

May 14, 2025
Town of Erin Board Meeting

Supervisor Schmidt called the regular meeting of the Erin Town Board to order on this date at 6:33 pm. She then asked the Clerk to call the roll.

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

MEMBERS EXCUSED: Randy Evans.

PUBLIC PRESENT: Mark Margeson, Gary Ratchford, Richard & Gladys Sokolowski, David Bonyak, Barbara Martin, Joe & Cindy Frega.

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 5, #56-71, totaling \$12,417.61; and the Highway Fund Abstract 5, #67-86, totaling \$64,446.45; and the Street Lighting Fund Abstract 5, #65, totaling \$137.60.

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

A motion was made by W. VanRiper, Jr. and seconded by A. Hughson to dispense with the reading of the minutes from the Public Hearing and regular Board Meeting on April 9, 2025 and approve the minutes.

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

COMMUNICATIONS

- Reminder of the tire and e-cycling event on Saturday from 9:00 to 11:00.
- A letter was received from Christopher Cox in regards to 74 Palmer Road requesting a portion of the road be returned to personal property.
- An email was received from the Town of Veteran in regards to their solar law.
- Steve Tyler submitted a letter of retirement to the Town Board.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING MAY 14, 2025;

1. RESOLUTION 23-2025 ESTABLISHES THE STANDARD WORK DAY FOR EMPLOYEES FOR NYS RETIREMENT SYSTEM
2. RESOLUTION 24-2025 ESTABLISHES THE STANDARD WORK DAY FOR EMPLOYEES FOR ELECTED AND APPOINTED OFFICIALS FOR NYS RETIREMENT SYSTEM
3. RESOLUTION 25-2025 LEAD AGENCY DESIGNATION AND NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE DECLARATION-SOKOLOWSKI
4. RESOLUTION 26-2025 APPOINT IAN HOLLENBECK TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW AS A SUBSTITUTE MEMBER
5. RESOLUTION 27-2025 TO ADOPT INTERMUNICIPAL AGREEMENT BETWEEN TOWN OF ERIN AND CITY OF ELMIRA FOR SHARED CODE ENFORCEMENT SERVICES
6. RESOLUTION 28-2025 TO SET PUBLIC HEARING FOR ORDINANCE NO. 2 OF 2025 AN ORDINANCE TO ERECT A STOP SIGN ON CHURCH STREET AND ROXBURN PLACE FACING EAST AND ERECT STOP SIGN ON CHURCH STREET AND ROXBURN PLACE FACING WEST IN THE TOWN OF ERIN
7. RESOLUTION 29-2025 SETTING THE SALARY OF ASSESSOR
8. RESOLUTION 30-2025 TO ACCEPT HIGHWAY SUPERINTENDENT'S RETIREMENT
9. RESOLUTION 31-2025 APPOINTING A NEW HIGHWAY SUPERINTENDENT

10. RESOLUTION 32-2025 TO HIRE A HIGHWAY EMPLOYEE THIS SUMMER

RESOLUTION 23-2025

ESTABLISHES THE STANDARD WORK DAY FOR EMPLOYEES FOR NYS RETIREMENT SYSTEM

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

Be it resolved, that the Town of Erin hereby establishes standard work days for its employees and will report days worked to the New York State and Local Employees Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the bookkeeper of the Town of Erin.

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

RESOLUTION 24-2025

ESTABLISHES THE STANDARD WORK DAY FOR EMPLOYEES FOR ELECTED AND APPOINTED OFFICIALS FOR NYS RETIREMENT SYSTEM

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

Be it resolved, that the Town of Erin hereby establishes standard work days for elected and appointed officials to the New York State and Local Employees Retirement System.

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

RESOLUTION 25-2025

Lead Agency Designation and Negative Declaration of Environmental Significance Declaration for Sokolowski

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

WHEREAS; The proposed action involves an application from Richard & Gladys Sokolowski of 214 Lesky Road, Horseheads NY 14845 (Map Parcel No 31.00-1-20); and,
and

WHEREAS; The proposed project requires a Special Use Permit from the Erin Town Board and is a Type II action pursuant to the New York State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617, and

WHEREAS; A short Environmental Assessment Form, Part 1 was submitted by the applicant, along with application materials, and

WHEREAS; in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. and

WHEREAS; The Town of Erin Planning Board has reviewed the Short Environmental Assessment Form (SEAF) for the action dated 3/7/2023 as submitted by Richard Sokolowski: and

Whereas; The Town of Erin Planning Board did hold a preliminary SEQR review on March 24, 2025.

WHEREAS; The Erin Town Board as Lead Agency, has reviewed the preliminary SEQR findings of the Town of Erin Planning Board, and determined that the proposed action described below will not have a significant effect on the environment.

Now Therefore Be It Resolved, that the Erin Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached SEAF and Negative Declaration and authorizes the Responsible Officer of the Town Board of the Town of Erin is hereby authorized and directed to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action. 617.7 State Environmental Quality Review (SEQR) Negative Declaration Notice of Determination of Nonsignificance.

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

RESOLUTION 26-2025

APPOINT IAN HOLLENBECK TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW AS A SUBSTITUTE MEMBER

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

WHEREAS, if a BAR member is not able to be at grievance; and

WHEREAS, Town of Erin resident Ian Hollenbeck has shown an interest in this position; therefore, be it

RESOLVED, that on this day, March 14, 2025, the Town Board of the Town of Erin appoints Town of Erin resident Ian Hollenbeck to fill in as a Town of Erin Board of Assessment Review member effective immediately.

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

RESOLUTION 27-2025

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

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2025 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, 2025 and shall expire on September 1, 2025 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, 2025 to September 1, 2025.

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. 2025 - 116

TOWN OF ERIN, NEW YORK

By: _____
Dawn Schmidt/Supervisor
Resolution No. 2025 - _____

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

RESOLUTION 28-2025

RESOLUTION TO SET PUBLIC HEARING FOR ORDINANCE NO. 2 OF 2025 AN ORDINANCE TO ERECT A STOP SIGN ON CHURCH STREET AT INTERSECTION OF CHURCH STREET AND RODBURN PLACE FACING EAST AND ERECT STOP SIGN ON CHURCH STREET AND RODBURN PLACE FACING WEST IN THE TOWN OF ERIN

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED, that the Town of Erin Town Board hereby schedules a Public Hearing for June 11, 2025 at 6:00 pm at the Town of Erin Town Hall located at 1138 Breesport Road, Erin, NY 14838 to receive public comment for the proposed Ordinance No. 2 of 2025, an ordinance to erect a stop sign on Church Street at intersection of Church Street and Rodburn Place facing east and to erect a stop sign on Church Street and Rodburn Ext facing west in the Town of Erin.

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

RESOLUTION 29-2025

RESOLUTION SETTING THE SALARY OF ASSESSOR

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED, that Karen Hall, 73 Briggs Hill Road, Nichols, NY 13812, acting Town of Erin Assessor, shall have an annual salary of \$10,000.00 and it shall be made payable monthly by direct deposit.

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

RESOLUTION 30-2025

RESOLUTION TO ACCEPT HIGHWAY SUPERINTENDENT'S RETIREMENT

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED, the retirement of Steve Tyler from the position of Town of Erin Highway Superintendent, effective July 31, 2025, was accepted by the Town of Erin Town Board.

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

RESOLUTION 31-2025

RESOLUTION APPOINTING A NEW HIGHWAY SUPERINTENDENT

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED that Harold Spencer, 1320 Breesport Road, Erin, NY 14838 be appointed to the position of Highway Superintendent for the Town of Erin with such term commencing August 1, 2025 to December 31, 2025.

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

RESOLUTION 32-2025

RESOLUTION TO HIRE A FULL TIME HIGHWAY EMPLOYEE THIS SUMMER

Resolution By: W. VanRiper, Jr.

Seconded By: M. Shutts

BE IT RESOLVED that the process to hire and fill the open position of Highway employee will be completed this summer.

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

COMMITTEE REPORTS

Town Attorney- No report. The Board will have her finalize the wording for the resolution regarding Christopher Cox/Palmer Road request.

Planning Board- Deda Cedar- The Sokolowski permit is ready to be approved. The County did not have an issue with it and the Erin Planning Board recommends accepting it. Nothing on the property will change except for ownership.

A motion was made by W. VanRiper, Jr. and seconded by M. Shutts to approve the special use permit by Richard and Gladys Sokolowski at 214 Lesky Road, the County Planning Board approved and the Erin Planning Board made the recommendation to approve the permit.

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

They are working on the Benjamin permit. The public hearing will be on 5/19 (the meeting has been moved due to the holiday). They should have something to present next month regarding campers. They are going with the State law with a lower number of campers allowed. Working on wording and definitions for private lots. They would still require a permit.

Parks, Recreation and Senior Committee-Deda Cedar- The food truck is this Friday and volunteers are always welcome. In April, 201 signed up and 198 showed up. Sewing classes have about 4 people and they are making pajamas and purses.

Joe Frega- There will be 12 carvers at Wood Fest. Milton Cat out of Rochester can provide remote power to avoid individual generators being used. It would run campers and hand tools. There would be less noise than individual generators but would run 24/7. Per John McCracken, it would need a 3rd party inspection and he suggested Fred Fitch. This process would help get power to the Park. The total cost would be about \$1500. The Board approved the request to have remote power for Wood Fest. Would also like to have the picnic tables moved out from under the pavilion and put on stall mats. The mats would cost under \$600.00. Would like to put crushed stone under the pavilion. The Board is okay with the picnic tables being moved. The Wood Fest meetings have about 10 people in attendance. Joe also thanked Mark Margeson for the grant that was approved. The Park is being used for kickball and little league will be holding practice there.

Gary Ratchford reported on the Senior Group- There were 29 present at the last meeting with a few new faces. There will be a group picnic with Van Etten 7/9 at Park Station or the pond in Van Etten. There is a bus trip 6/14 to the Susquehanna River with a stop at the turkey ranch for dinner. There are 37 currently signed up with quite a few still interested.

Code Enforcement-John McCracken- Continuing the Town wide clean up. There are 6-7 new houses planned, but have not been started. Most of North Greenbush sites have been sold. Nothing has to be done with the road as of now.

Highway Superintendent-Steve Tyler- Since the last meeting they have been cleaning up after storms when needed, cleaning ditches and have finished sweeping roads in the hamlet and oil and stone roads. They took truck #7 to Tracy Road Equipment the EGR valve was leaking and the radiator had a hole in it so they will be replacing those. The Hometown Hero flags were put up yesterday. They found an old stripped camper abandoned on the seasonal part of Bartlett Road. They disassembled the rest of it and took it to the milling station which cost the Town \$82.50. They reported it to the Sheriffs Dept and gave a statement. They took two (2) loads of metal to the scrap yard and Steve has \$737.30 for the Board. He checked on the playground equipment, it can be painted with water-based paint.

Buildings and Grounds- Councilmember VanRiper, Jr.- They are moving forward with the gutters and will have more information at the June meeting.

County Representative- Mark Margeson- The check for Wood Fest was approved on Monday and should be received soon. It was agreed that Steve Tyler and Harold Spencer will now contact Mark directly and he will contact the Sheriff Department regarding the garbage issues.

Supervisor-Dawn Schmidt- The April police report was received and there were 42 incident reports, 10 uniform traffic tickets, 12 traffic stops, 1 misdemeanor arrest and 1 DWI arrest.

HEARING OF THE PUBLIC

Joe Frega- 6 Church St- There will be a Memorial Day parade float in the Horseheads parade. They will be meeting at the Horseheads High School at 1:00 pm for anyone interested.

John McCracken- Questioned if the stone and oil on Shamrock Drive was breaking down. There are patches of stones missing. Steve will look into it tomorrow. Vestal did the work and he will check on the warranty.

Harold Spencer- He rented the excavator to right the stone in the cemetery and took down a tree in Austin Hill Cemetery.

Gary Ratchford- There is a benefit chicken BBQ dinner for TJ Swartout on 6/21 at the Van Etten VFW on Wyncoop Creek Road from 12:00 -5:00 pm it's \$12/person with gun raffle, 50/50 and gift baskets.

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 7:23 pm. Motion Carried: Ayes: W. VanRiper, Jr., A. Hughson, M. Shutts, D. Schmidt. Nays: None.