

December 8, 2021
Town of Erin Public Hearing

Supervisor Schmidt called the Public Hearing on proposed Local Law No. 2 of 2021 to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments to order on this date at 6:15 PM. She then asked the Clerk to call the roll.

MEMBERS PRESENT: William VanRiper, Jr., Michael Shutts, D. Schmidt.

MEMBERS LATE: Randy Evans arrived at 6:20 PM.

MEMBERS EXCUSED: Dan Delorme.

PUBLIC PRESENT: Gary Ratchford, Mark Margeson.

PRESENT ON ZOOM: Austin Fettrinelli, Jared Lusk.

Supervisor Schmidt welcomed everyone and the workshop began.

Legal Notice is as follows:

NOTICE IS HEREBY GIVEN a local law, being proposed Local Law No. 2 of 2021 to opt out of Licensing and establishing retail Cannabis dispensaries and on-site Cannabis consumption establishments was introduced at this meeting by a member of the Erin Town Board and;

WHEREAS this Board desires to hold a public hearing with respect to the adoption of said local law, NOW THEREFORE BE IT RESOLVED, that a public hearing be held by the Erin Town Board with respect to the adoption of the aforesaid local law at 6:15 PM on December 8, 2021 at 1138 Breesport Road, Erin, NY, and it is further

RESOLVED, that the Erin Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

The Town of Erin's monthly Board Meeting to immediately follow the Public Hearing.

By the order of the Town Board of the Town of Erin
Diane Wise-Hollenbeck
Erin Town Clerk

With no comment from the public, a motion was made by Supervisor Schmidt to close the Public Hearing on proposed Local Law No. 2 of 2021 to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments at 6:22 PM.

December 8, 2021
Town of Erin Board Meeting

Supervisor Schmidt called the regular meeting of the Erin Town Board to order on this date at 6:22 PM. She then asked the Clerk to call the roll.

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

MEMBERS EXCUSED: Dan Delorme.

PUBLIC PRESENT: Gary Ratchford, Mark Margeson.

PRESENT ON ZOOM: Austin Fettrinelli, Jared Lusk.

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 12, #1165-179, totaling \$9,290.62; and the Highway Fund Abstract 12, #165-178, totaling \$15,450.12; and the Street Lighting Fund Abstract 12, #164, totaling \$236.15; and the Trust & Agency Fund Abstract 12, #13, totaling \$2,238.85.

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

Changes/amendments to the November 10, 2021 minutes:

RESOLUTION 32-2021 AUTHORIZING BUDGET TRANSFERS-fund A1620.2 Building for a debit of \$20,696.79 should have been fund A1620.201 for the same amount.

A motion was made by W. VanRiper, Jr. and seconded by R. Evans to accept the amendment to Resolution 32-2021.

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

A motion was made by W. VanRiper, Jr. and seconded by R. Evans to dispense with the reading of the minutes from the regular Board Meeting on November 10, 2021 and approve the minutes.

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

COMMUNICATIONS

- Information received from Association of Towns-all public bodies covered by Open Meetings Law, so town board, planning board, and ZBA, must make any records up for discussion at an upcoming meeting available to the public upon request and posted on their website at least 24 hours before the meeting to the exact practicable.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING NOVEMBER 10, 2021;

1. RESOLUTION 33-2021 TO ADOPT LOCAL LAW NO. 2 OF 2021 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS, RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS
2. RESOLUTION 34-2021 NEGATIVE DECLARATION OF ENVIRONMENTAL
3. RESOLUTION 35-2021 FOR FINAL APPROVAL FOR BLUE SKY TOWERS III, LLC SPECIAL USE PERMIT
4. RESOLUTION 36-2021 TO SET TIME FOR 2021 YEAR-END & ORGANIZATIONAL MEETING
5. RESOLUTION 37-2021 APPOINTING TOWN ATTORNEY

6. RESOLUTION 38-2021 APPOINTING ANIMAL CONTROL SERVICES
7. RESOLUTION 39-2021 TO APPROVE SHARED SERVICES AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLUTION 33-2021

RESOLUTION TO ADOPT LOCAL LAW NO. 2 OF 2021 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS, RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS

Resolution By: W. VanRiper, Jr.

Seconded By: D. Schmidt

WHEREAS, the Town of Erin Town Board wishes to adopt a local law to opt out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within the Town of Erin;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Erin, County of Chemung, State of New York hereby schedules a public hearing for Local Law No. 2 of 2021 as set forth herein on December 8, 2021, at 6:15 p.m., or as soon thereafter can be heard, at the Town of Erin Town Hall located at 1138 Breesport Road, Erin, New York 14838 and said Local Law is as follows:

PROPOSED LOCAL LAW NO. 2 OF 2021, OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS

Section 1. Legislative Intent.

It is the intent of this local law to opt the Town of Erin out of hosting retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 2. Authority.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes towns to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate and operate within their boundaries, provided, however, that any town law shall apply to the area outside any village within such town.

Section 3. Local Retail Cannabis Dispensaries and On-Site Cannabis Consumption Opt-Out.

The Town Board of the Town of Erin, County of Chemung, State of New York, hereby opts out of licensing and establishing retail cannabis dispensaries and on-site cannabis consumption establishments within its boundaries.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus, may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ERIN.

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

RESOLUTION 34-2021
RESOLUTION OF NEGATIVE DELCARLATION OF ENVIROMNENTAL IMPACT FOR BLUE SKY TOWERS III, LLC
TOWN OF ERIN
TOWN BOARD RESOLUTION
Resolution By: M. Shutts
Seconded By: R. Evans

WHEREAS, on October 13, 2021, the Town of Erin Town Board referred to the Town of Erin Planning Board a special permit request from an application submitted by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless to construct and operate a 195' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Bart F. and Robin A. Stansfield located near 500 Stansfield Road (S.B.L. Nos. 61-1-1.22, 61-1-1.25 and 61.01-2-47.113); and

WHEREAS, Verizon Wireless is a public utility and the purpose for erecting the wireless telecommunications tower is to provide adequate wireless telecommunications service to the geographic area known as the "Breesport" cell; and

WHEREAS, the Town of Erin Planning Board held a public hearing in accordance with Local Law No. 10-1992 and conducted a review of the application, including the Full Environmental Assessment Form provided by the applicant; and

WHEREAS, the Town of Erin Planning Board recommends the approval of the special permit and, based on its review, determined that the project will not have a significant adverse effect on the environment; and

WHEREAS, the matter was referred to the Chemung County Planning Board in accordance with General Municipal Law § 239-m and said Board granted approval based upon the local determination; and

WHEREAS, the Town of Erin Town Board now is required to provide a final determination pursuant to the State Environmental Quality Review Act ("SEQRA") for potential adverse environmental impacts related to the special permit application in accordance with Town of Erin

Local Law No. 10-1992;

NOW, THEREFORE, be it:

RESOLVED, that the Town of Erin Town Board, County of Chemung, State of New York, declares itself as the Lead Agency in accordance with the State Environmental Quality Review Act for review of the special permit application submitted by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless to construct and operate a wireless telecommunications tower in the Town of Erin and further determines that such project be a Type I action; and be it further

RESOLVED, that the Town of Erin has conducted an analysis of impacts to environmental resources for Part II of the Full Environmental Assessment Form, including:

- Impact on Land
- Impact on Geological Features
- Impact on Surface Water
- Impact on Ground Water
- Impact on Flooding
- Impact on Air
- Impact on Plants and Animals
- Impact on Agricultural Resources
- Impact on Aesthetic Resources
- Impact on Historical and Archaeological Resources
- Impact on Open Space and Recreation
- Impact on Critical Environmental Areas
- Impact on Transportation
- Impact on Energy
- Impact on Noise, Odor and Light
- Impact on Human Health
- Consistency with Community Plans
- Consistency with Community Character

and as a result of the thorough analysis of all potential negative environmental impacts associated with the project, the Town of Erin Planning Board has determined that there will be no significant adverse environmental impacts and thereby issues a negative declaration for the project pursuant to SEQRA for the special permit application submitted by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless on land owned by Bart F. and Robin A. Stansfield located near 500 Stansfield Road (S.B.L. Nos. 61-1-1.22, 61-1-1.25 and 61.01-2-47.113) in the Town of Erin, Chemung County, New York.

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

RESOLUTION 35-2021

RESOLUTION FOR SITE PLAN/FINAL APPROVAL FOR BLUE SKY TOWERS III, LLC SPECIAL USE PERMIT
TOWN OF ERIN

TOWN BOARD RESOLUTION

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

WHEREAS, on October 13, 2021, the Town of Erin Town Board referred to the Town of Erin

Planning Board a special permit/site plan approval request from an application submitted by Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless to construct and operate a 195' wireless telecommunications tower (plus 4' lightning rod) and associated improvements on land owned by Bart F. and Robin A. Stansfield located near 500 Stansfield Road (S.B.L. Nos. 61-1-1.22, 61-1-1.25 and 61.01-2-47.113); and

WHEREAS, Verizon Wireless is a public utility and the purpose for erecting the wireless telecommunications tower is to provide adequate wireless telecommunications service to the geographic area known as the "Breesport" cell; and

WHEREAS, the Town of Erin Planning Board held a public hearing in accordance with Local Law No. 10-1992 and conducted a review of the application, including the Full Environmental Assessment Form provided by the applicant; and

WHEREAS, the Town of Erin Planning Board recommends the approval of the special permit and, based on its review, determined that the project will not have a significant adverse effect on the environment; and

WHEREAS, the matter was referred to the Chemung County Planning Board in accordance with General Municipal Law § 259-m and the said Board granted approval based upon local determination; and

WHEREAS, the Town of Erin Planning Board of the Town of Erin has issued a negative declaration in accordance with the State Environmental Quality Review Act ("SEQRA");

NOW, THEREFORE, be it:

RESOLVED, that the Town of Erin Town Board, County of Chemung, State of New York, approves the special permit for Blue Sky Towers III, LLC and Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless to construct and operate a wireless telecommunications tower and associated improvements on the land owned by Bart F. and Robin A. Stansfield located near 500 Stansfield Road (S.B.L. Nos. 61-1-1.22, 61-1-1.25 and 61.01-2-47.113) in the Town of Erin, Chemung County, New York.
Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, M. Shutts, D. Schmidt. Nays: None.

RESOLUTION 36-2021

RESOLUTION TO SET TIME FOR 2021 YEAR-END MEETING & ORGANIZATIONAL MEETING

Resolution By: R. Evans

Seconded By: M. Shutts

RESOLVED THAT the Erin Town Board will hold the Year End Meeting, Organizational Meeting and regular Board Meeting on January 12, 2022 at 6:00 PM at the Erin Town Hall.

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

RESOLUTION 37-2021

RESOLUTION APPOINTING TOWN ATTORNEY

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

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, 2022 to December 31, 2022.

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

RESOLUTION 38-2021

RESOLUTION APPOINTING ANIMAL CONTROL SERVICES

Resolution By: R. Evans

Seconded By: W. VanRiper, Jr.

RESOLVED that The City of Elmira will provide Animal Control Services for a period of one (1) year with such term commencing on January 1, 2022 to December 31, 2022.

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

RESOLUTION 39-2021

RESOLUTION TO APPROVE SHARED SERVICES AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Resolution By: W. VanRiper, Jr.

Seconded By: R. Evans

RESOLVED to approve the shared service agreement with New York State Department of Transportation for use in the event the Town of Erin resources become exhausted at any point in a future emergency.

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

COMMITTEE REPORTS

Town Attorney- Blue Sky Towers removal estimate documentation was received and is about \$50,000.00.

Planning Board-Deda Cedar- There have been only 25 responses from the questionnaire. They are going to leave it open longer and repost it for more people to see.

Parks, Recreation, and Senior Committee-Deda Cedar- Forty-one seniors attended the luncheon at the fire hall. They did a secret Santa that they enjoyed. Prime rib was served and the meal was very good. The Food Truck served 153 families and had no issues. There will be hotdogs with Santa at the fire hall from 11:00 am to 2:00 pm on December 18th for all ages. There will be crafts and Santa will hand out candy. Trying to figure out dates to make cards and T-shirts again. People seemed to enjoy those activities. Brian Watts is working on geocaching. Need to get started on Wood Fest. The Historical Society is taking the lead on the 200th anniversary. Items are still being left at the Little Library.

Supervisor Schmidt would like a sign placed noting no more drop offs will be accepted at the Little Library at this time.

Code Enforcement-John McCracken- Nothing new to report.

Deputy Highway Superintendent-Harold Spencer-Was out plowing. Town Clerk read the report. They have been ditching when they can, plowing and working on the sign in front of the Town Hall. The concrete is done and they are going to try and set the sign on Thursday.

Buildings & Grounds-Supervisor Schmidt met with Town of Chemung and the Town of Southport regarding HVAC system. Southport used Hunt Engineers to do their RFP. Chemung used a consultant out of Waverly. She also spoke with Jennifer Furman, the County Treasurer. All of them agreed that the documentation to claim the ARPA funds for the project is well worth spending the money on somebody to manage the process.

A motion was made by R. Evans and seconded by W. VanRiper, Jr. for Supervisor Schmidt to move forward to get an estimate and figure out who we should use to manage the HVAC project at the Town Hall.

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

Chemung County Representative-Mark Margeson- County executive put out the budget, the legislative group made amendments, it will go back to Executive Moss. The budget will be a challenge. There is an opportunity for a dental clinic to be brought in, funded by the Federal Government. It is a clinic that everyone could use. Talked again about the incubator program.

Councilman R. Evans was excused at 7:00 pm.

Chemung County Representative-Mark Margeson- (cont)- There is a proposal that there will be a decrease in county taxes of about 6.4%. The sales tax increased significantly. Any chairman of any committee is not allowed to speak to a department head without the approval of Executive Moss. The arena has been filled and the opportunity will be a good one. They have a unique idea on how to fund everything.

Supervisor-Dawn Schmidt- The Hometown Hero flags are all down and stored for the season. Gary Ratchford will start advertising again in March. Supervisor Schmidt asked about the Austin Hill trash issue. Asked to put it on Steve Tyler's follow up. Would like to have hours of labor and disposal fee paid. She wants people to know that we will prosecute and they will pay for dumping their trash in our town. NYS Department of Public Service is doing its annual winter outreach and education campaign to help consumers manage their energy bills while staying warm and safe during the cold weather months. She asked the Clerk to post the information for support for utility programs on the Town's website.

OLD BUSINESS

Councilman W. VanRiper, Jr.- The documentation was emailed to Mary Butler from DOT in regards to reducing the speed limit on Federal Road. The Town of Erin is in the queue for a study to be conducted.

HEARING OF THE PUBLIC

Gary Ratchford- Jennifer Bates is putting together the 2022 calendar for the Historical Society and she has a lot of good information on it this year.

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

A motion was made by W. VanRiper, Jr. and seconded by M. Shutts to adjourn the meeting at 7:14 PM.
Motion Carried: Ayes: W. VanRiper, Jr., M. Shutts, D. Schmidt. Nays: None.