

December 11, 2024
Town of Erin Board Meeting

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

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

MEMBERS EXCUSED: Randy Evans and Alan Hughson.

PUBLIC PRESENT: Harold & Maureen Spencer, Joe & Cindy Frega, Gary Ratchford.

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

A motion was made by M. Shutts and seconded by W. VanRiper, Jr. to pay the audited bills as they appear on the General Fund Abstract 12, #162-183, totaling \$10,443.60; and the Highway Fund Abstract 12, #179-198, totaling \$18,440.14.

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

A motion was made by W. VanRiper, Jr. and seconded by M. Shutts to dispense with the reading of the minutes from the Public Hearing and regular Board Meeting on November 13, 2024 and approve the minutes.

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

AGENDA FOR THE TOWN OF ERIN BOARD MEETING DECEMBER 11, 2024;

1. RESOLUTION 47-2024 APPOINTING TOWN ATTORNEY
2. RESOLUTION 48-2024 APPOINTING ANIMAL CONTROL SERVICES
3. RESOLUTION 49-2024 APPOINTING A MEMBER TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW
4. RESOLUTION 50-2024 APPOINTING A MEMBER TO THE TOWN OF ERIN PLANNING BOARD
5. RESOLUTION 51-2024 TO SET TIME FOR 2024 YEAR-END & ORGANIZATIONAL MEETING
6. RESOLUTION 52-2024 APPOINTING HIGHWAY SUPERINTENDENT
7. RESOLUTION 53-2024 APPOINTING DEPUTY HIGHWAY SUPERINTENDENT
8. RESOLUTION 54-2024 APPOINTING BUILDING/CODE ENFORCEMENT OFFICER
9. RESOLUTION 55-2024 TO APPROVE SHARED SERVICES AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION
10. RESOLUTION 56-2024 FOR SPECIAL PERMIT FOR SUBDIVISION ZONING DISTRICT AR-1 DISTRICT (AGRICULTURAL-RESIDENTIAL) FOR HERFORTH
11. RESOLUTION 57-2024 FOR SPECIAL PERMIT FOR SUBDIVISION ZONING DISTRICT AR-1 DISTRICT (AGRICULTURAL-RESIDENTIAL) FOR CHIRSTMAS AND ASSOCIATES

RESOLUTION 47-2024

RESOLUTION APPOINTING TOWN ATTORNEY

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

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, 2025 to December 31, 2025.

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

RESOLUTION 48-2024

RESOLUTION APPOINTING ANIMAL CONTROL SERVICES

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

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, 2025 to December 31, 2025.

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

RESOLUTION 49-2024

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

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

RESOLVED that Josh Benjamin, 988 Breesport Road, Erin, NY, 14838 be reappointed 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, 2024 to September 30, 2029.

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

RESOLUTION 50-2024

RESOLUTION TO REAPPOINT A MEMBER TO THE ERIN PLANNING BOARD

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED that Steve Shutts, 65 Fairview 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, 2025 to December 31, 2029.

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

RESOLUTION 51-2024

RESOLUTION TO SET TIME FOR 2024 YEAR-END MEETING & ORGANIZATIONAL MEETING

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

RESOLVED THAT the Erin Town Board will hold the 2024 Year End Meeting, Organizational Meeting and regular Board Meeting on January 8, 2025 at 6:00 PM at the Erin Town Hall. The regular Board meeting will immediately follow.

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

RESOLUTION 52-2024

RESOLUTION APPOINTING HIGHWAY SUPERINTENDENT

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

RESOLVED that Steve Tyler, 1905 Railroad Street, Pine Valley, NY 14872 be appointed to the position of Highway Superintendent for the Town of Erin for a period of two (2) years with such term commencing on January 1, 2025 to December 31, 2026.

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

RESOLUTION 53-2024

RESOLUTION APPOINTING DEPUTY HIGHWAY SUPERINTENDENT

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

RESOLVED that Harold Spencer, 1320 Breesport Road, Erin, NY 14838 be appointed to the position of Deputy Highway Superintendent for the Town of Erin for a period of two (2) years with such term commencing on January 1, 2025 to December 31, 2026.

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

RESOLUTION 54-2024

RESOLUTION APPOINTING BUILDING/CODE ENFORCEMENT OFFICER

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

RESOLVED that John D. McCracken II, 15 Shamrock Drive, Erin, NY 14838 be appointed to serve as Building/Code Enforcement Officer for the Town of Erin for a period of two (2) years with such term commencing on January 1, 2025 to December 31, 2026.

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

RESOLUTION 55-2024

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

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

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 for a period of four (4) years from December 11, 2024 to December 10, 2028.

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

RESOLUTION 56-2024

RESOLUTION FOR SPECIAL PERMIT FOR SUBDIVISION ZONING DISTRICT AR-1 District (Agricultural-Residential)

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

WHEREAS, the Town of Erin received an application from Theodore and Onolea Herforth for a Special Permit to subdivide a parcel of vacant land. LOCATION: next to 1584 Breesport-North Chemung Road, Erin, NY, tax map parcel no part of 61-0-1-1. and

WHEREAS, the subject property is located AR-1 District (Agricultural-Residential). As defined by Local Law No 10-1992 and

WHEREAS, this special permit application was referred to the Planning Board to make a recommendation to the Erin Town Board on this special permit; and WHEREAS, and The Town of Erin Planning Board recommends approval of the subdivision.

WHEREAS, the application was submitted to the Chemung County Planning Board pursuant to General Municipal Law § 239-m on November 4, 2024,

WHEREAS, on November 21, 2024, the Chemung County Planning Board reviewed the application and found that there is no significant county wide impact; and

WHEREAS, the Town of Erin Planning Board held a public hearing on the Special Permit application on October 28, 2024 at which time the public was permitted to provide comments; and

WHEREAS, no speakers provided comments and be it

RESOLVED, that the Erin Town Board grants/denies the Special Permit of Theodore and Onolea Herforth to sell a 8.085 acre parcel of vacant land, for the purpose of selling the parcel to a continuous neighbor next to 1584 Breesport-North Chemung Road, Erin, NY, tax map parcel no part of 61-0-1-1. Motion Carried: Ayes: W. VanRiper, Jr., M. Shutts, D. Schmidt. Nays: None.

RESOLUTION 57-2024

RESOLUTION FOR SPECIAL PERMIT FOR SUBDIVISION ZONING DISTRICT AR-1 District (Agricultural-Residential)

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

WHEREAS, the Town of Erin received an application from Christmas and Associates, Inc from Camden, New York a Special Permit to subdivide a parcel of vacant land. LOCATION: on Marsh Road. with the back of the parcel boarding the Palmer Road, Erin, NY, tax map parcel no 063.0-1-30.002. and

WHEREAS, the subject property is located AR-1 District (Agricultural-Residential). As defined by Local Law No 10-1992 and

WHEREAS, this special permit application was referred to the Planning Board to make a recommendation to the Erin Town Board on this special permit; and

WHEREAS, and The Town of Erin Planning Board recommends approval of the subdivision.

WHEREAS, the application was submitted to the Chemung County Planning Board pursuant to General Municipal Law § 239-m on November 4, 2024,

WHEREAS, on November 21, 2024, the Chemung County Planning Board reviewed the application and found that there is no significant county wide impact; and

WHEREAS, the Town of Erin Planning Board held a public hearing on the Special Permit application on October 28, 2024 at which time the public was permitted to provide comments; and

WHEREAS, no speakers provided comments and be it

RESOLVED, that the Erin Town Board grants/denies the Special Permit of Christmas and Associates, Inc from Camden, New York to subdivide a 63 Acre parcel of vacant land into 8 lots.

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

COMMITTEE REPORTS

Town Attorney- Proposed solar law was sent for Board to review. The next step is to move to public hearing.

RESOLUTION 58-2024

RESOLUTION TO SET PUBLIC HEARING FOR LOCAL LAW NO. 1 OF 2025 FOR SOLAR ENERGY SYSTEMS IN THE TOWN OF ERIN

Resolution By: W. VanRiper, Jr.

Seconded by: M. Shutts

BE IT RESOLVED, that the Town of Erin schedules a Public Hearing on Local Law No. 1 of 2025 for solar energy systems in the Town of Erin on January 8, 2025 at 5:30 pm at the Erin Town Hall immediately followed by the January Organizational and Town Board meetings.

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

Planning Board-Deda Cedar- They are working on procedure for special permits. The Board was given copies of the original and the revised versions of the procedures. It has not been to the attorney yet; Deda wanted the input of the Board prior to sending it. Board is to review and get comments back to Town Clerk before the January meeting. They will not have a meeting in December.

Parks, Recreation, and Senior Committee-Deda Cedar- The Christmas party will be 12/14 at 6:00 pm with crafts and food and everyone is invited. Joe Frega is taking over Wood Fest. Joe was also advised to speak with Council Member VanRiper, Jr. prior to any work being done at the Park. Joe Frega reported that the October Wood Fest meeting had 5 people and there are 6 new people that are interested in helping out. Wood Fest will be 5/30-6/1. Steve Shutts will continue handling the grant applications and Melody Shutts will continue with the accounting. Trying to bring up the number of carvers to 20.

Gary Ratchford reported on the Senior Group-The Christmas party was at the fire station and was catered by Curly's. There was a secret Santa and almost 50 people attended. Elections were done and Kathy Broom and Gary Ratchford will be co-chairs, Roger Smith is treasurer and Deda Cedar will be secretary. The next Senior Meeting will be on New Year's Day.

Code Enforcement-John McCracken- The property on Fairview has been cleaning up the pallets after the fire. Trying to get in touch with the insurance company to let them know the house needs to be demoed. He is working with the attorney on that. A lien will be put on the insurance money and it will not be paid out until the Town is reimbursed. Talked about campers and having the definition in the zoning for seasonal campsites better defined. Need to have the number of campers allowed on a property and whether they are being used for camping or for storage. Issued a certificate of occupancy for a new home. A few new homes are in the works. Has been contacted by a few people who purchased lots on North Greenbush. No permanent homes have been scheduled yet. Every lot has been sold or pending. The new code cycle will be next year and he heard there will be a lot of changes in the new code.

Highway Superintendent-Steve Tyler – Since the last meeting they have been cleaning up trees, etc. after the storms. They have been working on equipment and plowing and cindering roads as needed. They took a load of scrap metal down and Steve has \$427.00 for the Board. The three (3) trucks that were on the auction site all sold for an approximate total of \$10,600.00. Two (2) of the trucks were picked up and the other is supposed to be picked up later this week. Once they are all picked up, Steve will call and have them removed from the insurance. Steve wished everyone a Merry Christmas.

Joe Frega asked Steve about the cost to stone the walking trail. Cost of stone is about \$18/ton without trucking and \$26/ton with trucking. Also questioned the stop sign at Rodburn and Church. He was told that the paperwork was turned in and we are waiting to hear back from the State. Steve will follow up.

Chemung County Representative-Mark Margeson- Not at meeting.

Supervisor-Dawn Schmidt- The City of Elmira has asked the Town to write a support letter to apply for a NYS Ag and Markets companion animal grant in order to build a new animal shelter in the City of Elmira.

A motion was made by W. VanRiper for Supervisor Schmidt to write a letter in support of the City of Elmira to apply for a NYS Ag and Markets grant to build a new animal shelter.

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

Comp Alliance, which is the municipal insurance, sent a loyalty check back for \$500.00 that will be deposited into the account. Talked with Steve Tyler about signing the paperwork for the battery disconnect for the insurance company. The Town Clerk will submit the paperwork. Sheriff Department sent report for November. There were 26 incident reports, 6 traffic stops, and 2 accident.

HEARING OF THE PUBLIC

Harold Spencer-1620 Breesport Road-He has something for the Town Board before they leave tonight.

Gary Ratchford- Jennifer Bates said the calendars will be ready next week. They are \$10.00 each.

Howard VanSkiver-498 Thayer Road-Asked about solar guidelines. He was given a copy of the proposed solar law to review.

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.