

March 11, 2020
Town of Erin Board Meeting

Supervisor Schmidt called the regular meeting of the Erin Town Board to order on this date at 6:31 PM. She then asked the Clerk to call the roll.

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

MEMBERS EXCUSED: Daniel Delorme.

PUBLIC PRESENT: Gary Ratchford, John W. Spencer, Lillian & Richard Golden, Marge Krejcar, Maureen & Harold Spencer, Mark Margeson, Barbara Burlew, Gayle & Darrell Ackerman, Linda Sedlak, Irene & Willie Lind, Joe & Judy Page.

Supervisor Schmidt welcomed everyone and the Pledge of Allegiance was recited.

A motion was made by M. Shutts and seconded by R. Evans to pay the audited bills as they appear on the General Fund Abstract 3, #36-59, totaling \$32,112.82; and the Highway Fund Abstract 3, #27-41, totaling \$16,856.65; and the Street Lighting Fund Abstract 3, #49, totaling \$157.68; and the Trust & Agency Fund Abstract 3, #3, totaling \$5,894.39.

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

A motion was made by R. Evans and seconded by W. VanRiper, Jr. to dispense with the reading of the minutes from the regular Board Meeting on February 12, 2020 and approve the minutes.

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

COMMUNICATIONS

- Chemung County's Spring Household Hazardous Waste Collection event will be Saturday, May 9, 2020 for Chemung County residents only (no businesses). Pre-registration is required and no electronics will be accepted.
- Free rabies clinic at the Horseheads Town Hall on Saturday, March 21, 2020 from 11:00 am-1:00 pm.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING MARCH 11, 2020;

1. RESOLUTION 22-2020 TO ADOPT THE PROPOSED ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFIT ACT
2. RESOLUTION 23-2020 TO REAPPOINT A MEMBER TO THE ERIN PLANNING BOARD
3. RESOLUTION 24-2020 TO ADOPT INTERMUNICIPAL AGREEMENT BETWEEN TOWN OF ERIN AND CITY OF ELMIRA FOR SHARED CODE ENFORCEMENT SERVICES

RESOLUTION 22-2020

RESOLUTION TO ADOPT THE PROPOSED ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFIT ACT

Resolution By: R. Evans

Seconded By: W. VanRiper, Jr.

Whereas, New York State Governor Cuomo has proposed the **Accelerated Renewable Energy Growth and Community Benefit Act**, and,

Whereas, adoption of this act into law would eliminate the application to local governments for large scale “renewable energy” production facilities by prospective developers, and,

Whereas, adoption of this act into State law would eliminate approval of large scale “renewable energy” production facilities by local governments, and,

Whereas, adoption of this act into law would likely eliminate all local government input or public comment as the application is being considered by New York State, and,

Whereas, adoption of this act into law would likely eliminate all locally developed PILOT agreements or host community benefit agreements, and,

Whereas, since it is vital that all local entities retain their ability to determine best uses for limited spaces that might be used for development of residential, commercial and agricultural purposes, now therefore,

Be it Resolved, that the Town of Erin is opposed to the adoption of the **Accelerated Renewable Energy Growth and Community Benefit Act** into New York State law, and

Be it Further Resolved, that the Town of Erin will be opposed to any such similar action on the part of the State, regardless of the size and scope of any proposed facility.

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

RESOLUTION 23-2020

RESOLUTION TO REAPPOINT A MEMBER TO THE ERIN PLANNING BOARD

Resolution By: M. Shutts

Seconded By: R. Evans

BE IT RESOLVED that Neda Staviski-Brown, 1162 Breesport Road, Erin, NY 14838 be reappointed to serve as a member of the Erin Planning Board, for a period of five (5) years with such term commencing January 1, 2020 to December 31, 2024.

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

RESOLUTION 24-2020

RESOLUTION TO ADOPT INTERMUNICIPAL AGREEMENT BETWEEN TOWN OF ERIN AND CITY OF ELMIRA FOR SHARED CODE ENFORCEMENT SERVICES

Resolution By: R. Evans

Seconded By: W. VanRiper, Jr.

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this 11th day of March, 2020 by and between:

CITY OF ELMIRA, NEW YORK, a municipal corporation with offices at
317 East Church Street, Elmira, NY 14901 (hereinafter "**City**")

and

TOWN OF ERIN, NEW YORK, a municipal corporation with offices at
1138 Breesport Road, Erin, NY 14838 (hereinafter "**Town**")

WHEREAS, the State Legislature and the Governor of the State of New York have authorized initiatives "to improve the efficiency of local government" by means of municipal shared services agreements; and

WHEREAS, the Town's Assistant Code Enforcement Officer position was eliminated as of January 31, 2019; and

WHEREAS, the City and the Town desire to enter into an Intermunicipal Agreement setting forth each party's rights and responsibilities regarding the agreed upon services; and

WHEREAS, New York State General Municipal Law section 119-o authorizes municipal corporations to enter into an agreement pertaining to shared services;

NOW, THEREFORE, the City and Town mutually agree as follows:

SECTION I

TERM

This Agreement shall become effective from May 1, 2020 and shall expire on September 1, 2020, unless sooner terminated or extended.

SECTION II

DESCRIPTION OF INTERMUNICIPAL SERVICES

The City, by its Assistant Code Enforcement Officer, shall conduct property maintenance/junk and debris inspections (“Services”) for six (6) hours each week for the time period specified: May 1, 2020 to September 1, 2020.

In addition to the above described Services and without any additional consideration, the City and Town agree that, on a need basis as determined by the City’s Director of Code Enforcement, the City may periodically provide additional code Services. To effect these Services, by this Agreement, the Town empowers, authorizes, and grants City Code Enforcement Officers all rights, responsibilities, and duties of the code enforcement officers within the territorial jurisdiction of the Town.

SECTION III

CONSIDERATION

For the City providing these Services, the Town shall pay to the City the amount of Two Thousand Four Hundred and No/100 Dollars (\$2,400.00), which the Town shall pay within thirty (30) days of the acceptance of this Agreement.

SECTION IV

EMPLOYMENT

At all times during the term of this Agreement, the City's Assistant Code Enforcement Officer or his replacement, shall remain an employee of the City, and the City shall procure and keep in effect all necessary insurances (liability, workers' compensation and any other insurances provided by the City). City Code Enforcement Officers at all times when rendering Services pursuant to this Agreement shall remain employees of the City and shall be entitled to the insurance coverages and employment benefits provided by or through the City.

SECTION V

INDEMNIFICATION

The City hereby indemnifies and holds harmless the Town, its officers and employees, from any and all claims, causes of action, judgments, costs and expenses (including reasonable attorneys' fees) for property damage or bodily injury, including death, and/or personal injury and damage arising as a result of the negligence or intentional conduct of the City, its officers and employees, in performing and rendering the Services pursuant to this Agreement.

SECTION VI

RECORDS RETENTION AND ACCESS

The City and the Town agree to retain all books, records and other documents pertinent to the Services rendered in accordance with federal and state law. At all times during the term of this Agreement, each party shall have access to any and all records pertaining to the Services rendered and, upon request, each party promptly shall provide copies of records and materials to the requesting party.

SECTION VII

COOPERATION

The City and Town recognize that in the performance of this Agreement, the greatest benefits will be derived by promoting the interest of both parties, and each of the parties does, therefore, enter into this Agreement with the intention of loyally cooperating with the other in carrying out the terms of this Agreement, and each party agrees to interpret its provisions insofar as it may legally do so, in such manner as will permit the interest of both and render the highest service to the public and in accordance with the provisions of this Agreement.

SECTION VIII

GENERAL PROVISIONS

This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or define any of the parties hereto.

SECTION IX ***TERMINATION***

Either party may terminate this Agreement upon thirty (30) days prior written notice to the other.

SECTION X

NOTICES

All notices under this Agreement, including any notice pursuant to section IX hereinabove, shall be in writing and shall be either personally served upon or mailed by certified mail, return receipt to:

For the City:
City Manager
317 East Church Street
Elmira, NY 14901

For the Town:
Town Supervisor
1138 Breesport Road
Erin, NY 14839

**SECTION XI
HEADINGS**

The headings in this Agreement are inserted for convenience and reference only and shall not be used in any way to interpret this Agreement.

**SECTION XII
VALIDITY**

If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date herein written.

CITY OF ELMIRA, NEW YORK

By: _____

**Daniel J. Mandell, Jr./Mayor
Resolution No. 2020 - 24**

TOWN OF ERIN, NEW YORK

By: _____

**Dawn Burlew/Supervisor
Resolution No. 2020 - 24**

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

COMMITTEE REPORTS

Town Attorney- Just released the FOIL information that was requested.

Planning Board-Deda Cedar- Working on solar energy local law and also a drone law. The drone law is almost done. Basically says you can fly a drone over own property but will need permission to fly over other people's property from the owner. Working on revising Local Law #10 of 1992-the zoning codes-to make them more consistent with the local law passed regarding code enforcement program. Sections 1-4 are finished. Will start on Section 5 that deals with districts. Deda, Supervisor, Town Clerk did not receive any comments on the Good Neighbor Law. Discussion ensued on pros/cons, who would enforce, how to enforce, wording (too broad), residents are turning over, becoming a different environment. Supervisor Schmidt recommends members of the Board modify the Good Neighbor Law

with their comments/suggestions and return to Deda by next Wednesday, March 18th. Drop them off at the Town Hall and Deda will pick them up.

Parks, Recreation and Senior Committee-Deda Cedar- The bylaw committee passed out proposed bylaws and asked for comments to be written down and given to Diane (Town Clerk) and so far nothing has been received. Supervisor Schmidt reiterated that she said the senior committee needed to have guidelines around how the senior committee was going to operate when it came to the events where buses were being used. Erin residents get preference on the bus prior to residents outside of the Town of Erin. How the committee chooses to do that is their business. They are Town funds and Erin residents need to have preference. Gayle Ackerman spoke about the senior luncheon and the trips being completely different. Senior luncheon helps put that together with ideas. There should be some kind of structure. There must be a balance with the trip ideas. It's too much work for one person. Supervisor Schmidt recommended putting the trips together, letting people know what they are and when they are and it's 80/20. It's impossible to please everyone.

Code Enforcement-John McCracken- Haven't heard from the solar company since he gave them their building permit fee and special permit fee. Supervisor Schmidt commented that they want to do an application for the IDA for a PILOT and they want to deviate from the standard PILOT. She said no from the Town's perspective and Joe Roman agrees with that from the IDA's perspective. They are coming tomorrow to the IDA meeting to pitch their show. She does have to recuse herself from that vote. The IDA does not want to deviate.

Highway Superintendent-Steve Tyler- We have been plowing and cindering as needed and patching potholes. We dug out a section of Jones Road and replaced with different dryer material. We had someone stealing road signs. I had to order new signs to replace the ones on Jones Rd., Bartlett Rd., Kronus Rd. and also a few yield signs. The bolts are laying on the ground at the bottom of the posts. Looking into some bolts that have special sockets. Gave the Board members paperwork on a used truck to look into and talk about at the next meeting. Cut down six (6) trees today on Austin Hill out of the cemetery that have been falling and hitting stones and falling in the road. We have installed posts and delineators on Langdon Hill below Kelly's house. We are working on a highway program to categorize all of our roads. Supervisor Schmidt said that Fagan is working on that report. We committed to \$10,000 on a condition assessment on the roads. The report is over 1,000 pages due to a miscommunication between the person she wrote the contract with and the people that did the work and they did a \$60,000-\$70,000 project. We will have a great report that will give us a condition assessment on all our roads. Holding the final payment until the report is received.

County Representatives-Mark Margeson – An item has been brought up in community discussions and some meetings around the county that have to do with the nursing facility. The misinformation is the county executive wants to sell the nursing facility. The real information is: because of a budget issue we need to do some research on how to handle the budget issue at the nursing facility. It loses approximately \$6 million/year every single year. If there is a shortfall in the budget we have to take money out of the fund balance to accommodate. Every year the nursing facility loses money, the State pays half and we put in half. In order to solve that problem, for every 1% increase in property tax creates approximately \$300,000 of income to the County. Technically property taxes would have to be raised 10% to cover that. It's a community issue. It's a legislative issue. Get the information. Its losing money and we need to make the shortfall up. The sewer system is another issue. The ad valorem tax which was supposed to take care of the maintenance has been used up over the last 10-15 years. In order to fix it, it will cost \$100 million. Listen to the details not the emotion. Sales tax is currently down. The County passed a rule on the plastic bags that they didn't want to support the \$.05 state deal. They didn't want to get encumbered with the \$.05 tax on bags. Wi-Fi has been brought up. The County has joined a consortium of people. It is call Southern Tier Network. Hopefully that will be pushed along. The Horseheads parade was cancelled for St. Patrick's Day. It was cancelled today.

Supervisor Schmidt-every Wednesday we have a conference call with the County Executive, public health and Peter Buzzeti. It has become almost day by day. Another one on Friday just to keep updated. It's not as critical for us because we don't have a license bureau in our building or youth group. We do have Bone Builders here and other programming here that may have to be cancelled/postponed until further notice because they don't want public gatherings. We are monitoring it. We did put the latest presentation up on the Town website. The Chemung County website and the governor's websites are being updated by the hour. SUNY/CUNY colleges are going on extended break and then to online classes after the 19th. Everyone is encouraged to watch the County website, watch the Town website or State website if you have a question. We are up to 260 some cases in NYS. Jumped another 100 today. Mark Margeson – You will find a lot of gatherings are going to be cancelled. Pay attention and listen to the details.

Supervisor Schmidt-The work on the sewer system to rebuild it is all infrastructure that has been let go for the past 30+ years. They are looking to do a consolidated funding application similar to the one in Watkins Glen to consolidate the waste water treatment plants in Watkins. That was about \$36 million project and was funded \$25 million and bonded the communities for the last \$10 million which was minimal for that. That's probably what will happen here, but there will still be an impact on the communities.

Mark Margeson – You also aren't supposed to visit nursing homes facilities at this time.

Gary Ratchford-Asked what they suggested they do about Historical Society's Irish Festival planned for this weekend. Mark Margeson said if they talked to the County they would recommend cancelling it. Supervisor Schmidt recommended postponing the festival.

Supervisor- Dawn Schmidt- Asked Councilman Shutts about the quote for the siding at the Town Hall. He has received four (4) quotes so far between \$17,000 and \$19,500. One has left a more detailed estimate than the others. Gutters are not listed on the original estimate. M. Shutts will ask them to be added and check with contractor's schedule.

A motion was made by W. VanRiper, Jr. and seconded by R. Evans to accept the quote by BSB Contracting LLC, 141 Lynwood Ave, Elmira Heights, NY 14903 to side the Town Hall for a quote of \$19,375.00 and for M. Shutts to get the work scheduled.

Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, M. Shutts. Recuse: D. Schmidt due to it being her brother-in-law's business. Nays: None.

STC Regional Training-everyone interested is registered.

HEARING OF THE PUBLIC

Gary Ratchford-1614 Breesport Road- As of right now, the St. Patrick's Day Festival for Saturday is formally cancelled. A few members from the Historical Society will get together on Saturday at the Town Hall and draw names for the raffles. The winners will be notified.

Linda Sedlak-Thank you so much for putting up the reflectors. What a big difference it made as you are coming down the hill already. But I would like to ask for one more thing, I know that guardrails would be perfect, but I'm sure that is probably not in the budget-if we could get a sign. The only sign is over four (4) tenths of a mile from the corner up to the top of the hill where there is a sign that has a truck on an incline that says 35. That's way too fast for the corner. So I would like to see a sign like a double type sign. The top one has an arrow that shows there is going to be a corner and then 20 or 25 MPH. It's not as much for people that live there as it is for someone that might be traveling that road for the first time. The reflectors are great and that is a big thing for me even already because you can see them coming down the hill, but you still don't know how sharp that corner is or how slow you should be

going. That is the only thing I would really, really like to see is a sign. I don't know who decides that or whatever, but I'm watching every day and I saw the day you put the reflectors up. Thank you very much. Supervisor Schmidt asked if it was a yellow, suggested speed limit sign. Steve Tyler will look into seeing if the sign can be changed.

Linda Sedlak- Have you thought about the grade of that corner. I have taken some pictures even on my phone that kind of show how that corner is. That you come down there and it's kind of flat going around that corner. The equilibrium isn't really there to keep you on the road on that corner. I don't know if you've really checked that out.

Steve Tyler- Our grader has a slope meter in it and the recommendation through the highway, Cornell University and everything is 3-4%. That is what we are running.

Linda Sedlak- I took a pictures on the way here. I have taken a few pictures the last few days, but just something like that (showed a picture of a yellow sign with a truck on an incline on her phone). A little newer, a little less rust.

Supervisor Schmidt- You will look into that, Steve, and see what we can do on that?

Gary Ratchford – I have been working on the Hometown Heroes for the Town of Erin and as of right now, I have 31 paid. I took 24 of them down to him a week ago Friday so he could get started on some of them. He called again tonight and I have six (6) more to take down to him now. Sunday is the deadline.

Supervisor Schmidt asked about brackets. Gary talked to a few people that said they could help him out. The one making the banners can also get brackets. He didn't have a price for them.

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

A motion was made by M. Shutts and seconded by W. VanRiper, Jr. to adjourn the meeting at 7:46 PM. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, M. Shutts, D. Schmidt. Nays: None.

Erin Town Clerk