BESS WORKSHOP
TOWN OF DUNKIRK
JULY 7,2026

The Town of Dunkirk held a workshop meeting at 3:00 p.m. on Tuesday, July 7, 2026, at the Town Hall, 4737 Willow Road, Town of Dunkirk.

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

ABSENT:
Councilmember Robert Price

The purpose of the workshop is to make corrections to the existing updated BESS Local Law.

OVERVIEW

The meeting focused on reviewing and revising the town's draft local law governing Battery Energy Storage Systems (BESS). The primary driver of revisions was feedback from legal counsel, who raised concerns that the "Reviewing Body" as defined in the draft had no legal authority under town law to make permitting decisions. The group worked through the document section by section to reassign decision-making authority to legally recognized bodies (primarily the Town Council and Code Enforcement Officer) while preserving the Reviewing Body in a strictly advisory role.

Sections Updated:

- Revise Section 1 to bold-separate "Authority" and "Purpose," and insert permitting authority statement designating the Town Council as the permitting body.
- Update Reviewing Body definition (page 3) to include: *"The reviewing body/committee is strictly advisory to the Town Council (permitting body)."*
- Revise Section 4B to remove "issuance of permits and approvals by the reviewing body" and replace with corrected reviewing body review language.
- Change Section 4D3 "at the discretion of the reviewing body" to "at the discretion of the fire department."
- Update Section 5C2 proof of mailing to be provided to the Town Council; update notice mailing responsibility from applicant to the town.
- Add Tier 3 M-zone-only language to Section 6B.
- Revise Section 6C 62-day period language to reference Town Council consent.
- Add site plan final approval by Town Council language to Section 6K.
- Remove camera approval sentence and trim fire alarm sentence in Section 7, #9.
- Update decommissioning security satisfaction clause to Code Enforcement Officer and/or Town Council.
- Change abandonment period from 3 months to 6 months (Section 8).
- Revise Emergency Operations Plan distribution list to include Town Council (Section 8, #4).
- Revise engineering documents clause to reference Code Enforcement Officer only (Section 8, #5).
- Replace "established by" with "required by" the reviewing body in Section 8, #10.
- Replace all reviewing body references in Section 10A special use permit amendment with Code Enforcement Officer.
- Fix document formatting inconsistencies (font size, spacing) throughout, especially at end of page 12.

Supervisor Miller will send revised draft to Attorney Passafaro for his review.

The workshop concluded with discussions about looking at scheduling several more workshops to update the employee handbook, review of the AFR, and possibly talk about the 2027 Budget.

ADJOURNMENT:

Workshop dismissed at 5:15pm.

Respectfully submitted,

Rebecca Yacklon
Town Clerk