**TOWN BOARD WORKSHOP**
**TOWN OF DUNKIRK**
**AUGUST 11,2026**

The Town of Dunkirk held a workshop meeting at 3:00 p.m. on Tuesday, August 11, 2026, at the East Town Fire Hall, 10949 South Roberts Road, Town of Dunkirk.

**PRESENT:** Shari Miller, Town Supervisor; Phil Leone, Councilmember; Jean Crane, Councilmember; Scott Pagano, Councilmember; Bob Price, Councilmember, Rebecca Yacklon, Town Clerk

The key discussions were the drafting of a local law governing Battery Energy Storage Systems (BESS) and updating the employee handbook.

**BESS LOCAL LAW**

The following changes were made to the BESS Local Law draft upon review from Town Attorney Passafaro

- **Permitting Body**: Jeff recommended adding a definition of "permitting body" to explicitly vest the town board with authority to issue special use permits for BESS, as without this, state law defaults jurisdiction to the zoning board.
- **Application Process (Section C)**: Jeff clarified the correct sequence: the code officer gets the application for completeness, notifies the planning board and town board when complete, the planning board conducts site plan review and submits recommendations to the town board, and only then does the town board schedule a public hearing with 10 days' notice, posted and published, including first-class mail to all property owners within 200 feet.
- **Section 6A and 6B – Zoning Districts**: Tier 2 BESS is permitted by special use permit in zones C1, C2, CR, and MA, and not permitted in R1 and R2. Tier 3 BESS is permitted only in the M (manufacturing) zoning district.
- **Setback Requirements (Section 6B1)**: It was agreed to create a new subsection 6B1 dedicated to setback and bulk area requirements for both Tier 2 and Tier 3 systems, modeled after the existing solar law. Jeff emphasized that bulk area requirements should not be conflated with zoning district designations in the same paragraph.
- **Section K**: Setback references in Section K6 were to be corrected to refer to the newly created Section 6B1 rather than the incorrect reference to Section 6D.
- **Section L1**: Language was revised so that no building permit shall be granted absent a commissioning plan and issuance of a special use permit by the town board. Jeff clarified that once the special use permit is issued, the town board's role ends and the code officer administers all subsequent compliance.
- **Penalties (Section 10E/10F)**: Items 1, 2, and 3 of Section 10E were to be moved to a new Section 10F. The $3,000 fine from the West Seneca model law was identified as impermissible; violations under zoning law are classified as violations only under the penal law, not misdemeanors. The permissible approach is to state that each week of continued violation may be deemed a separate offense, compounding fines over time.
- **Moratorium**: The board noted that the existing moratorium on BESS applications, extended to six months at a meeting approximately in March, was likely expiring in September. A motion to extend the moratorium for another six months was proposed for the next meeting agenda.
- **Code Officer Involvement**: Jeff strongly recommended ensuring that Ryan (the code enforcement officer) receives all drafts and is kept informed, as he will be responsible for administering the law.

**Short-Term Rental Enforcement**
A brief discussion addressed a VRBO/Airbnb short-term rental enforcement matter.

**EMPLOYEE HANDBOOK:**
Supervisor Miller shared that she had sent an email on the 6th attaching the Village of Bemus Point employee handbook for review to all board members. The handbook includes sections on code of conduct, at-will employment, equal opportunity employment, worker documentation, criminal convictions, workplace violence, alcohol, marijuana and drug use, sexual harassment, and domestic violence — items not currently in the town's handbook. The board agreed to incorporate relevant sections into the town's handbook. It was also noted that drug testing for CDL/MEO drivers is conducted on a lottery system, but a follow-up with Lake Shore Testing regarding a signed drug and alcohol testing agreement had not been completed.

With no further discussion the workshop was adjourned.

**ADJOURNMENT:**

Workshop dismissed at 5:09 pm.

Respectfully submitted,

Rebecca Yacklon
Town Clerk