

October 12, 2022
Town of Erin Budget Workshop

Supervisor Schmidt called the Budget Workshop of the Erin Town Board to order on this date at 5:36 PM. She then asked the Clerk to call the roll.

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

PUBLIC PRESENT: Mark Margeson, Donna Vergason.

Supervisor Schmidt welcomed everyone and the workshop began.

The changes in the budget are a 3% raise to the Highway Department and Town Clerk. Supervisor Schmidt recommends doing a resolution to override the 2023 tax cap limit just in case it is needed. There will be a 10% increase to the electric budget. Talked about a 50/50 split for Town Historian duties. More information is needed on employee benefits. The Public Hearing has been scheduled for November 9, 2022 at 6:00 PM for the Town of Erin 2023 Budget.

With no further comments Supervisor Schmidt closed this portion of the meeting at 6:00 PM.

October 12, 2022
Town of Erin Board Meeting

Supervisor Schmidt called the regular meeting of the Erin Town Board to order on this date at 6:03 PM. She then asked the Clerk to call the roll.

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

PUBLIC PRESENT: Mark Margeson, Donna Vergason.

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

A motion was made by M. Shutts and seconded by D. Delorme to pay the audited bills as they appear on the General Fund Abstract 10, #152-168, totaling \$10,920.25; and the Street Lighting Fund Abstract 10, #164, totaling \$247.46; and the Highway Fund Abstract 10, #141-154, totaling \$64,824.03.
Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

A motion was made by W. VanRiper, Jr. and seconded by D. Delorme to dispense with the reading of the minutes from the regular Board Meeting on September 14, 2022 and approve the minutes.
Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.

COMMUNICATIONS:

- A reminder that the Public Hearing for the 2023 Budget is set for November 9, 2022 at 6:00 PM with the Board meeting to immediately follow.

- The Clerk will be setting up Sexual Harassment training so check your emails for date and time.
- The Erin Town Hall held a free rabies clinic on Thursday, September 29, 2022 from 6:00 PM–8:00 PM. The contact person at DOH is out of the office until October 17; waiting to hear back on the number of animals served.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING, OCTOBER 12, 2022;

- RESOLUTION 29-2022 LOCAL LAW TO OVERRIDE THE 2023 TAX CAP LIMIT
- RESOLUTION 30-2022 TO SET PUBLIC HEARING FOR LOCAL LAW #1 OF 2022 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C
- RESOLUTION 31-2022 TO MOVE THE TENTATIVE 2023 BUDGET TO A PRELIMINARY BUDGET

RESOLUTION 29-2022 LOCAL LAW TO OVERRIDE THE 2023 TAX CAP LIMIT

Resolution By: D. Delorme

Seconded By: D. Schmidt

WHEREAS, according to New York State’s Property Tax Cap legislation, if a town government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the town government must pass a resolution to override that cap, and;

WHEREAS, adopting said resolution is not predictive of the final tax cap but will provide the Erin Town Board flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the Town inadvertently out of compliance.

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

RESOLUTION 30-2022

RESOLUTION TO SET PUBLIC HEARING FOR LOCAL LAW #1 OF 2022 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

Resolution By: Resolution was tabled until more information on the date is provided.

Seconded By:

TOWN OF ERIN LOCAL LAW #1 OF 2022

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

Be it enacted by the Town Board of the Town of Erin as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Erin pursuant to General Municipal Law 3-C, and to allow the Town of Erin to adopt a budget for the fiscal year beginning January 1, 2023 and ending December 31, 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law 3-C.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-C, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by a vote of at least 60% of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Erin, County of Chemung, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law 3-C.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not affect, impair, or invalidate the remainder thereof, 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 judgement or order shall be rendered.

Section 4. Effective Date: This Local Law shall take effect.

Motion Carried: Ayes: Resolution was tabled until more information on the date is provided.

RESOLUTION 31-2022

RESOLUTION TO MOVE THE TENTATIVE 2023 BUDGET TO A PRELIMINARY BUDGET

Resolution By: M. Shutts

Seconded By: D. Delorme

RESOLVED to move the tentative 2023 Budget to a preliminary budget.

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

COMMITTEE REPORTS

Town Attorney-Supervisor Schmidt asked the Board to read over the solar moratorium for review at next months meeting.

Planning Board-Supervisor Schmidt gave the report-Deda Cedar was out sick- Laviola pulled his permit application until May. The Peet/Lawson/Westervelt subdivision was sent to the County Planning Board for their meeting on October 27. They will recommend approval as they will have no impact on anything. Planning Board completed step 1 and 2 of the SEQR Path for the solar moratorium. Step 3 is a Coordinated Review so letters will need to go out to all towns and border the Town of Erin, not sure about the Health Department or Highway Departments. This will also have a public hearing and then go to the County Planning Board for a review. Per Supervisor Schmidt, the sample letter provided by Deda for the adjoining towns does not make sense regarding who the lead agency would be. The Board will review the moratorium and discuss it at next month's meeting.

Parks, Recreation and Senior Committee-Supervisor Schmidt gave the report-Deda Cedar was out sick- Halloween party October 22nd @ 6:00 PM at the Erin Fire Station.

Code Enforcement-John McCracken- The Town needs to adopt Part 1203 of the State of NY Uniform Code by the end of December with the new updates made by the state. It will be ready for next month's meeting. He will talk with the Town Attorney regarding 911 numbers and vacant properties to see if it is a legal residence if there is no house. NYSEG will not run electric without a 911 number. Code is running Windows 98 and IT will not touch the computer if it goes down. He is going to ask the City to help locate grants for software. He will also check with shared services. Also looking into a grant for archives to digitalize code files, plans, etc.

Highway Superintendent-Steve Tyler- They have been trimming trees, fixing chatters and washes on the hills. Two coats of oil and stone were put on Jackson Creek Road. They have been hauling in gravel and antiskid. The signs on Greenbush Road have been replace to read N. Greenbush Road.

Steve checked on the spelling of Rodburn Place and back in November of 1994 it was changed from 223 to Rodburn Place and Rodburn is the correct spelling and was accepted by the Town.

Buildings and Grounds- Deputy Supervisor Delorme met with Bob Murray, the project manager for the HVAC system, regarding lighting outside. The lighting was updated when the siding was put on the building and they are already clouded. The court room lights need to be replaced. This will all be part of the upgrade to the building. There was a discussion on the bidding process, prevailing rate, and the drawings; Deputy Supervisor Delorme will follow up with Bob Murray for clarification. The options to repair the driveway in front of the Town Hall were discussed. The boiler is up and running and should work fine.

County Representative-Mark Margeson- Getting ready to work on the budget. Senator O'Mara gave the report on the state last night. There are many challenges. Not a good summary as to what is going on in the state.

Supervisor-Dawn Schmidt- Sheriff Department sent report for September. There were 34 blotters assigned; 2 generated cases, 4 tickets, 6 traffic stops, and 1 assistance with either code enforcement, police or DEC. Mark Margeson will get in touch with Sheriff Department to have more presence in the area due to speeding on Route 223.

HEARING OF THE PUBLIC

Donna Vergason-Laurel Hill- Came to follow up on a quote from Clearview Excavating for the split rail fence and bleachers at the park. The Town Attorney will need to draft an agreement between the Town and the Fire Department.

A motion was made by D. Schmidt and seconded by W. VanRiper, Jr. to accept the quote from Clearview Excavating for a split rail fence and to repair bleachers at the Town Park, not to exceed \$3,043.00, with the dirt being cleaned up by the pavilion to be included in the price to be completed by the end of November.

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

With no further comment 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 6:53 PM. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.