REGULAR TOWN BOARD MEETING
TOWN OF DUNKIRK
SEPTEMBER 15,2026

PRESENT:
Supervisor Miller
Councilmember Crane
Councilmember Leone
Councilmember Pagano
Councilmember Price

OTHER PRESENT: Rebecca Yacklon, Town Clerk, Attorney Jeffrey Passafaro, Ryan Mourer, Code Enforcement Officer, Braden Carmen, Dunkirk Observer, Sue Hazelton, Roger Urbanik, Bonnie Urbanik, Tom McTigue, Macy Thompson, Mark Dixon, Bill Jakubowski, Pete Miller, Allison Lang, Jay Warren, Barbara Warren, Irene Strychalski, Colby Garza, William Amenheimer, Solar Liberty

Supervisor Miller opened the Regular Town Board meeting at 5:35 P.M.

APPROVAL OF PUBLIC HERAING MEETING MINUTES AUGUST 18,2026
DULY MOVED by Councilmember Crane to accept the minutes of the August 18,2026 Public Hearing Meeting. The motion was seconded by Councilmember Leone and carried unanimously.

APPROVAL OF TOWN BOARD MEETING MINUTES AUGUST 18,2026
DULY MOVED by Councilmember Crane to accept the minutes of the August 18,2026 Regular Town Board Meeting. The motion was seconded by Councilmember Pagano and carried unanimously.

APPROVAL OF ABSTRACT OF AUDITED VOUCHERS SEPTEMBER 15,2026
DULY MOVED by Councilmember Leone to approve the abstract of audited vouchers as presented by the Town Clerk on September 15,2026. The motion was seconded by Councilmember Leone and carried unanimously.

Shorewood Capital Project	$12,154.93
CBI Payback	$5,200.00
General Fund	$25,734.74
Highway Fund	$40,010.94
Vineyard Light	$195.95
ELRSD	$100.08
Trust & Agency	$2,186.50

TOWN CLERK REPORT: (AUGUST 2026)

Clerk Fees	$1,070.00
Zoning Fees	$1,775.00
Dog Licenses	$40.00

Total amount transferred to Town Supervisor $2,885.00

JUSTICE REPORT: (AUGUST 2026)
Total number of cases **201**
TOTAL FINES and surcharges submitted to the Town Supervisor **$20,343.00**

BOARD MEMBER & COMMITTEE REPORTS:

Councilmember Crane:

- 9/1 - Worked with Town Clerk to review Assessors report for the upcoming budget.
- 9/10 – Met with Town Clerk on closing out the month of August.
- Worked with Supervisor on Special District Tax preparation.

Councilmember Pagano:

- Attended the tour at the Americold facility with board members.

Councilmember Leone:

- Councilmember Leone reported an Americold facility tour and raised concern that the part-time Code Enforcement Officer's workload was limiting time available for citations, fire inspections, and other enforcement functions and he would like to recommend to the board that we hire someone part time to help Code Enforcement Officer Mourer out.

Mourer stated that the Town's current level of construction and project activity is unusually high. Councilmember Leone initially proposed advertising for part-time assistance, potentially as a deputy code-enforcement officer. Attorney Passafaro advised that the Town must verify statutory authority, qualifications, and budget capacity; also discussed was whether a zoning enforcement role might require lower qualifications. Mourer preferred time to identify and assess candidates, particularly those with construction experience, and said a new employee could be trained and qualified within a year under closer supervision. The Board agreed not to advertise immediately; and requested that Ryan return with possible candidates, duties, and qualifications.

- Councilmember Leone thanked the Town Board, Clerk's office, Town employees, and the Town Attorney for getting things done in the Town as we have been very busy.

Councilmember Price:

- Attended the Americold tour with other board members.
- Worked on ELRSD calls. Very busy with that.

HIGHWAY SUPERINTENDENT: (JEFF FEINEN ABSENT)
Report submitted and read by Supervisor Miller and is on file in the Clerk's office.

Code Enforcement Report and Development Updates

Code Enforcement Officer reported unusually high activity involving permits, new construction, inspections, zoning concerns, and code enforcement. Immediate public-safety matters and ongoing projects are being prioritized, while some secondary duties may be delayed.

• Americold's Arrowhead Drive property was substantially cleaned up after a compliance certificate was withheld due to refuse. New refuse and possible renewed occupancy were observed afterward. The Code Enforcement Officer indicated that a certificate of compliance may be released following the cleanup.
• A commercial project on Route 60 was shut down for operating without a building permit. After payment of a higher permit fee and submission of documentation, work resumed.
• A Franklin Avenue residential project was halted after unsafe structural work was performed without a permit. A fine was issued and paid, engineering was required, and a new permit was issued.
• Chipotle is targeting November for opening, with the possibility of an earlier opening.
• A Route 60 business transition was reported: Subway is expected to close; Little Caesars is expected to relocate to the former Subway location and add drive-through service; the current Little Caesars building is expected to become Jersey Mike's.
• Panera Bread remains on hold, with no current update from property management.
• 7 Brew addressed planning-board-required traffic circulation improvements, including striping, directional markings, and signage, after its certificate of compliance was at risk of cancellation.
• Two new homes on Route 5 are under construction. One was expected to be ready for plumbing inspection on Friday evening or Monday morning; the other had in-ground floor heating installed and was preparing for concrete work.
• Two other town construction projects are shut down or undergoing contractor replacement because of workmanship and project concerns.
• Following a fire at a trailer park, one trailer was condemned. Three trailers are reportedly to be removed and replaced; asbestos surveys have been provided.
• A camper trailer being used as a residence was vacated after code enforcement intervention. The property was cleaned up. Whether the camper may remain depends on its registration and zoning compliance.

DOG CONTROL REPORT: (NICOLE WELKA)

August Dog Control Report submitted and read by Supervisor Miller and is on file in the Clerk's office.

ATTORNEY REPORT

Attorney Passafaro reported that, following argument in Erie County Supreme Court, the court dismissed the Article 78 lawsuit challenging the Williams Street solar site. The court ruled from the bench that the Town's issuance of the solar special-use permit was upheld and was not arbitrary and capricious. Attorney Passafaro said the written decision was still pending and would be provided to the clerk once received

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Attorney Passafaro also reported a timely request was submitted by Fogel & Brown, P.C. to extend the solar special-use permit, which had not been acted upon while litigation was pending. He advised that the request could be placed on a future Special Board Meeting agenda. Town Board's special use-permit extension decision is separate from Code Enforcement Officer Mourer's building-permit review. Mourer stated that the project materials were several years old and it's going to take him some time to review again and gather all the information as Solar Liberty requested duplicate documentation. Attorney Passafaro advised Mourer to proceed with review and report to the Board when ready, while noting that Mourer could not issue the building

permit until the appropriate approvals were complete from the Town Board extending the Special Use Permit.

SUPERVISOR MONTHLY REPORT

Supervisor Miller reported on the following;

- Route 5 bridge is open.
- The Town participated in a consolidation-review kickoff. The review will assess current municipal conditions and options including reorganization, mergers, shared services, and dissolutions.
- Joined the Drinking Water Source Protection Plan Community & Advisory Committee Attended a North County Water District meeting.
- CSX removed obstructions associated with flooding near a bridge. The related road closure and bridge work will not occur this year and may not be on the spring list.
- The Town is consulting grant writers regarding possible funding options.

CORRESPONDENCE

Received a request to extend the solar special-use permit was timely submitted by Fogel & Brown and remains before the Board. The matter was not on this meeting's agenda due to the timing when it was submitted but may be placed on a future special meeting agenda.

OPEN COMMENTS

- Colby Garza was in attendance and introduced himself as a candidate for County Legislator District 1 and shared with the board his background history.
- Jay Warren 5182 Woodlands raised concerns that an owner was operating a short-term rental in a single-family residential area despite the Town's July 17, 2023 local law prohibiting such rentals. They argued that booking patterns were being used to evade the restriction and urged enforcement.
- Pete Miller, Williams St. thanked the Highway Superintendent for Franklin Avenue work and requested a Town beautification effort focused on planting trees, particularly along Vineyard Drive and other areas where trees had been removed. Pete Miller offered to donate trees if someone else organized the effort. Other residents supported the idea and asked whether a Tree City-type designation or related grants might be available. Supervisor Miller said she would investigate the matter.
- Irene Strychalski 5170 West Shorewood Dr. agreed with Jay Warrens concern regarding the VRBO issue in their neighborhood and was in support of Pete Millers idea regarding planting more trees in the Town.
- Allison Lang 5192 Woodlands also raised concern regarding the ongoing VRBO rental in their neighborhood and supported Pete Millers idea and asked whether a Tree City-type designation or related grants might be available. Supervisor Miller said she would investigate the matter.

- Sue Hazelton 5178 Woodlands informed the board of the ongoing VRBO and stated that they put a lot of time and money into this, and it is not allowed.

- Bill Jakubowski Willow Road requested directional signs near the Thruway/Vineyard Drive area. Supervisor Miller responded that the Chautauqua County Planning Board had completed a study and that wayfinding signage was expected; Supervisor Miller said she would contact Rebecca Wurrsch about its status.

William Abeneimer of Solar Liberty stated that he had attended tonight's Town Board meeting to confirm the permit-extension request and respond to questions. He confirmed that he had contacted Ryan and would work with him to provide the documentation needed for the building-permit review.

Code Enforcement Officer Ryan Mourer explained to the residents' concern regarding the VRBO that the Town staff, Board members, and counsel were reviewing the matter and that the Town needed to proceed in a legally proper manner rather than act prematurely.

Councilmember Pagano also suggested that, after the election, the Board might meet with Colby Garza to discuss housing-development opportunities identified in the Town's comprehensive plan.

ADOPTION OF LOCAL LAW #2 OF 2026

Councilmember Leone made a motion to adopt Local Law #2 of 2026 extending the six-month moratorium on the Battery Energy Storage Law enacted by Local Law #1 of 2025 with no changes to SEQR Part 1 & 2. The motion was seconded by Councilmember Crane and carried unanimously.

ELRSD RESOULUTION

202-b Authorizing the increase for the East Lake Road Sewer District

Councilmember Crane made a motion to adopt the following resolution authorizing the increase and improvement of facilities of the East Lake Road Sewer District. The motion was seconded by Councilmember Leone and carried unanimously.

In the Matter of the Increase and Improvement Of Facilities of East Lake Road Sewer District, in the Town of Dunkirk, County of Chautauqua, Pursuant To Section 202-b of the Town Law of the State of New York

ORDER AFTER PUBLIC HEARING AUTHORIZING INCREASE AND IMPROVEMENT OF FACILITIES OF EAST LAKE ROAD SEWER DISTRICT

WHEREAS, the Town Board of the Town of Dunkirk, in the County of Chautauqua, New York, has heretofore caused a map, plan and report of proposed Improvements in the Chestnut Road Water District in said Town, together with an estimate of costs thereof, to be prepared by CPL Engineers, competent engineers licensed in the State of New York; and

WHEREAS, upon completion of said map, plan and report and estimate of costs, and the filing thereof in the Office of the Town Clerk, the Town Board of said Town adopted and Order calling a public hearing thereon, and caused notice of same of such hearing to be published and posted in the manner provided in Section 193 of the Town Law of the State of New York, describing in general terms the proposed improvements, consisting of the replacement of all grinder pump stations and controls; pressure valves; rehabilitation of clean outs, air/vacuum release manholes; and gravity sewer manholes all of which have deteriorated over the years; and including land, furnishings, equipment, machinery, and apparatus required therefore: and pursuant to the direction of the Town, the Engineers have completed and filed with the Town Board such Map, Plan, and Report for said increase and improvement of facilities of the District, dated August 2026, and have estimated the maximum cost thereof to be expended, One million, Four hundred, Ninety Thousand ($1,490,000.00) Dollars; and stating that the Town Board would meet to hear all persons interested in the subject matter thereof on September 15, 2026, at 5:15 p.m. at the Town Hall, 4737 Willow Road, Dunkirk, New York; and

WHEREAS, the Public Hearing was duly held at the time and place aforesaid, in the same manner described, at which time all persons interested in the subject matter, were given an opportunity to be heard,

NOW THEREFORE, upon the evidence given at the Public Hearing described herein, it is hereby determined and ORDERED as follows:

1. The Notice of the Public Hearing described in the preamble hereof was posted and published as required by law, and is in all respects satisfactory;

2. The construction of the improvements herein described is in the public interest;

3. Prior to soliciting competitive bids relative to the construction of these improvements, the Town's engineer is hereby directed to prepare definitive plans and specifications, and to make a careful estimate of the expense of the improvements, and with the assistance of the Town Attorney, to prepare a proposed contract for the execution of the improvements and increase of facilities, and it is further

ORDERED that the facilities of the district shall be so increased and improved at a cost not to exceed the maximum cost thereof to be expended, One million, Four Hundred, Ninety Thousand ($1,490,000.00) Dollars, the amount stated in the Notice of Hearing as the maximum cost of the increase and improvement of the facilities; and it is further

ORDERED that the expense of said increase and improvement of facilities shall be assessed, levied, and collected from the several lands or parcels of land within the District, so much upon and from each as assessed for this ad valorem district; and it is further

ORDERED that the Town Board, in the name of the District, may accept any financing proposal of loans and/or grants made to it by the State of New York, or any agency thereof, and the Federal government, or any agency thereof , and may issue its serial bonds to finance all or part of the improvements, and any amounts received from grants of federal and state funds, shall be applied to the cost of said increase and improvement of facilities, or toward redemption of any bonds issued therefore, or budgeted as an offset to assessments for payment of the principal and interest thereon; and it is further

ORDERED that the Town Clerk shall record a copy of this Order in the Office of the County Clerk of the County of Chautauqua as required under Section 195 of the Town Law of the State of New York;

September 15, 2026

By Order of the Town Board of the Town of Dunkirk

SCHEDULE SPECIAL TOWN BOARD MEETING

Councilmember Crane made a motion to schedule a Special Meeting of the Dunkirk Town Board for Thursday, October 1,2026 at 3:00 P.M. at the Dunkirk Town Hall, 4737 Willow Road, Dunkirk, for the purpose of the Town Clerk to present the Tentative 2027 Budget and any other lawful business before the board. The motion was seconded by Supervisor Miller and carried unanimously.

SHOREWOOD WATER PROJECT

Attorney Passafaro reported that he has signed off on the right-of-way & title certificates for Shorewood Water project and they are ready for execution and the board would need to

authorize the Supervisor to sign them for submission to Municipal Solutions & Rural Development.

Councilmember Crane made a motion to authorize Supervisor Miller to sign the right-of- way certificate for the Shorewood Water project. The motion was seconded by Councilmember Price and carried unanimously.

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 Price and carried unanimously. Time: 6:35 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: 6:50 P.M.

DULY MOVED by Supervisor Miller to adjourn the Regular Town Board Meeting at 7:12 P.M., seconded by Councilmember Crane and carried unanimously.

Respectfully Submitted,

Rebecca Yacklon
Town Clerk