

January 18, 2024
Town of Erin Board Meeting

Supervisor Schmidt called the regular meeting of the Erin Town Board to order on this date at 5:51 PM. She then asked the Clerk to call the roll.

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

MEMBERS LATE: Randy Evans arrived at 5:53 PM.

PUBLIC PRESENT: Katherine & Jeff Welsh.

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 1, #1-14, totaling \$17,812.61; and the Street Lighting Fund Abstract 1, #6, totaling \$420.51; and the Highway Find Abstract 1, #1-10, totaling \$42,382.90. Motion Carried: Ayes: W. VanRiper, Jr., A. Hughson, M. Shutts, D. Schmidt. Nays: None.

The December 13, 2023 minutes will be approved at the February meeting because the Clerk forgot to print them this month.

AGENDA FOR THE TOWN OF ERIN BOARD MEETING JANUARY 18, 2024;

1. RESOLUTION 18-2024 TO ADOPT THE AGREEMENT BETWEEN NYSEG AND THE TOWN OF ERIN TO REPLACE THE STREETLIGHT FIXTURES WITH LIGHT EMITTING DIODE STREETLIGHTS (“LED”)
2. RESOLUTION 19-2024 AUTHORIZING 2023 BUDGET TRANSFERS

RESOLUTION 18-2024

RESOLUTION TO ADOPT THE AGREEMENT BETWEEN NYSEG AND THE TOWN OF ERIN TO REPLACE THE STREETLIGHT FIXTURES WITH LIGHT EMITTING DIODE STREETLIGHTS (“LED”)

Resolution By: W. VanRiper, Jr.

Seconded By: R. Evans

BE IT RESOLVED that the Town of Erin shall be in a binding agreement with NYSEG to replace the existing owned streetlight (“non-LED”) fixtures in the Town with Light Emitting Diode streetlights (“LED”) fixtures.

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

RESOLUTION 19-2024

RESOLUTION AUTHORIZING 2023 BUDGET TRANSFERS

Resolution By: M. Shutts

Seconded By: W. VanRiper, Jr.

Fund		Debit	Credit
SL5182.4	Street Lighting-Contractual		\$840.91
SL599	Approp. Fund Balance	\$840.91	

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

COMMITTEE REPORTS

Town Attorney- No report.

Planning Board-Deda Cedar- The Bell Special Use Permit on Fairview Road is before the Chemung County Planning Board and will be ready for the Town Board meeting in February. The public hearing for the North Greenbush campsite will be set at the next Planning Board meeting along with the preliminary SEQR review and then send to the County. The final draft of the Comprehensive Plan was received today and all Board members received a copy from Deda. It needs to go to the County for review. Board will look at the final draft before it is sent to the County. Please get comments to the Clerk by January 26th. It will then be released to the County by Deda. It will need to go to public hearing before the Board can adopt and then filed with the State.

Parks, Recreation and Senior Committee-There were 42 people at the Christmas party. January meeting had 22. Working on by laws and will be available for Board review at the February meeting. There will be a Senior Sweetheart dance February 10th at 1:00 pm. The Easter egg hunt for the Town will be March 23rd. Setting up a class to make dolls. The Food Truck is tomorrow. Looking for more volunteers as they have been moved up to serve 200 clients.

Code Enforcement-John McCracken- Commented on the Facebook post regarding the Mitstifer Mine. Private mines are exempt from DEC regulations. Anyone can take up to 750 cubic yards off their property without anyone having a say. As long as mining permits are regulated by DEC and receive permits from them, they are exempt from special permits through the Town. The Town doesn't have much of a say. About two years ago, the Town Attorney was contacted by a law firm that were going to be applying for a DEC permit for a gravel mine. No address was given at that time. As long as they have permits from DEC they are in compliance and the Town cannot require them to get a special permit. Councilmember Randy Evans- The Town Board does have some say in mining. The Town can set parameters on berm heights, where the crusher would be, when they can haul in and out (to a reasonable extent).

A discussion ensued about pre-existing mines, family verses commercial mines, Mine Safety Health Administration (MSHA), the Town's noise ordinance, the regulations on Town roads. The Board agreed it needs time to research mines. 90% of the Mitstifer mine is in the Town of Erin.

John McCracken- He will get more information on the mine and contact DEC to see what stipulations were already put on and the scope of operations.

Deputy Highway Superintendent-Harold Spencer- Since our last meeting they have been plowing and cindering as needed, repairing equipment and cleaning up trees. Truck #4 is at Wilbri's due to a banging sound in the engine. They are not sure what the issue is yet. Steve Tyler had an accident with his plow truck on Sunday morning. The insurance company is supposed to come look at it. It is still able to be used to plow and cinder but the wing tower is bent and cannot be used. Milton Cat took 17 hours of labor off of the work done on truck #12.

Buildings and Grounds- Councilman VanRiper, Jr.- The project at the Town Hall is finished. Councilmember VanRiper, Jr. and Councilmember Evans did a walk through with Bob Murray. They agreed on an auto temperature of 70. It can be adjusted if it is too much or too little. He is still working on getting money to redo the floor at the Town Hall. Bob Murray will give the Town Clerk the final paperwork along with a flash drive with all the information on it.

County Representatives-Mark Margeson- Not at meeting

Supervisor- Dawn Schmidt- Two (2) Board members are needed to audit the Justice report. Councilmember VanRiper, Jr. and Councilmember Shutts both said they would. The Town Clerk's 2023 Year End Report was received.

A motion was made D. Schmidt and seconded by A. Hughson to accept the Town Clerk's 2023 Annual Report.

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

The Code Enforcement 2023 report was received from John McCracken and a copy was given to the Assessor. She has been notified of anyone that has built a building, did an addition, put on a new roof, etc. so it can be added to their taxes.

Sheriff Department sent report for August. There were 21 blotters assigned; 5 generated cases, 5 uniform traffic tickets, 1 traffic stop, and 1 accident, 2 misdemeanor arrests, and 1 DWI arrest.

HEARING OF THE PUBLIC

Jeff Welsh-1131 Jackson Creek Road- Asked who knew about this mining project. Concerned with the 33 acres, the trees, it being a commercial mine, that it is not required to have a special use permit, the hours, the noise, the dust.

A discussion ensued about reaching out to the owners of the mine to voice concerns, looking into regulations that can be put on the mine, regulating all the mines not just a portion of the mines in Town, local laws already established, dust control, air quality, before and after photos if needed.

Jennifer Vesek-Breesport Road-Asked if there was a different process between solar and mining projects. She spoke with John McCracken regarding the process on different projects earlier today. Also asked how the Town was notified of the mining project. DEC would have posted the public hearing on line and in the Star Gazette like any other public hearing requirements. DEC ultimately makes the decision on the gravel pits.

Discussed depth of mines allowed by DEC, sweeping and putting water on roads to keep dust down, regulations set and requirements.

Supervisor Schmidt gave an update on the solar law: Town Board has until January 26th to give their comments on the Comprehensive Plan, if no comments, Deda will send it to the County, once the County gets it back, the Town Board will hold a public hearing to accept it, once accepted the Board can move forward with the local law for the solar law which has been written that has been based on the Comprehensive Plan.

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 7:00 PM.
Motion Carried: Ayes: W. VanRiper, Jr., R. Evans, R. Hughson, M. Shutts, D. Schmidt. Nays: None.