion was seconded by Councilman Penharlow and carried.

PRELIMINARY BUDGET PUBLIC HEARING MINUTES

Councilman Penharlow motioned to approve the preliminary budget meeting minutes from November 4, 2020. The motion was seconded by Councilman Pagan and carried.

APPROVAL OF SPECIAL MEETING MINUTES

Councilman Walldorff motioned to approve the special meeting minutes of November 4, 2020. The motion was seconded by Councilman Penharlow and carried.

ABSTRACT OF AUDITED VOUCHERS

Councilman Pagan motioned to approve the payment of bills as presented by the Town Clerk on the November 17, 2020 Abstract. The motion was seconded by Councilman Bishop and carried.

General Fund	\$34,275.45
Highway Fund	\$16,321.53
East Lake Rd Sewer	\$1,659.25
East Industrial Water	\$244.11

DATED 11/17/20

AUDIENCE CONCERNS

Terry Grisanti a member of the East Dunkirk Fire Department read a letter from Fire Chief Kyle Damon. The letter clarified some of the information discussed during the public hearing for the East Dunkirk Fire Protection Contract where there was much debate about the 2 percent increase requested. The read letter asked Board members to consider a budget increase of 1 percent as it would make a difference of being able to afford life saving tools and equipment which was desperately needed.

Town Board members expressed concern with the surge in the pandemic, the decrease in the Towns income and the effect it would have on the taxpayers. Supervisor Purol stated The Fire Protection Contract would be voted on later in the meeting.

TOWN CLERK REPORT (October)

Clerk Fees	\$290.00
Zoning Fees	\$50.00
Dog Licenses	\$52.00
Miscellaneous	\$0.64

TOTAL SUBMITTED TO TOWN SUPERVISOR \$392.64

JUSTICE REPORT (October)

Total number of cases 332

TOTAL FINES and surcharges submitted to the Town Supervisor \$31,301.50

Councilman Penharlow stated there was a problem in the creek next to 5140 Shorewood Drive. There was a lot of damage from the lake and the creek was now plugged up with all the debris. The homeowner had made application to the DEC for a permit. Councilman Penharlow also noted Town money could not be used on private property, but he thought this would be considered an emergency and the Town could possibly have the highway department clear out a 3-5-foot area to keep the water flowing into the lake.

Councilman Bishop questioned why the DEC was involved, as the Town was DEC exempt, so we do not use them for permitting processes. There were many residents in that area with major property damage, all private properties and unfortunately most insurances would not cover the damage.

Code Enforcement office Ryan Mourer stated he was contacted by the DEC and was told it was not a DEC issue and that a coastal erosion permit application was required. He did reach out to the future grandson of the property owner and told him there would be no problem with him removing the debris once he completed a coastal erosion permit application. As of today, an application had not been submitted. Ryan suggested having property owners reach out to Dave Spann at Chautauqua County Water and Soil as there was some funding available.

EAST LAKE ROAD SEWER DISTRICT (Richard Purol)

No service calls for the month.

STEGELSKE (Richard Purol)

Pump had to be turned off to allow Refresco and old True Temper to work on their alarm systems.

DATED 11/17/20

HIGHWAY SUPERINTENDENT (Jeffrey Feinen)

- Winter highway hours begin 12/6/20.
- New truck has been inspected and minor repairs completed.
- Brine truck ready to go.
- Kenworth ready to go and new tires go on tomorrow.
- Plow markers will be set up later this week.
- Met with Auctions International on the 12th to take pictures of the equipment for set up of the on the upcoming auction.

CODE ENFORCEMENT OFFICER (Ryan Mourer)

- Spectrum remodel is almost complete.
- Bob Evans is under purchase agreement with Southern Tier Credit Union. Looking to schedule a Planning Board meeting sometime in January - February.
- Multiple Solar Farm applications have been submitted. Applications have been deemed incomplete .
- Several seawalls were damaged during the previous storm.

Building permits to be issued are:

- Josh Hudson for an addition to Hudson Motor Sports LLC.
- Verizon Wireless for an antenna change.
- Zambotti Collision for Signage
- Jamestown Islamic Society for a roof replacement
- Purina for an addition to the building.
- Sprinkler permit for Tops plaza.
- Electrical permit at the Tops plaza.
- Former Firestone Building Inspection complete to allow Bailey Manufacturing to be completely moved into Vineyard Centre, and Certificate of Occupancy to be issued.
- Shorewood Drive West boat launch project complete.

SUPERVISORS REPORT

Bennett Water Improvement

Working on getting service connections completed. Williams St. connections were completed today.

CORRESPONDENCE

Received a letter from Justice Christopher Penfold informing board members of his resignation from Town Justice effective 01/21/2021. The resignation was necessary for him to be able to collect his New York State Pension. The resignation was filed with the Town Clerk.

SITE PLAN APPROVAL FOR JOSHUA HUDSON

Supervisor Purol stated that all conditions recommended by the planning board had been met. Councilman Bishop made a motion to approve the site plan for Joshua Hudson. The motion was seconded by Councilman Pagan and approved by a 4-0 vote. Supervisor Purol abstained.

DATED 11/17/20

WEST TOWN FIRE PROTECTION CONTRACT

A motion was made by Councilman Walldorff to approve the Fire Contract with the West Town Volunteer Fire Company at \$75,123 for 2021 generating a tax rate \$1.96 per thousand of assessed value. The motion was seconded by Councilman Pagan and carried.

EAST TOWN FIRE PROTECTION CONTRACT

The requested amount for the East Dunkirk Fire Company was initially \$ 148,320 a 2 percent increase over last year generating a tax rate \$2.08 per thousand of assessed value. After the public hearing and much discussion with Town board members the Fire Dept. recalculated their numbers, and all agreed to reduce their requested amount to \$146,872 a 1 percent increase generating a tax rate of 2.06 per thousand.

Motion by Councilman Pagan to approve the Fire Protection Contract with the East Town of Dunkirk Volunteer Fire Company at \$146,872 for 2021. The motion was seconded by Councilman Bishop and approved by a 3-0 vote. Supervisor Purol and Councilman Pagan abstained from voting.

PRELIMINARY BUDGET

Duly moved by Councilman Penharlow to adopt the preliminary budget as the final budget for 2021 in the amount of 1,124,257 including special districts of \$377,361. The amount of tax to be raised for General Fund was \$30,414 and for the Highway Fund \$57,503. The proposed budget would generate a tax rate of .81 per thousand of assessed value. The motion was seconded by Councilman Walldorff and carried.

WATER SERVICE #1

Amend Contract Municipal Solutions

Supervisor Purol stated he received an amendment to the original contract dated October 15, 2014. The total revised fee for this contract based on the project scope was estimated to be \$29,550 for an additional six months at a rate of \$135.00 per hour.

Motion was made by Councilman Pagan to authorize Supervisor to sign amended contract as presented. The motion was seconded by Councilman Penharlow and carried.

Project Budget Modification

On motion of Councilman Bishop, the following resolution was adopted:

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;

DATED 11/17/20

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

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

Fiscal Coordination (Municipal Solutions)	Increase of	\$1,500.00
Miscellaneous	Decrease of	\$606.79

ROLL CALL VOTE

Supervisor Richard Purol – aye
 Councilman Henry Walldorff- aye
 Councilman Robert Penharlow- aye
 Councilman Juan Pagan – aye
 Councilman G. Jay Bishop- aye

Pay App#8 Final

Councilman Bishop made a motion to authorize Supervisor to sign forms to release payment of funds for pay app #8 . This was the final pay of \$36,420.86. The motion was seconded by Councilman Walldorff and carried .

Project Completion Resolution

WHEREAS, the Town of Dunkirk has substantially completed construction of the Water Service Area No.1 Project; and

WHEREAS, the Town of Dunkirk has \$1,871.38 of grant funds remaining for the Water Service Area No. 1 Project which must be de-obligated; and

WHEREAS the Town Board of the Town of Dunkirk received notice of final completion for the Water Service Area No. 1 project as complete and authorizes final payment to the contractors as well as the de-obligation of the remaining \$1,871.38 of grant funds.

BE IT FURTHER RESOLVED that the Town Board of the Town of Dunkirk hereby states an operator appropriately licensed by New York State has been retained to oversee operation of the water system. Drew Smith NY0039487.

ROLL CALL

Supervisor Richard Purol – aye
 Councilman Henry Walldorff- aye
 Councilman Robert Penharlow- aye
 Councilman Juan Pagan – aye
 Councilman G. Jay Bishop- aye

DATED 11/17/20

BENNETT IMPROVEMENT

Pay App#2

Councilman Bishop made a motion to authorize Supervisor to sign forms to release payment of funds for pay app #2. The motion was seconded by Councilman Walldorff and carried.

POLICE CONTRACT Councilman Bishop motioned to authorize Supervisor Purol to enter into a contract with the City of Dunkirk for enhanced police protection for the calendar year 2021 at a cost of \$1875.25 per month. The motion was seconded by Councilman Pagan and carried.

LOCAL LAWS FOR ATV'S

No action taken.

EMPLOYEE HANDBOOK

No action taken.

ATHENEX UPDATE FROM REPRESENTATIVE

No action taken.

CONTACT WITH COUNTY EXECUTIVE

No action taken.

ADJOURNMENT

With no further business, on a motion of Councilman Penharlow seconded Councilman Pagan the meeting adjourned at 7:40 p.m. Carried unanimously.

Respectfully submitted,

Jean Crane, Town Clerk