REGULAR TOWN BOARD MEETING
TOWN OF DUNKIRK
JULY 21,2026

PRESENT:
Supervisor Miller
Councilmember Crane
Councilmember Leone
Councilmember Pagano

ABSENT:
Councilmember Price

OTHER PRESENT: Rebecca Yacklon, Town Clerk, Town Attorney Jeffrey Passafaro, Branden Carmen, Dunkirk Observer, Sue Hazelton, Roger Urbanik, Bonnie Urbanik, Pete Miller, Bonnie Purol, Barbara Warren, John Jay Warren, D'Arcy Furniss, Immunity BIO Representative

Supervisor Miller opened the Regular Town Board meeting at 5:30 P.M. with the Pledge of Allegiance.

Supervisor Miller welcomed a special guest, D'Arcy Furniss from Immunity Bio, who provided a comprehensive update on the company's operations and future plans in Dunkirk, New York.

IMMUNITY BIO REPERSNTATIVE
Darcy, who joined Immunity Bio in May as Head of HR, opened by affirming the company's deep commitment to the Dunkirk community and Western New York. He noted that 2024 marks the 10th anniversary of the announcement to build a state-of-the-art pharmaceutical manufacturing facility in Dunkirk. He referenced Winston Churchill's quote about Dunkirk to underscore the company's resolve to remain committed despite past challenges. Key milestones highlighted included: securing a new primary lease with New York State (replacing a prior assumption of an existing lease through Phoenix); receiving FDA approval in March 2024 for ANCTIVA, an immunotherapy product approved for non-muscle invasive bladder cancer treatment in combination with BCG therapy; and entering full commercialization mode. Darcy also noted global expansion into Europe, Saudi Arabia, and other markets. The facility received 24 tractor-trailer loads of highly specialized manufacturing equipment from Italian company IMA — a fill line capable of producing approximately 400 vials per minute (approximately 24,000 vials per minute as clarified in context). The building also houses ISO 5 clean rooms and two lyophilization machines manufactured in Tonawanda, capable of converting liquid medicine into powder form for easier storage and transport. An on-site Water for Injection (WFI) purification system supports manufacturing needs.
Darcy outlined a phased roadmap: fixing building deficiencies in the current year, installing the fill line in the following year, and achieving full manufacturing operations by end of 2028, with a target headcount of 100-plus employees. Current open roles span manufacturing, maintenance, biology laboratories, analytical chemistry, quality control, quality assurance, and 11 IT positions (including senior network engineers, software engineers, UI/UX, and AI roles). Darcy mentioned partnerships with SUNY Fredonia for internships, Tech Buffalo for regional talent promotion, and the Chautauqua County Board of Realtors to support employee relocation. He also noted

support from CCIDA. Board members inquired about the possibility of an open house, which Darcy said he would explore. Questions were also raised about other manufacturing facilities (research in Colorado and batch manufacturing in Los Angeles were mentioned), potential future drug manufacturing beyond bladder cancer, and water demand on site.

APPROVAL OF TOWN BOARD MEETING MINUTES JUNE 9,2026

DULY MOVED by Councilmember Crane to accept the minutes of the June 9,2026 Regular Town Board Meeting. The motion was seconded by Councilmember Leone and carried unanimously.

APPROVAL OF SPECIAL MEETING MINUTES JULY 1,2026

DULY MOVED by Councilmember Crane to accept the minutes of the July 1,2026 Special Town Board Meeting. The motion was seconded by Councilmember Pagano and carried unanimously.

APPROVAL OF BESS WORKSHOP MINUTES JULY 7,2026

DULY MOVED by Councilmember Leone to accept the minutes of the July 7,2026 BESS Workshop. The motion was seconded by Councilmember Crane and carried unanimously.

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS JULY 21,2026

DULY MOVED by Councilmember Pagano to approve the abstract of audited vouchers as presented by the Town Clerk on July 21,2026. The motion was seconded by Councilmember Crane and carried unanimously.

Shorewood Capital Project	$9,907.90
CBI	$168.00
General Fund	$47,935.58
Highway Fund	$10,786.24
Vineyard Light	$179.74
Plaza 59	$7,262.91
ELRSD	$2,940.17
Trust & Agency	$2,186.50

TOWN CLERK REPORT: (JUNE 2026)

Clerk Fees	$500.00
Zoning Fees	$4,675.00
Dog Licenses	$85.00

Total amount transferred to Town Supervisor $5,260.00

JUSTICE REPORT: (JUNE 2026)

Total number of cases **206**

TOTAL FINES and surcharges submitted to the Town Supervisor **$20,836.00**

Town Clerk Yacklon reported that we received our Mortgage Tax for Oct-Mar of 2026 in the amount of $21,301.83.

Received East Town Fire Department's 6 Month Financial Report and is on file in the Clerk's Office.

BOARD MEMBER & COMMITTEE REPORTS:

Councilmember Crane:

- Attended the BESS workshop on July 7th.
- July 9th closed out monthly financials with Town Clerk
- July 10th budget review meeting with Judge Penfold
- July 14th meeting with Attorney Passafaro
- July 17th Deputy Clerk interview.
- July 20th AFR review

Councilmember Pagano:

- June 30th Attended a Nuclear presentation at SUNY Fredonia.
- Attended the July 1st 250th Celebration at the Town Hall.
- On behalf of the East Town Fire Department, they would like to know if the Town Highway could send someone down to clear the overgrown brush along the Creek that runs beside the Fire Hall.

Supervisor Miller informed Councilmember Pagano that she would need to first find out if that's an option and if it's a protected stream.

Councilmember Leone:

- Met with Farrell Roofing for an estimate regarding the soffit and roof on the Town Hall.
- July 1st Attended the 250th Celebration at the Town Hall for the Town residents.
- July 7th attended the BESS workshop.
- Attended the ribbon cutting at Muldowney's building on Route 5

HIGHWAY SUPERINTENDENT: (JEFF FEINEN ABSENT)

Highway work report for June/July was submitted and read by Supervisor Miller and is on file in the clerk's office.

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

No Work Report Submitted.

Supervisor Miller reported that she has been in contact with him several times a week.

- Responded to some concerns from residents that are in attendance tonight.
- Working on multiple building permits.
- Looking at plans and meeting with a couple homeowners who are building new homes in the Town of Dunkirk.

DOG CONTROL REPORT: (NICOLE WELKA)

June & July Dog Control Report was submitted and read by Supervisor Miller and is on file in the Clerk's office.

ATTORNEY REPORT

Legal matters discussed on the agenda.

Article 78 proceedings are pushed back to August.

FIRE DEPARMENT REPORT FOR JUNE 2026
West Town Fire – Responded to 14 Calls
East Town Fire – Responded to 22 Calls

SUPERVISOR MONTHLY REPORT

- June 23rd attended the Women's Government zoom call.
- June 26th Women's leadership caucus
- June 26th Attended the future N. County meeting in Mayville with County Executive.
- June 25th Attended the Municipal Bootcamp webinar regarding Zoning.
- June 30th ELRSD
- July 1st Attended the 250th Celebration at the Town Hall.
- June 29th & July 20th Meeting with other Town.
- June 30th Attended the Nuclear Meeting @ SUNY Fredonia.
- July 7th Ribbon Cutting Ceremony at Muldowney's building on Rt 5 & attended the BESS workshop.
- July 8th ELRSD
- July 14th meeting with Town Attorney Passafaro on Town matters.
- July 20th Meeting with other Town Municipalities
- July 21st Fair Kickoff

Would like to look into getting name badges made for all Town Employees and Town Officials at a cost of $5.00 each.

FEMA Flood Map.
Reviewed with code enforcement and legal counsel; no changes of substance noted. Board agreed to respond accordingly if a response is required.

CORRESPONDENCE
Received a letter from Hon. Christopher Penfold requesting board approval for the court clerks to travel via Amtrak from Depew to Albany to attend the New York State Magistrate Court Clerks Conference in Albany (September 27–30). The proposed travel via Amtrak from Depew to Albany would cost $202 plus tax for tickets, with approximately $40 each way for ground transportation, totaling approximately $340 for the clerks. This was noted as a cost savings compared to driving, which would cost approximately $520 (based on 632 miles at $0.72/mile plus tolls).

Motion by Councilmember Crane to approve the travel reimbursement pay for the court clerks to travel via Amtrack at a cost not to exceed $350.00, with the suggestion to check whether the Hotel (The Desmond) offers free shuttle. The motion was seconded by Councilmember Pagano and carried unanimously.

OPEN COMMENTS

- Pete Miller, William Street raised the ongoing issue of signage on Bennett Road, noting it has been eight years since his initial request. He also advocated for improved zoning and tree preservation policies, referencing Dublin, Ohio's planning success and noting

that the Arbor Foundation had previously offered a $30,000 grant for a study that was declined.

Supervisor Miller responded to Pete Millers' ongoing concern and informed him that she will reach out to Highway Superintendent Feinen to reconfirm that Bennett Road signage has been placed everywhere legally permitted.

- Sue Hazelton ,5178 Woodlands raised a concern about a shed recently constructed approximately 10–15 feet from a house on Farm Lane/Lakeshore Drive, questioning whether proper permits were obtained. The board indicated they would follow up with the code enforcement officer.

Supervisor Miller stated that she will follow up with the Code Enforcement Officer regarding her concern about the shed.

- Jay Warren, 5182 Woodlands Drive raised two issues: (1) ongoing violations of the town's short-term rental prohibition (rentals under 30 days), with two one-week rentals occurring in the past month despite the owner claiming guests rented for a month; and (2) the railroad viaduct on Willow Avenue, where vehicles — particularly RVs, campers, and semis — regularly strike the low bridge, causing property damage and safety hazards. He noted that County Executive George Borrello suggested lighted warning signs and that he had sent a formal letter requesting DOT intervention and asked for the board's support in applying pressure on the DOT.

Supervisor Miller informed Jay Warren that the short-term rental violation matter has been referred to the Code Enforcement Officer and legal counsel and the matter is addressed and action was taken. Supervisor Miller also informed Jay Warren that She has been in contact with the DOT over the bridge accidents and they have been very accommodating and have done everything that I have asked for.

- Barbara Warren, 5182 Woodlands Drive corroborated the viaduct issue, describing incidents she personally witnessed, including semis blocking the road and forcing drivers into oncoming traffic. The board discussed the extensive signage already in place (additional signs added May 14th and June 22nd by DOT), the historic nature of the bridge precluding raising it, and the expectation that the situation would normalize once the Route 5 bridge reopens (estimated Labor Day to October).
- Allison Lang, 5192 Woodlands reiterated the VRBO concern and asked about taped fire hydrants, which Supervisor Miller indicated are non-functional and under review.

EAST LAKE ROAD SEWER DISTRICT CDBG RESOLUTION

Councilmember Crane made a motion to pass the following resolution authorizing Municipal Solutions to prepare the CBD application for the East Lakes Road Sewer District and authorize the Supervisor to execute it, with a noted deadline around July 31st. The motion was seconded by Councilmember Leone and carried unanimously.

RESOLUTION WITH REFERENCE TO THE PROPOSED
TOWN OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK
EAST LAKE SEWER IMPROVEMENTS

WHEREAS, a public hearing was held on July 21, 2026, for the purpose of identification of community development needs and announcement of the opportunity to apply for Community Development Block Grant (CDBG) funds: and

WHEREAS, the Town of Dunkirk engaged CPL to complete an engineering report to evaluate condition of the existing collection system within East Lake Road Sewer District and assess feasible options for replacement or rehabilitation. The report identifies the proposed infrastructure improvements and the projected costs for residents of the proposed district: and

WHEREAS, affordability for Town residents and property owners is a significant concern in advancement of the proposed project: and

WHEREAS, the Town is eligible for CDBG funding based on the results of a 2025 income survey and must submit a competitive application to obtain CDBG funding.

NOW, THEREFORE, be it RESOLVED as follows:

1. The Town Board authorizes Municipal Solutions to prepare an application for Community Development Block Grant funds from the NYS Office for Community Renewal.

2. The Town Board authorizes Supervisor Shari Miller to execute the application for Community Development Block Grant funds from the NYS Office for Community Renewal.

3. This resolution shall take effect immediately.

Dated: July 26,2026

Introduced by: Councilmember Jean Crane

Seconded by: Councilmember Philip Leone

Voting Aye: Councilmember Jean Crane, Councilmember Scott Pagano, Councilmember Philip

Leone, Supervisor Shari Miller

Voting Nay: 0

ROOFING QUOTES

Councilmember Leone made a motion to accept the quote from Farrell Roofing for roof repairs on the town building with a bid of time and materials not to exceed $6,730. The motion was seconded by Councilmember Crane and carried unanimously.

SCHEDULE WORKSHOPS

A motion was made by Supervisor Miller to schedule the following workshops. The motion was seconded by Councilmember Pagano.

Tuesday, July 28, 2026 @ 3:00 P.M. at East Town Dunkirk Fire Hall, 10949 South Roberts Rd, Dunkirk, NY.
Tuesday, August 4,2026 @ 3:00 P.M. at West Town Dunkirk Fire Hall, 4741 Willow Rd, Dunkirk, NY.
Tuesday, August 11,2026 @ 3:00 P.M. at East Town Dunkirk Fire, 10949 South Roberts Road, Dunkirk, NY.

SHOREWOOD WATER UPDATE

Attorney Passafaro confirmed that the eminent domain application petition was presented to the state supreme court, the order was signed and entered and will have a phone conference with Supervisor this week for winding up items and continuation. The matter is progressing positively.

CD RENEWAL

Supervisor Miller informed board members that the Towns CD with Community Bank was renewed for 6 months at 3.10% interest.

RESOLUTION PROCUREMENT POLICY UPDATE

DULY MOVED by Councilmember Crane to addendum to the town's 2012 procurement policy adding Minority and Women Business Enterprise (MWBE) and Equal Employment Opportunity provisions as required by the grant application. The motion was seconded by Councilmember Pagano and carried unanimously.

Amendment added per 07/21/2026 Town Board meeting

POLICY AMENDMENT FOR FEDERAL PROCUREMENT
RESOLUTION REGARDING
TOWN OF DUNKIRK
MINORITY AND WOMEN OWNED BUSINESS, EQUAL EMPLOYMENT OPPORTUNITY, AND SECTION 3

WHEREAS, the Town of Dunkirk (herein the "Town") maintains a Procurement Policy which was adopted by the Town Board of the September 18, 2012; and

WHEREAS, the Town is seeking funds federal from the Office of Community Renewal

Community Development Block Grant (CDBG) for their sewer improvements (Project); and

WHEREAS, CDBG Recipients must have a local procurement policy that includes Equal Employment Opportunity (EEO), Minority and Women Owned Business (M/WBE) and Section 3 language; and

NOW, THEREFORE, BE IT:

RESOLVED, For CDBG funded projects, the Town of Dunkirk will, at a minimum, comply with the following standards relating to:

Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town will solicit MBEs and/or WBEs as part of its procurement process, when appropriate. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as {example}. The Town's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The Town will keep documentation of M/WBE solicitation in its records and any responses there too.

Equal Employment Opportunity: This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force contracts. This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative for a statement that it will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein. Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest. This organization will include the provisions of sections (a) through (d) of this agreement in every

subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Town will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Town's established purchase/ contracting thresholds will apply. The Town will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

This resolution shall take effect immediately.

DULY MOVED by Councilmember Crane to exit the Regular Town Board Meeting and enter into Executive Session for the purpose of discussing Personnel matters. The motion was seconded by Councilmember Leone and carried unanimously. Time: 6:43 P.M.

DULY MOVED by Supervisor Miller to close Executive Session and return to the Regular Town Board Meeting. The motion was seconded by Councilmember Leone and carried unanimously. Time: 7:32 P.M.

DEPUTY TOWN CLERK

Motion by Supervisor Miller to hire Samantha Tofil as the Deputy Town Clerk with prior Municipal experience and with the recommendation of the Town Clerk effective August 1,2026. The motion was seconded by Councilmember Crane and carried unanimously.

DULY MOVED by Supervisor Miller to adjourn the Regular Town Board Meeting at 7:33 P.M., seconded by Councilmember Crane and carried unanimously.

Respectfully Submitted,

Rebecca Yacklon
Town Clerk