

March 8, 2023
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, Daniel Delorme, Michael Shutts, Dawn Schmidt.

PUBLIC PRESENT: Neil Vesek, Paul & Halie Saunders, Robert Romine, Adam Zufell, Gayle & Darrell Ackerman, Kathy Broome, Martin Wayen, Maureen Spencer, Sharon & Brian Tyson, Maria Armino.

A motion was made by R. Evans and seconded by W. VanRiper, Jr. to pay the audited bills as they appear on the General Fund Abstract 3, #27-42, totaling \$7,764.58; and the Highway Fund Abstract 3, #24-43, totaling \$75,070.73; and the Street Lighting Fund Abstract 3, #27, totaling \$775.92.

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

A motion was made by R. Evans and seconded by M. Shutts to dispense with the reading of the minutes from the regular Board Meeting on February 8, 2023 and the Public Hearing Meeting on February 27, 2023 and approve the minutes.

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

COMMUNICATIONS

- Town Clerk asks permission to attend the NYS Town Clerks Annual Conference held in Syracuse April 23-26, 2023 for training. The registration fee is \$125.00 and the room fee is \$574.50 for double occupancy. She asks for reimbursement for meals not covered. No reimbursement should be needed for mileage as arrangements have been made to ride with another clerk.

Motion was made D. Schmidt and seconded by W. VanRiper, Jr. for the Clerk to attend the above-mentioned training and to be reimbursed for mileage, if needed, and meals not covered.

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

Council Member Delorme spoke about doing another e-cycling event with React E-cycling on Saturday, April 8, 2023 from 9:00 am to 12:00 pm at the Town Hall. A list of accepted items will be posted on the Town website and available at the Town Hall. The tire collection day will be on the same day.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING MARH 8, 2023;

1. RESOLUTION 24-2023 TO ADOPT LOCAL LAW NO. 1 OF 2023 ENACTING A SIX (6) MONTH MORATORIUM ON LOCAL SOLAR ENERGY SYSTEMS

RESOLUTION 24-2023

RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2023 ENACTING A SIX (6) MONTH MORATORIUM ON LOCAL SOLAR ENERGY SYSTEMS

Resolution By: W. VanRiper, Jr.

Seconded By: R. Evans

LOCAL LAW NO. 1 OF THE YEAR 2023

A LOCAL LAW ENTITLED LOCAL LAW NO. 1 OF THE YEAR 2023, A TEMPORARY 6-MONTH MORATORIUM ON THE DEVELOPMENT OF LARGE SCALE SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF ERIN.

WHEREAS, the Town of Erin wishes to enact a local law to establish a 6-month moratorium in order to allow the Town of Erin to properly plan for any development related to large scale solar energy systems within the Town of Erin; and

WHEREAS, the Town of Erin, as part of its planning in preparation for this potential development in the Town of Erin, wishes to review its current zoning laws and comprehensive plan in relation to said potential development; and

WHEREAS, the Town of Erin Planning Board and the Chemung County Planning Board have reviewed and approved Local Law No. 1 of 2023; and

WHEREAS, this proposed Local Law No. 1 of 2023 to provide for a temporary 6-month moratorium for any potential development related to large scale energy solar systems within the Town of Erin, thereof in its final form having been upon the desks of members of the Board for at least seven (7) calendar days, exclusive of Sunday, prior to this day, and a public hearing having been duly held on Monday, February 27, 2023, before the Board upon public notice provided by law, and the said proposed Local Law having been read in its final form at this meeting;

LOCAL LAW NO. 1 OF 2023

LOCAL LAW NO. 1 OF THE YEAR 2023, A TEMPORARY 6-MONTH MORATORIUM ON THE DEVELOPMENT OF LARGE SCALE SOLAR ENERGY SYSTEMS WITHIN THE TOWN OF ERIN.

NOW, THEREFORE,

BE IT RESOLVED, that said proposed Local Law No. 1 of 2023 for the Town

of Erin to provide a temporary 6-month moratorium for the development of any large scale solar energy systems within the Town of Erin, is hereby adopted and enacted, to wit:

Section 1. Title.

This local law shall be known as “Local Law No. 1 of the Year 2023, A Temporary 6-Month Moratorium on Development of Large Scale Solar Energy Systems Within the Town of Erin.”

Section 2. Legislative Intent.

- A. It is the intent of this local law to impose a 6-month moratorium for any development or installation of large scale solar energy systems which produces energy for offsite sale or consumption as defined herein within the Town of Erin. The Town imposes a temporary 6-month moratorium on the issuance of building permits, special use permits, variances, site plan approvals, or any related review pursuant to a request for such solar energy systems within the Town of Erin.
- B. The purpose of this moratorium is to allow the Town of Erin to review its current zoning laws and comprehensive plan related to development for solar energy systems.
- C. In recent years, installation of solar energy systems on properties has become more popular due to tax incentives and provider options. The Town recognizes the importance of the use of this alternate clean type of energy and its potential to provide another source of energy use for residents. The Town seeks to preserve and protect the aesthetic and natural resources of the Town and property values while understanding the impact this type of development will have on land use for

the overall benefit of the Town.

D. During the period for this moratorium, the Town Board intends to suspend land use regulations in the Town of Erin which conflict with the effect and intent of this local law.

E. The Town Board finds pursuant to 6NYCRR 617.5(c) (30) that the adoption of a moratorium of land development or construction is a Type II action under the New York State Environmental Quality Review Act (“SEQR”) which has been determined to not have a significant impact on the environment.

Section 3. Definitions.

Large Scale Solar Energy System.

Structures, facilities, systems, and/or equipment, or any combination thereof, including but not limited to, solar panels and the associated hardware used to collect, absorb, concentrate or direct solar energy for the purpose of offsite sale or consumption.

Section 4. Scope of Controls.

For a period of 6 months from the effective date of this Local Law, the Town Board, Planning Board, Zoning Board of Appeals, and the Code (Zoning) Enforcement Officer shall not permit, accept, process, interpret, deliberate upon or approve any application for the installation or development of Large Scale Solar Energy Systems, as defined herein, except as set forth in Section 5 of this Local Law.

Section 5. Relief from Provisions of This Local Law.

Should any owner of property affected by this local law suffer any unnecessary hardship and seek relief from this moratorium to enable such owner to obtain a permit for activity

otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be taken under the procedural provisions of the existing Town of Erin zoning law in relation to appeals and shall be subject to a public hearing before the Town Board in accordance with these same procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board, upon competent evidence that an unjust result and extraordinary hardship would occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town. The unnecessary hardship shall not be the delay in the application process created by this local law.

Section 6. Penalties.

A. Any person, firm, entity, or corporation that shall construct, reconstruct, relocate, enlarge, or alter any building or structure in violation of the provisions of this local law, or otherwise violate any provisions of this local law, shall be guilty of a violation and subject to a fine not less than \$250.00 and not more than \$1,000.00, or imprisonment for a term not to exceed fifteen (15) days, or both. Each day the violation continues shall be a separate offense.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

Section 7. Enforcement.

This local law shall be enforced by the Code Enforcement Officer of the Town of Erin.

Section 8. Authority.

This moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rules Law § 10.

Section 9. Supersession of the Town Law.

This local law is hereby adopted pursuant to Municipal Home Rules Law § 10. It is the intent of the Town Board, pursuant to Municipal Home Rules Law to supersede the following provisions of the New York State Town Law as it relates to zoning and planning determinations under Town Law § 274-a, § 274-b, § 267-a, § 267-b, § 276, and § 277.

Section 10. Inconsistent Laws.

All laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 11. 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 6. Effective Date.

This local law shall take effect immediately upon filing with the New York State Secretary of State, and shall remain in force and effect for a period of six (6) months from the date of passage.

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

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

Council Member Delorme suggested looking into funding for the comprehensive plan through the Office of Renewable Energy Siting, the lead agency in the state. Supervisor Schmidt will talk with Chelsea to see if she can help out with that.

COMMITTEE REPORTS

Town Attorney- No report.

Planning Board- Deda Cedar- Several members will be taking the training on 4/6 at Corning Community College. They will be involved with the comp plan with STC.

Parks, Recreation and Senior Committee-Deda Cedar- The sewing class will be on 3/18 from 10-1 at the Town Hall. Vanessa Jewett offered to hold a CPR class for \$50/person with certification. Still waiting on a date. Donna Vergason's silo project will start sometime in May. Yoga class is going well. The Easter egg hunt will be held at Park Station. A certificate of insurance is required from the Town. There will be a game night for kids on 4/28 at the Town Hall. Deda emailed the New York Citizen Preparedness Corp and is waiting to hear back from them. The Senior Group had 28 people at the last meeting. Marj is putting a list of trips together to bring to next month's meeting. The Food Truck has been bumped up to 175 people. More volunteers will be needed. A senior trip reservation policy was written up so there is a better outline how it should be handled. A copy was given to the Board to review and approve.

Code Enforcement-John McCracken- He received a couple subdivision applications that are incomplete. He will contact the attorneys and have them completed for next month. He is still working on the new software. The data is being put into the new software this week and hopefully will be live next week. He will need a new computer for his office.

Deputy Highway Superintendent-Harold Spencer- They have been plowing and sanding as needed. They rented a sweeper for a month and started doing a few of the roads in town. They have been filling potholes when they can. Steve Tyler got one of the benches from the auction and will be looking for another one. Steve went to Albany today to advocate for more Chips money.

Buildings & Grounds- Council Member VanRiper, Jr. said they are coming together with the heating project. Have been talking about contractors and making a few changes. We do not have to do prevailing wage per Supervisor Schmidt due to ARPA money.

County Representative- Mark Margeson-There are expenditures with the ARPA money. Have been working on the incubator project and finishing the paperwork with the attorney. The project is to develop small businesses in the community; 58% of the businesses in Chemung County are 2-5-person businesses. There is also a Federally Qualified Health Center (FQHC) that will provide healthcare for this area that is not being met by Arnot or Guthrie is currently in the hands of the attorneys. They will eventually have a dental system as well. Looking at the fairgrounds to see if changes can be made to improve the services provided and expand the programs. In the Town of Horseheads, the BMX program won a state certified race and also a state race. Each one of those races will bring approximately 3,000

people to the community for a two (2) day event. The BMX program was rated #12 in the east coast last year. Sales tax revenue is up. Applications are open for non-profit tourism money. Suggests Wood Fest apply. Jen Furman is the newly appointed deputy under Chris Moss. There will be a run for the treasurer's position this year.

Supervisor-Dawn Schmidt- Clarified that the Federally Qualified Health Center is not a competition for Arnot or Guthrie. Both are in support of the system. There is a need for patient care that is pulling from the system at different reimbursable rates. The federally qualified system will allow more people to receive the same healthcare and be put back into the system at Arnot/Guthrie for specialty services. There will also be a mobile dental unit that will be fully dedicated to Chemung County for the first two (2) years of the five (5) year program. The goal is to have that active by the beginning of the fourth quarter this year. Out of almost \$1.7 million tax warrant, we are down to \$218,000.00 and still have 2.5 weeks left to collect taxes. Storm Water Coalition and Soil and Water parted ways under two (2) different leaderships. They provide the same services. Expects an intermunicipal agreement by the April meeting to continue to receive hands on technical service and equipment. The State has an article that they want to change councilmen to council member. A public hearing will need to be held to change the wording. Supervisor Schmidt recommends moving forward with the paperwork being drawn up for council member and set the public hearing next month. The Sheriff Department sent report for February. There were 17 blotters assigned; 1 case, 7 traffic tickets, 4 traffic stops and 2 traffic accidents.

Deputy Supervisor Delorme read his letter of resignation from the Town Board effective at the end of the meeting.

A motion was made by W. VanRiper, Jr. and seconded by M. Shutts to accept Deputy Supervisor Daniel Delorme's letter of resignation from the Erin Town Board effective at the close of tonight's meeting. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, M. Shutts, D. Schmidt. Recused: D. Delorme. Nays: None.

Supervisor Schmidt- Town Board can appoint someone until the end of the year. She recommended if anyone is interested to submit a letter of interest to the Town Clerk who will forward it to the Board. If someone is interested in running they will need to go through the formal process with the Board of Elections.

HEARING OF THE PUBLIC

Mark Margeson-85 Talerico Rd, Horseheads- Asked if, in this community, there is a process in place in the event of a catastrophic event. The Town of Erin has something in place, but is due to be updated.

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 7:16 pm. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, D. Delorme, M. Shutts, D. Schmidt. Nays: None.