

December 13, 2023
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., Randy Evans, Michael Shutts, Dawn Schmidt.

MEMBERS EXCUSED: Alan Hughson.

PUBLIC PRESENT: Charlene Bell, Gary Ratchford, Mark Margeson, Josh Blauvelt, Harold Spencer, Dan Delorme.

PRESENT ON ZOOM: Paul Saunders.

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 14, #192-221, totaling \$75,077.54; and the Highway Fund Abstract 14, #180-183, totaling \$281,312.67; and the Street Lighting Fund Abstract 14, #205, totaling \$358.53. 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 Public Hearing and regular Board Meeting on November 8, 2023 and approve the minutes.

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

COMMUNICATIONS

- Chemung County is having an electronics day, must call to register and receive a voucher. Call 607-426-3858 December 27th & 28th 8:00-2:00 and January 2nd & 3rd 8:00-2:00. Drop off date is January 8th to January 12th 9:00-3:00.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING DECEMBER 13, 2023;

1. RESOLUTION 41-2023 APPOINTING TOWN ATTORNEY
2. RESOLUTION 42-2023 APPOINTING ANIMAL CONTROL SERVICES
3. RESOLUTION 43-2023 REAPPOINTING A MEMBER TO THE TOWN OF ERIN BOARD OF ASSESSMENT REVIEW
4. RESOLUTION 44-2023 TO SET PUBLIC HEARING FOR LOCAL LAW #1 OF 2024 A LOCAL LAW TO ALLOW SNOWMOBILE USE AND ESTABLISH A SNOWMOBILE TRAIL THROUGH THE TOWN OF ERIN ON DESIGNATED ROADS
5. RESOLUTION 45-2023 TO SET TIME FOR 2023 YEAR-END & ORGANIZATIONAL MEETING
6. RESOLUTION 46-2023 LEAD AGENCY, NEGATIVE DECLARATION AND SPECIAL USE PERMIT FOR BRADLEY WENTWORTH SUBDIVISION

RESOLUTION 41-2023

RESOLUTION APPOINTING TOWN ATTORNEY

Resolution By: D. Schmidt

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, 2024 to December 31, 2024.

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

RESOLUTION 42-2023

RESOLUTION APPOINTING ANIMAL CONTROL SERVICES

Resolution By: R. Evans

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, 2024 to December 31, 2024.

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

RESOLUTION 43-2023

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

Resolution By: W. VanRiper, Jr.

Seconded By: R. Evans

RESOLVED that Carol Earl, 16 S. Greenbush 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, 2023 to September 30, 2028.

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

RESOLUTION 44-2023

RESOLUTION TO SET PUBLIC HEARING FOR LOCAL LAW #1 OF 2024 A LOCAL LAW TO ALLOW SNOWMOBILE USE AND ESTABLISH A SNOWMOBILE TRAIL THROUGH THE TOWN OF ERIN ON DESIGNATED ROADS

Resolution By: R. Evans

Seconded By: W. VanRiper, Jr.

Be it resolved, that the Town of Erin schedules a Public Hearing on Local Law #1 of 2024 to allow snowmobile use and establish a snowmobile trail through the Town of Erin on designated roads on January 10, 2024 at 5:45 pm at the Erin Town Hall immediately followed by the Year End, Organizational & Town Board meetings.

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

RESOLUTION 45-2023

RESOLUTION TO SET TIME FOR 2023 YEAR-END MEETING & ORGANIZATIONAL MEETING

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

RESOLVED THAT the Erin Town Board will hold the 2023 Year End Meeting, Organizational Meeting and regular Board Meeting on January 10, 2024 at 5:45 PM at the Erin Town Hall. The regular Board meeting will immediately follow.

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

RESOLUTION 46-2023

LEAD AGENCY, NEGATIVE DECLARATION AND SPECIAL USE PERMIT FOR BRADLEY WENTWORTH SUBDIVISION

Resolution By: D. Schmidt

Seconded By: W. VanRiper, Jr.

WHEREAS; The proposed action involves a special permit request from Bradley Wentworth to subdivide 1043.33 acres of property located on the North Greenbush road tax map parcel no 53.001-1-9.and

WHEREAS; A Full Environmental Assessment Form, Part 1 was submitted by Farm East-Bradley Wentworth, 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 Erin Town Board has reviewed the Full Environmental Assessment Form (FEAF) for the action dated 10/19/2023 as submitted by The Town of Erin Planning Board. And

WHEREAS; The Erin Town Board as Lead Agency, has determined that the proposed action described will not have a significant effect on the environment and is an unlisted action.

Now Therefore Be It Resolved, that the Erin Town Board adopts the findings and conclusions relating to probable environmental effects contained within the attached FEAF 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

The Planning Board reviewed SEQR, FULL ENVIRONMENTAL ASSESSMENT FORM PART 2 and discussed all eighteen (18) questions. The response to each question is as follows:

1. Impact on Land Proposed action may involve construction on, or physical alteration of, No, his plans are to sell off undeveloped lots so the only thing that will change at this time is lot lines.
2. Impact on Geological Features No, there will be no change to Geological Features
3. Impacts on Surface Water No, there will be no change to water surface at this time.
4. Impact on groundwater the proposed action may result in new or additional use of groundwater
5. Impact on Flooding No, the proposed action will not result in flooding.
6. Impacts on Air No, the proposed action has no impact on air quality.
7. Impact on Plants and Animals No, the proposed action will not result in a loss of flora or fauna.
8. Impact on Agricultural Resources No, the proposed action will not impact agricultural resources.
9. Impact on Aesthetic Resources No, the proposed action will not change the look of the neighborhood.

10. Impact on Historic and Archeological Resources No, there is no known historic or archaeological on the site.

11. Impact on Open Space and Recreation No, the proposed action may not result in a loss of recreational opportunities, lots are being sold as recreational lots.

12. Impact on Critical Environmental Areas No, the proposed action is not located within or adjacent to critical environmental areas.

13. Impact on Transportation, No, the proposed action there are no existing transportation systems along this road.

14. Impact on Energy No, the proposed action will not cause an increase in the use of any form of energy. Currently there are no public utilities to the properties.

15. Impact on Noise, Odor, and Light The proposed action will not result in an increase in noise, odors, or outdoor lighting.

16. Impact on Human Health The proposed action will not have an impact on human health from exposure

17. Consistency with Community Plans No, the proposed action is consistent with adopted land use plans.

18. Consistency with Community Character No, the proposed project is consistent with the existing community character.

The discussion of Part 2 of the SEQR, the Planning Board determined, based on the information and analysis above the proposed action will not result in any significant adverse environmental impacts. Motion Carried: Ayes: W. VanRiper, R. Evans, M. Shutts, D. Schmidt. Nays: None.

Question on road maintenance was brought up. Code Officer, John McCracken spoke with Town Attorney on the subject. As long as it is an existing road, the Town is responsible for the maintenance; any new roads off the subdivision would be the responsibility of the other party. A representative from Gutchess Lumber spoke on where the power ends. Whoever buys the lots after that will be responsible for bring power to it. The cost of bringing power out there is great. Six lots have power at the road frontage.

COMMITTEE REPORTS

Town Attorney- No report.

Planning Board-Deda Cedar- Mark Anvoots resigned from the Planning Board. The original vacancy expired this month. Mike Dipetta will be moved up in January at the Organizational Meeting. There will be two (2) alternate spots open again. Charlene Bell's special use permit will go to the County. There will not be a Planning Board meeting in December because it falls on Christmas.

Parks, Recreation, and Senior Committee-Deda Cedar- There were 42 people at the Senior Christmas party. It was catered by JD's. They ran short with some of the food, but everyone had a good time. The Town Christmas party was 12/9. There were 15 kids and 40 plus adults. Everyone that

attended seem to enjoy themselves. The next Committee Meeting will be the first Tuesday in January. Gary Ratchford added the Historical Society Meeting will be this Friday and the calendars are ready for distribution. They will be handing them out at the church breakfast on Saturday starting at 8:00 am and also at the fire department dinner at 4:00 pm that day.

Code Enforcement-John McCracken- He is closing out year end and starting the state report and will give information to the Assessor.

Highway Superintendent-Steve Tyler -Since the last meeting they have been plowing and cindering roads as needed, hauling anti-skid, cutting up fallen trees, trimming trees, cleaning ditches and working on equipment. The County has freed up \$2 million to give back to the municipalities in Chemung County based on road mileage. The Town of Erin will be receiving \$143,980.00. The truck paperwork is completed and should have it within the next couple of weeks. They got the payload last week. The Chips paperwork has been filed.

Chemung County Representative-Mark Margeson- Councilmember VanRiper, Jr. would like money from the County to redo the flooring at the Town Hall. The County budget was passed. County Executive allowed them to utilize additional sales tax revenue for municipalities based on road mileage. There are 145 vacancies in the County. The executive and legislative branches are working much better together; they are both more involved. The nursing facility will be a challenge this year. The foreclosure properties are an issue. In the past, the County has been able to sell the properties that have not had their taxes paid for a period of time, take care of the taxes and then the balance goes to the County. That is no longer the case. It now goes into an escrow account due to a lawsuit. Now, any house that goes into foreclosure that the County has to take care of and it is sold, the money goes into an escrow account and it sits there until the state figures out what to do. They are working with the fire department to get the service system taken care of and fix the parking lot issues. Trying to get things back in order.

Supervisor-Dawn Schmidt- The results of the election are confirmed. Both Councilmember Evans and Councilmember VanRiper, Jr. were reelected for 4 years and 2 years respectfully. Supervisor Schmidt and the Town Clerk have been working with NYSEG to upgrade the street lighting in the Hamlet. Waiting to see what the unexpired light cost will be before moving forward with the project. The Board received a draft copy of the Comprehensive Plan. There will be another meeting 1/11 to present to the public. It will then be revised, have another meeting to review final revisions before it is presented to the Board and it will then go to the County. The surveys go directly to STC when they are submitted. Sheriff Department sent report for November. There were 27 blotters assigned; 2 generated cases, 1 ticket, 2 traffic stops, and 1 accident.

OLD BUSINESS

Councilmember VanRiper, Jr.- O'Connor's has some balancing to do, insulation needs to be finished, fresh air intake is not hooked up yet, and there are a couple pieces of siding that need to be put in place. There will be a walk through/punch list next week if anyone has any questions or concerns, please let him know so they can be addressed at that time. The murals on the wall will not be painted over. A flash drive will be given to the Town Clerk with all the specs and everything that was done to have on file. He will also ask for the 3D scanning file from LaBella to have on file.

HEARING OF THE PUBLIC

Dan Delorme-1030 Jackson Creek Rd. - Spoke about NYSEG rate increases over the past few years on the delivery side in order to build out the grid for renewables and smart meter network. Ultimately, NYSEG would like control of your thermostats; mainly for air conditioning. If NYSEG calls and you do not respond or if they go to your house and you are not there, they will install one and leave a tag on your door that it was done. You cannot change after that. Binghamton and Ithaca areas are

done. Elmira is scheduled for April and Erin is scheduled May-September. If you want to opt out of the smart meter, there is a \$13.47/month charge. To opt out, call 866-531-6313. You do not have to give them a reason why and you can change your mind at any time. Business customers are a required upgrade.

Bryce Phillips-Ft. Worth, TX-works for Southern Tier Solutions-It is a carbon management and energy company. They are looking into developing the Marcellus Shale in the Southern Tier. They will not use pipeline to extract the gas then move it down to Pennsylvania for electrical generation. They look at it as bringing a series of 300-megawatt power plants that capture all of their carbon emissions into the region. Looking at 10-12 plants that take up about 14 acres each. This area has the 2nd highest utility rates in the country; 50% higher than the national average. They use carbon dioxide, which is an inert, noncombustible gas (a greenhouse gas), not fracking. He said everything they need is in place, but it would take a total rebuild of the grid. Solar and wind projects could piggyback on the grid upgrade they are proposing to bring down the utility cost. New York inputs most of its power from Pennsylvania which produces a large emissions footprint. They are in the process of working with landowners and putting together leases. They would like to articulate their message to the people.

Josh Blauvelt-466 Park Station Rd.-Thanked the Board for setting the public hearing for the snowmobile trail and asked if the local law was reviewed by the Board. Supervisor Schmidt confirmed that it has been reviewed by the Board.

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

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

A motion was made by R. Evans and seconded by W. VanRiper, Jr. to adjourn the meeting at 7:27 PM. Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, M. Shutts, D. Schmidt. Nays: None.