

June 11, 2024

Supervisor Horr called the Regular meeting to order at 7:00pm. Roll call was taken, and found Councilperson Infantino, Colella, Bacon, and Luce were present. Also present was Town Supervisor Gregory Horr, and Highway Superintendent James MacWhorter.

Pledge to the Flag followed, led by Councilperson Bacon.

Guests Include: Yvonne Smallwood, Lisa Flick, Devon Flick, and Charles Perkins.

The Supervisor opened the public hearings that were advertised in the Hornell Tribune. The Town Clerk read the public hearings aloud. There were no questions or comments from the public. Supervisor Horr asked for comments from the board on Local Law #1 of 2024 which is a moratorium on processing and permitting of certain telecommunications and 5G transmissions in the Town of North Dansville. The Board members discussed briefly and decided to put a moratorium in place so they have time to decide on how we will move forward with this telecommunications law. There were no additional comments from the public after the discussion. Supervisor Horr will leave the hearing open until later in the meeting.

Local Law # 2 which is a Local Law regulating the use of Parks of the Town of North Dansville. Supervisor Horr let the public know the issues we have been having at our Parks. Some of these issues include: Vehicle maintenance in the parking lot of Frontage Road Park, Camping and misuse of property in the woods of the park, use of the park after posted hours. The board discussed the proposed law and decided that some changes need to be made. There will be no action taken tonight on Local Law #2. Supervisor Horr will reach out to Attorney Vogel to make the necessary changes. The Town Clerk will post the Public Hearing to be held on July 9th at 7:00 pm to discuss the changes to the local law.

Privilege of the floor: Damon Flick spoke to the board about where he is at with his Eagle Scout project. He petitioned and received approval from the Town Board and the FAA to go ahead with building a pavilion outside the fence at the Dansville Municipal Airport. Devon let the board know the cost of materials at Rogers & Tenbrook is \$1068.00. Devon asked the board what color they would like the sheet metal roof. They agreed upon black. Devon will get the materials list to Jim so he can get the materials. Devon plans on doing most of the project on July 13th and 14th. He asked for assistance from the Highway crew on digging the holes for the footers. Jim will call for a stake out after the area is marked.

A motion by Councilperson Bacon and a second by Luce to approve the regular meeting minutes from the May 9, 2024, meeting. All in favor. MOTION CARRIED.

The Town Clerk's report for the month of May 2024 was presented, copy on file. The report shows monies taken in for the month were \$4,910.00.00 of which \$2679.00 was turned over to the Supervisor for placement in the appropriate account. A motion by Councilperson Bacon and a second by Infantino to accept the report as presented. All in favor. MOTION CARRIED.

Zoning/Code Officer's report for the month of May 2024: No report available.

The Village of Dansville presented a new contract to the town for the Zoning and Code Enforcement Officer services. The village increased the town's portion of the code officer's salary from \$3,600.00 to \$ 5,200.00. There was no formal discussion on the increase. The new contract was presented for approval with the increase. Supervisor Horr stated there has not been an increase in the Town's portion in ten years. A motion by councilperson Colella and a second by Luce to increase the Town's portion of the Zoning and Code Enforcement Officer's salary to \$5200.00 per year. All in favor. MOTION CARRIED.

Justice reports from Justice Werth, and Weidman for the month of May 2024 were presented, copy on file. The report shows monies taken in for the month were \$8380.00, and \$1782.00, respectively. A motion by Councilperson Bacon and a second by Luce to accept the report as presented. All in favor. MOTION CARRIED.

Town /Village Planning Board: meeting minutes submitted for the date April 23, and May 28. There was no meeting held on April 23, 2024. A motion by Councilperson Bacon and a second by Infantino to accept the meeting minutes for May 28, 2024 as presented. All in favor. MOTION CARRIED.

Town/Village Zoning Board of Appeals: Minutes submitted for the May 16, 2024. A motion by Councilperson Bacon and a second by Colella to accept the report as presented. All in favor. MOTION CARRIED.

Comprehensive Plan Work Group: Meeting minutes from the May 20, 2024, meeting, for information only.

Dansville Area Chamber of Commerce: Meeting minutes from the May 6, 2024, meeting, for information only.

Executive Summary report for the month of May 2024 was presented, copy on file. A motion by Councilperson Bacon and a second by Colella to accept the summary as presented. All in favor. MOTION CARRIED.

Committee Reports:

Cemetery: Sexton report for the month of May 2024 was submitted. A motion by Councilperson Bacon and a second by Luce to accept the report as submitted. All in favor. MOTION CARRIED.

Councilperson Luce talked to the board on the new water line that was installed to the cemetery house. Superintendent MacWhorter let the board know that he talked with DPW Superintendent Tracy about making sure the road gets repaired properly.

Councilperson Luce also stated there was a bit of an issue over the weekend with two funerals and a ceremony by the Daughters of American Revolution at the same time. The Cemetery Sexton was not notified of the date of the ceremony, so there was a bit of congestion with traffic. There needs to be better communication with the sexton when ceremonies such as this take place so proper guidance and traffic control can be put in place.

Airport: The wedding scheduled on June 22nd will take place as scheduled. All approvals have been or are in the process of being approved. Superintendent MacWhorter stated that the runway has been sprayed for weeds. There are several windows at the main hangar that LMC is working to replace.

The Fixed based operator lease will be set to expire on 8/31/24. The board is still discussing options and will need to decide soon. The board will set up a meeting before the next regular scheduled meeting to discuss the airport options. A motion by Councilperson Colella and a second by Bacon to hold a special meeting regarding airport modifications, at a date to be determined. The Town Clerk will publish the meeting date as soon as it is determined when it will be. All in favor. MOTION CARRIED.

Highway: Superintendent MacWhorter let the board know he received a letter from the state on CHIPS finding. He is concerned that all Town roads have been stone and oiled within the last ten years. The state will only allow roads to be done every ten years. He filed an exemption to do Poags Hole Road. He stated they will allow two courses of stone and oil or use nova chip (which is like black top.) The cost for the two-course stone and oil will be \$52,000.00. The Nova Chip would be \$91,000.00. A motion by Councilperson Colella and a second by Bacon to allow the Highway crew to put a two-course stone and oil down on Poags Hole Road this year. All in favor. MOTION CARRIED.

Recreational Area: Superintendent MacWhorter would like to replace the Wooden pilars and rope in the parking lot at Frontage Road Park. The County allocated \$20,000.00 to every town through their CARES funding to be used at town parks that we have not used. He will get an estimate on replacing this and Supervisor Horr will see if the funds can be used towards this.

Review of monthly payroll summary/registers and bank statements: E-mails were sent to all board members Reconciliation Summary of Banking Accounts and Bank Statements (General, Highway, Airport, Water District and Trust & Agency) for the period ending May 31, 2024, for their review. Town

Clerk presented a hard copy of these materials for board review if they wished. Board members had no concerns with the information contained in the financial material.

RESOLUTION: A LOCAL LAW CREATING A MORATORIUM ON THE PERMITTING, NO. 06-01-2017 PROCESSING AND CONSTRUCTION OF CERTAIN TELECOMMUNICATIONS AND 5G TRANSMISSION FACILITIES AND SYSTEMS IN THE TOWN OF NORTH DANSVILLE, LIVINGSTON COUNTY, NEW YORK.

Motion by: Councilperson Colella

Second by: Councilperson Bacon

BE IT ENACTED by the Town Board of the Town of North Dansville, Livingston County, New York as follows:

SECTION 1. NAME. This Local Law shall be entitled "A Local Law Creating a Moratorium on the Permitting, Processing and Construction of Certain Telecommunications and 5G Transmission Facilities and Systems in the Town of North Dansville, Livingston County, New York.

SECTION 2. PURPOSE. The purpose of this Local Law is to protect the public health, safety, and welfare of the residents of the Town of North Dansville, and to maintain the status quo as to certain telecommunications and 5G transmission facilities and systems, since the present zoning laws and regulations of said Town do not adequately address these types of use. This moratorium is meant to stop the processing of all applications, the issuance of all permits, certificates of occupancy and approvals, and the construction and erection for certain land uses relating to telecommunications and 5G transmission facilities and systems. This moratorium is for a period of twelve (12) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of North Dansville Zoning Local Law concerning these uses.

SECTION 3. LEGISLATIVE FINDINGS. The Town of North Dansville Town Board does hereby find that without a temporary halt by all agencies to the processing, permitting, approval, and construction of certain telecommunications and 5G transmission facilities and system land uses, there is a potential that any of such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional, aesthetic and control measures in place. The potential for the unsuitable location and lack of proper regulations for any of such uses would likely have material adverse consequences and irreversible impacts on the Town and its residents. The Town Board also finds that it needs time to properly perform the necessary analysis of all the issues concerning the potential telecommunications and 5G transmission facilities and systems that could be located in the Town. By the Town and all other governmental agencies maintaining the status quo concerning such uses during this moratorium, the Town Board can plan and provide for the planned orderly growth and development of the Town. To the extent that the State may have any jurisdiction, it is requested that the State abide by this moratorium in all respects to honor this Town's Home Rule so that the Town can control its own environment.

SECTION 4. MORATORIUM IMPOSED, APPLICABILITY. For a period of twelve (12) months following the effective date of the adoption of this Local Law, no application shall be processed, no permits, certificates of occupancy, approvals, denials, determinations or interpretations shall be issued or granted, no construction and/or erection shall be allowed, and no public or private land within the Town of North Dansville shall be used, for any telecommunications or 5G transmission facilities or systems which are commercial in nature other than those installed on telephone poles, and for underground transmission cables, within the Town. This Local Law shall be binding on the North Dansville Town Board, Planning Board, Zoning Board of Appeals, Zoning Officer, Code Enforcement Officer, all Town

official and employees, and all applicants and real property owners of land within the Town. During this moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of North Dansville Zoning or other appropriate Local Laws. During said twelve months, no applications shall be accepted, and no action shall be taken by any governmental authority, nor shall any development be authorized or commenced on any aforesaid facility or system to which this moratorium is applicable within the Town of North Dansville.

SECTION 5. TERM. This moratorium shall be in effect for a period of twelve (12) months from its effective date. This Local Law may be extended for two (2) additional periods of six (6) months each, if the Town Board finds such necessary, by resolution of such board.

SECTION 6. EFFECT ON OTHER LAWS. To the extent this Local Law conflicts with any other law, local law, rule or regulation, this Local Law shall control under the authority of the Municipal Home Rule Law. So that the Town can properly control its land use, it is requested that New York State not accept any application nor take any action on any applicable telecommunication and/or 5G transmission facility or system during the period of this moratorium.

SECTION 7. Owing to the limited scope of this moratorium, no provision is made in this Local Law for any waivers to its applicability. However, the Town Board may, but is not obligated to, promulgate regulations by a resolution of said Board authorizing a hardship waiver to this moratorium.

SECTION 8. SEVERABILITY. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, the remaining portions of this Local Law shall remain valid and in full force and effect.

SECTION 9. EFFECTIVE DATE. This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

Roll Call: A YES: Councilperson Infantino, Colella, Bacon, Luce, Supervisor Horr
NOES: None

McWhorter Rd. Land Erosion: Supervisor Horr stated that this project qualifies for a DEC grant that is available at a 90% match. Supervisor Horr would like to proceed with this grant with LaBella Associates. We still have the \$100,00.00 in the budget for this project, so this can help cover the cost of working with LaBella.

Building maintenance: A motion by Councilperson Bacon and a second by Colella to approve the annual maintenance contract with LMC for HVAC services. All in favor. MOTION CARRIED.

Canal Street: Supervisor Horr states he is working with Town Attorney Vogel on the property at 9465 Canal Street.

Hartman Road: The junk complaint at the Hartman Road address is still ongoing. The code enforcement officer issued her violation, and it is approaching the 30-day deadline to comply. Councilperson Collea would like to have the code enforcement officer issue a violation every week, so they must answer each violation separately.

The Town Clerk presented to the board a letter from Excellus Blue Cross regarding a proposed premium rate change to the Town's insurance plan. If approved, the percentage of increase to our group premium is 25.91%.

A motion by Councilperson Bacon and a second by Colella to pay all bills as audited, General Account Vouchers #99- #127 incl., totaling \$30,738.65, and Highway Account Vouchers #36- #41 incl., totaling \$7,873.58. All in favor. MOTION CARRIED.

Supervisor Horr reached out to someone at American Rescue Funds Act and asked if the \$82,000.00 we were given can be used to off set costs of projects already done. The money will go towards Town Barn lighting, security upgrades to Town Hall and Airport, new computer replacements, and the new rooftop units installed. Those projects have already been completed.

The board discussed our cleaning contract. The extension is going to expire on July 31st, 2024. The board is still discussing options and will decide on the extension at next month's meeting.

A motion by Councilperson Bacon, and a second by Colella to adjourn. All in favor. MOTION CARRIED

Meeting adjourned at 8:31 PM.

Respectfully submitted,

Lori Tyler
Town Clerk/Tax Collector