

February 12, 2020
Town of Erin Board Meeting

Deputy Supervisor Delorme called the regular meeting of the Erin Town Board to order on this date at 6:30 PM. He then asked the Clerk to call the roll.

MEMBERS PRESENT: William VanRiper, Jr., Randy Evans, Daniel Delorme, Michael Shutts.

MEMBERS EXCUSED: Dawn Schmidt will arrive as soon as possible.

PUBLIC PRESENT: Mark Margeson, Barb Burlew, Dave Wilcox, Michele & Jim Kelly, Mark Anroots, Dave Meade, Werner Heppner, Harold Spencer, John Spencer, Deborah Sullivan, Marge Krejcar, Elizabeth Salisbury, Lillian & Richard Golden, Tim Sullivan & Cindy, Gary Ratchford, Peter & Linda Sedlak, Jim Woods, David R. Orr, Maureen Spencer, Brian Hyland.

A motion was made by R. Evans and seconded by W. VanRiper, Jr. to pay the audited bills as they appear on the General Fund Abstract 2, #9-35, totaling \$13,965.99; and the Highway Fund Abstract 2, #6-26, totaling \$46,173.59; and the Street Lighting Fund Abstract 2, #8, 29, & 31, totaling \$214.13; and the Trust & Agency Fund Abstract 2, #2, totaling \$5,894.39; and the Fire District Abstract 2, #32, totaling \$151,167.00.

Motion Carried: Ayes: William VanRiper, Jr., R. Evans, D. Delorme, M. Shutts. Nays: None.

Supervisor Schmidt arrived during the auditing of the bills and Deputy Supervisor Delorme asked the Clerk to call the roll to reflect her arrival.

MEMBERS PRESENT: William VanRiper, Jr., Randy Evans, Daniel Delorme, Michael Shutts, Dawn Schmidt.

A motion was made by D. Delorme and seconded by M. Shutts to dispense with the reading of the minutes from the regular Board Meeting on January 8, 2020 and approve the minutes.

Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

COMMUNICATIONS

- Free rabies clinic at the Chemung County Health Department Saturday, February 29, 2020 from 10:30 AM to 12:30 PM.
- Town of Erin Community Blood Drive sponsored by the Town of Erin Fire Department will be held Friday, February 14, 2020 from 2:00 PM to 6:00 PM.
- Town Clerk asks permission to attend the NYS Town Clerks Annual Conference held in Albany April 26-29, 2020 for training. The registration fee is \$125.00 and the room fee is \$514.00 for double occupancy. She asks for reimbursement for meals not covered. No reimbursement should be needed for mileage as arrangements have been made to ride with another clerk.
- The project completion report was filed with FEMA regarding payment for the disaster in August 2018.
- The Clerk asks permission for all Town of Erin employees that wish to attend the 24th Annual Regional Leadership Conference at Corning Community College on Thursday, April 9, 2020 be reimbursed for mileage and the cost for registration which is \$50.00.

Motion was made R. Evans and seconded by W. VanRiper, Jr. to allow the Town of Erin employees to attend the Leadership Conference and be reimbursed for mileage and registration and for the Clerk to

attend the above mentioned training and to be reimbursed for mileage, if needed, and meals not covered.

Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

Deputy Supervisor Delorme explained how the Town of Erin Board meetings are run by going over the agenda items and explaining the Hearing of the Public portion is held at the end of the meeting after all the Town Reports have been discussed.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING FEBRUARY 12, 2020;

1. RESOLUTION 18-2020 APPOINTING A MEMBER TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW
2. RESOLUTION 19-2020 APPOINTING TOWN ATTORNEY
3. RESOLUTION 20-2020 NOTING 2019 JUSTICE RECORDS HAVE BEEN DULY EXAMINED AND FINES COLLECTED AND TURNED OVER TO PROPER TOWN OFFICIALS

RESOLUTION 18-2020

RESOLUTION APPOINTING A MEMBER TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW

Resolution By: R. Evans

Seconded By: M. Shutts

BE IT RESOLVED that Joshua Benjamin, 988 Breesport Road, Erin, NY, 14838 be appointed to serve as a member of the Erin Board of Assessment Review, for a period of five (5) years with such term commencing October 1, 2019 to September 30, 2024.

Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

RESOLUTION 19-2020

RESOLUTION APPOINTING TOWN ATTORNEY

Resolution By: D. Delorme

Seconded By: W. VanRiper, Jr.

BE IT RESOLVED that Kimberlee Balok Middaugh of Sayles and Evans, 1 West Church Street, Elmira, NY 14901 be appointed to serve as the Town Attorney for a period of one (1) year with such term commencing on January 1, 2020 to December 31, 2020.

Motion Carried: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

RESOLUTION 20-2020

NOTING 2019 JUSTICE RECORDS HAVE BEEN DULY EXAMINED AND FINES COLLECTED AND TURNED OVER TO PROPER TOWN OFFICIALS

Resolution By: W. VanRiper, Jr

Seconded By: M. Shutts

Motion Carried: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

RESOLUTION 21-2020

RESOLUTION TO UPDATE TOWN OF ERIN FEES

BE IT RESOLVED that the Town of Erin will update fees for Residential Permits, Commercial Permits, and Board recommended by town code department.

Resolution By: R. Evans

Seconded By: D. Delorme

Motion Carried: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

COMMITTEE REPORTS

Town Attorney- There is no new report. The Town Clerk is working on two (2) different FOIL requests.

Planning Board- Deda Cedar- Done with the Town of Erin Good Neighbor Ordinance and requests Town Board members read over and have comments ready for next board meeting so it can go to the lawyer. Will be working on solar ordinance for the Town. Began discussion on local law for drones. Neda Staviski-Brown needs to be reappointed. Supervisor Schmidt recommends a resolution for her reappointment at the next meeting. Still looking for two (2) alternates.

Planning Board Liaison – Michael Shutts- Talked about a revalve. He will look into it more. Deputy Supervisor Delorme suggested looking into wind farms as well.

Parks, Recreation and Senior Committee-Deda Cedar- Little Library is behind the fire house and it is “take a book/leave a book”. There is a ball field where ball games are held once the weather warms up. Looking for ideas for recreation for the Town; please let the Town Clerk know if you have any suggestions. The Easter egg hunt will be April 4th. The Senior luncheon is the 1st Wednesday of the month at noon with a dish to pass. April 13th the Seniors are going to Salamanca. Contact Marge Krejcar for more information if interested. In the process of writing bylaws for the Senior group. The Historical Society is working on the Hometown Hero Program. Gary Ratchford went over the application/sponsorship process and details regarding the program. Checks should be made payable to the Erin Historical Society and reference on the check “Hometown Heroes”. He also has applications forms for those interested. He has handed out 43 applications so far.

Code Enforcement-John McCracken- Submitted the state report today and the federal report for the census bureau last week. The new state codes will go into effect March 1. Submitted the proposed shared service agreement to City Manager, City Attorney, and Town Attorney.

Highway Superintendent-Steve Tyler- Since our last meeting we have been plowing and cindering roads as needed and patching potholes when the weather permits. We have been trimming trees and working on repairing equipment. With the help of the Towns of Horseheads and Veteran, we hauled in another 1,000 tons of anti-skid. March 3rd & 4th all the Highway Superintendents go to Albany to meet with congressmen to lobby for more CHIP’s money for road repairs. With the Board’s permission, weather permitting, I would like to drive up on the 4th in the morning to help represent Chemung County. This will save the cost of \$200.00 hotel room.

A motion was made by D. Delorme and seconded by W. VanRiper, Jr. to allow the Highway Superintendent to attend the 2020 Local Roads Matter Advocacy Day on March 4, 2020 in Albany. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

County Representative- Mark Margeson – Chasing shared services, sales tax year end was supposedly up. Supervisor Schmidt commented on the County meeting with Magellan regarding internet and the Town of Erin survey map was used. Discussion that BOCES is looking into putting hotspots in school buses to park in certain remote areas for internet access.

Supervisor-Dawn Schmidt- Asked John (McCracken) about code issue on multiple properties on Breesport/North Chemung Road. John has no authority once County takes possession. Asked Councilman Shutts about the siding project. He has an estimate and is waiting for two (2) more. Asked Steve (Tyler) about the FEMA check, not yet received, but the Budget Clerk was notified payment is pending. Also asked about the truck damage. Steve reported still getting estimates, but it is repaired so it can be used. Supervisor Schmidt is working on shared service agreement with IT, dog control, and code enforcement.

HEARING OF THE PUBLIC

Gary Ratchford- 1614 Breeport Road- Historical Society St. Patrick's Day Festival is March 14th from 12-whenever. Ham and cabbage dinner and scalloped potatoes and ham will be available. Bagpipers will play at noon for ½ hour-45 minutes, Elmirans will play, and 90 items have been donated for the raffle. Raffle tickets are \$1.00 each or 6 for \$5.00. Deda (Cedar) added the Erin Methodist Church has a free will breakfast this Saturday from 8:00 to 10:00 AM.

Linda Sedlak- Our daughter was the one that was killed on Langdon Hill Road in the accident that happened on the 17th of last month. We are here because we feel very strongly that there should be guardrails on that particular corner. I am also a school bus driver for Horseheads and that is my route and I drive that route every day. Something needs to be done on that corner. Even the road itself needs to travel much slower on the corner than even the sign way up on the hill says. There are no other signs anywhere coming down the hill. There's nothing to tell there is a corner there. Nothing at all. The grade on the corner, I think, it needs to be regraded. As you come around that corner like this (indicates with her hand) which keeps the equilibrium of your vehicle in the center of the road, but it does not. It comes down around the corner and goes like this (indicates) and I can feel it in my bus even at 30 MPH on dry roads, it wants to take you off the road. You need to travel slower than even your speed limit sign way up at the top says. There is a sign up there that has a truck on it but that's about ¾ of a mile up the road. The speed limit sign says 35. I am not saying it's the Towns fault or anything like that, but I have also heard that there have been other accidents on the same corner and there were five kids. If you drive that road every day it is still dangerous, but if you have never driven the road before it's crucial that there should be something.

Supervisor Schmidt expressed condolences for their loss.

Peter Sedlak- Alicia was my daughter. I drove this road too. You can't go very fast on this road. I would like to see guardrails and signs for the future.

James Kelly- owner of the home on Langdon Hill nearest the accident scene. We have been up there for about 33 years. There have been several accidents. First of all, three of the accidents that we have had to respond to involved injuries. Two of the three involved serious injuries. We feel very strongly that there should at least be better markings coming down on that corner. I understand that guard railing is a lot more complex because of the terrain it might be more difficult, but arrows letting the driver know that there is a sharp turn to the left going down that hill would really be helpful. I know that there were some reflectors put up down at the bottom as you intersect with Staples and then down to the right and there were reflectors down further on the corner. Even reflectors would be helpful. I strongly feel the arrow signs would be better. At least two of the cases that we responded to, the individuals that I talked to, the drivers were not familiar with the road. So with no markings on the road and not being familiar with, it they stand less of a chance. One more thing I need to bring up, this is what happened at this incident and I am not trying to criticize first responders, I am more with, think it's important with where we live out here with the response time is slow because of where we are. Therefore anything we can learn to improve the next emergency response would be very helpful. So this is what happened. A young lady from the crash came to my house, knocking on my door at

approximately 8:30. No body knocks on my door out there. It is very rare so I was pretty startled to begin with. I was by myself. She was bloody and she very upset and of course I let her in the house. She was very articulate and very smart and told me they had been in an accident and please call 911. There are four other people in the vehicle and some of them are not responding. I made the 911 call, sat her down and talked to her about her injuries. I felt her that injuries were possibly pretty serious because of her description and the fact that when she tried to get up from sitting down she could not. I made the 911 call and described everything to the 911 operator who seemed pretty efficient. He stated to me, please stay with the girl, I will get help up there. I find myself going out on the porch and I'm listening down near the crash scene and I can't hear anything. And I think, this is not good. I can't tell you how long, maybe two, no more than three minutes before the first thing I hear is the fire whistle. So I am pretty familiar with this situation and realize that it is taking too long. So I call a neighbor and I describe to the neighbor at the bottom of the hill that the situation is not good and you know how long it takes for help to get up here. My neighbor was the first one on the scene. I am sure it was rough for him. Now the cavalry is coming. The response is very good, don't get me wrong, but I find myself at the house with an injured girl and I know that she needs help, medical help that I can't provide and nobody knows she is there. The 911 operator knows, but I am not sure about the communication and this is what I want to bring up. I find myself out there whistling and yelling for someone to please get a first responder up to my house. That I have the girl, that I made the 911 call. Finally one of them did hear me, but he was not a medical guy and therefore the girl I had in my house, I helped her up to his vehicle and I assumed that he transported her down to where the medical people were closer to the scene. When she probably should not have been moved. The whole point is, I don't know if the Board here or Steve himself can direct this information to the appropriate people to let them know what happened so that communication can improve. Somebody should have known the girl was there. And somebody should have been an on scene commander or something like that. That's all I would like to say about that, if you could help.

Tim Sullivan— from Horseheads-my daughter was the driver of the vehicle. As she gave her report to the investigator she informed them as she was going down the hill on Langdon Hill Road, which she had never been on before, she said I kept looking for a speed limit sign or anything. She said I felt like the vehicle was going too fast, I kept trying to slow down and it was so steep that the vehicle just kept sliding, kept going down. And then all of a sudden the road wasn't there no more, there was a curve that I didn't know was there. I couldn't even see until I was going off the road. I just want to reiterate the necessity of having signs so that drivers who are not familiar with that road know what is coming. She specifically said I was looking for signs and did not see any signs at all. And a guardrail.

Deb Sullivan- Langdon Hill Road-I am so sorry. I know that the Town does all they can for the road conditions, but everything they have said is true. I have said it since I moved up here. I have been here 17 years now. That is one of the worst curves that I have seen. I am also a rural carrier in Elmira. I know about driving, I know about curves, and I know about going in ditches. It definitely needs a guardrail up there. It needs those signs. I know that you have tried really hard with that road but after you turned that road up and made it wider, and just made that dirt as smooth as a baby's behind, I waited three weeks before I called the Town and said where is the stone and the oil? We talked at my house and said someone is going off that hill. I never assumed it would be up there. We just know what goes up and down in front of our house. So again, I am so sorry for your loss and we did a lot of praying that night and we are so sorry for these guys that have to witness that. Something definitely needs to be done. Thank you.

Elizabeth Salisbury-234 Langdon Hill Road-my daughter was the one that responded and went to the Kelly's house. I just want to add I think they spoke very well to advocate for the signs that are needed. That they actually put in reflectors after the fact and that's helps significantly. It makes a world

of difference going around that corner. I thank them for doing that and I think that, even more than a sign, really shows you where the bend is. Thank you.

Dave Orr-I've lived on Langdon Hill Road for 30 years. I have raised my five kids there and four of my five kids have totaled their cars, wrecked their cars, and been in the ditch. Many times it's due to road conditions, but I agree with everybody that's here that the road does need some attention. There is a speed limit sign at the top of the hill just before you crest saying a steep hill for 35 MPH and I would challenge anybody to take their car at 35 MPH down Langdon Hill. It is very misleading and I think it should be replaced with 15 MPH myself. I really feel sorry for everybody else that has had trouble here.

Michele Kelly-460 Langdon Hill-Years ago my husband, Jim and Jim Woods, who lives at the bottom of the hill, came to a meeting and asked, after two or three accidents, to please put some signs on that hill. There's gotta be some signs. So the steep hill one and then I believe a corner one/an arrow one with, I don't know what the limit was, but there were two that were put up. And then quickly after maybe a year or two they were gone. They were down, I don't know what happened. And the truck one was put back up, but nothing else. I came here the Monday after the meeting and spoke with Steve and just kind of, you know, we just kind of chatted about what happened. Just asked, in the meantime, can we please get the reflectors that are on the other two corners? Because something, in the meantime we can't wait. We cannot wait until spring. It has not been that cold. If we can get some reflectors, tall, skinny reflectors up around our property, the Town can put in those reflectors. And if Erin doesn't have them then maybe Horseheads has them, Elmira has them. Let's go get them because something has to be put up as soon as tomorrow at the break of dawn because it just has to. We knew this was going to happen and we knew there was going to be heartache. We've watched it. We've watched it for 33 years. And Jim has been on that hill longer. He grew up on that hill. There's accidents we didn't even know about that we've heard from other people. Please, please, please put something up in the meantime.

Linda Sedlak-I can't help but just ask this question, has this never been addressed to the Town before? Have you never heard about any of these things before? In all of these years?

Supervisor Schmidt-No one has ever come since I've been here on Langdon Hill for that corner. So we have maintained the road. We did do a lot of work on the road as we've said. The Town of Horseheads help us do the work. But we've never approached guardrails, nothing like that. We don't have a single guardrail in the Town.

Deputy Supervisor Delorme-The only thing that anybody ever came out for about roads, in any shape resembling this, was Walker Hill Road.

Someone in the audience-Well we did so I don't know if you keep records.

Deputy Supervisor Delorme-Well we might not have been in office.

James Kelly-You guys were not in office. We've been out there much longer than you have been in office.

Supervisor Schmidt-Walker Hill Road was the only one that we had a lot of interest in when that had to be closed because of bad weather because it's a seasonal road.

James Kelly- I would like to make one more comment. Not too long ago before winter, maybe in the fall, one of the issues with that road I have at my house is that over the years that road has elevated a little bit. So everything washed down into our driveway. So years ago, years ago, when Warren Ingham was the Supervisor, they wanted to put a sleuth pipe under my driveway. And the deal was I would pay for half the sleuth pipe and they would put it in and the Town would maintain it. So that went on pretty well for a while and then the Town stopped maintaining it. Whether it was a turnover of people, I understand. I emailed Steve and he responded and in less than 24 hours his crew was up there and cleaned out the sleuth pipe. I think that is an excellent response. So we don't understand why we can't just get some reflector signs there, at least, immediately.

Dave Wilcox- I live at 617 Langdon Hill down at the bottom-I just want to comment on the condition of the road and I was wondering why did you take the asphalt off and leave us with mud? I mean we got mud coming in the driveway now and all over our cars. Any rate, that's my beef.

With no further comments from the public Supervisor Schmidt closed this portion of the meeting.

A motion was made by R. Evans and seconded by D. Delorme to adjourn the meeting at 7:34 PM.
Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.