

September 12, 2023

Meeting was called to order by Supervisor Gregg Horr at 7:00pm, Monday September 12, 2023.

Roll call was taken. Present were Supervisor Gregory Horr, Councilperson Peter Bacon, David Luce, Lou Colella, Robert Infantino and Highway Superintendent Jim MacWhorter.

The Pledge of Allegiance was led by Peter Bacon.

Guests were Yvonne Smallwood, Charlie Perkins, Donna Didas, Lisa Flick, Devon Flick and Code Enforcer Tammy Malone

Public Hearing was Opened by Gregory Horr at 7:03pm

Floor was Open to the Public for comment. No one spoke.

Local Law 3#: There was a discussion of the law. Partial Tax Exemption from real property taxes to certain eligible Volunteer Firefighters and Ambulance Volunteers who reside in the Town of North Dansville and have been active for at least 2 years. It would have minimal impact on the Town and would take effect next year.

Motion to close the public hearing was made by Councilperson Bacon and Seconded by Colella. All were in favor; Public Hearing was closed.

A Motion to approve Local Law #3 was made by Councilperson Bacon and Seconded by Luce. All were in favor. Local Law #3 approved.

Privilege of the Floor:

Devon Flick spoke in regards of the Gazebo project he is wishing to build. He stated he was informed yesterday (Monday, Sept. 11, 2023) that the FAA denied his request to build the gazebo near the airport. He requested permission to call the Rochester FAA and see if they would be willing to meet with him so he can show them where he wished to place the gazebo and show them the other structures and signs in that location are taller than the gazebo will be. Gregg Horr requested to be contacted about when they will be meeting so he may attend. Devon was given the information that if approved, he would need to contact 811, NY Dig Safe to make sure all utility lines were clear.

A Motion was made by Peter Bacon to agree that Devon can contact the FAA and arrange a meeting. It was Seconded by Lou Colella. All were in favor. Motion passed.

August 8, 2023, Minutes: A Motion was made by Peter Bacon to approve the August Minutes and Seconded by Bob Infantino. All were in favor. Motion carried.

The Town Clerk's report for the month of August 2023 was presented, copy on file. The report shows monies taken in for the month were \$15,583.00 of which \$2681.93 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 Report: Tammy Malone reported that she sent an email out to everyone about the Solar Tour that will be Friday, September 18, 2023 and encouraged all to join.

Code Officer requested a new lock for the Code/Assessors door. Supervisor Horr will work with Clerk Tyler to get the one door re-keyed and do the rest of the doors next year.

Code Officer brought to the attention of the Board that she has a list of parcels owned by the Town. One is 30 Maple St. She suggested the Town sell the property. Supervisor Horr stated that the land was purchased in the 1980's and reimbursed by the FAA for \$4,000. If it were to be sold, that would need to be paid back, but he will investigate it.

There are two other lots with one being landlocked. Code Officer asked for permission to combine the lots to make it one. She can do this online at no charge.

A Motion to agree to letting the Code Enforcement Officer combine the two lots was made by Councilperson Colella and seconded by Bacon. All were in favor, motion passed.

The Code Officer was asked about LMC doing an addition. She stated they are not adding on, they are renovating the high bay, putting in a mechanical room, break room, and taking half of the high bay and

using it for sandblasting and painting because they received the steel bid for the new Bills Stadium. This would also be a good use for the trains. The code officer also reported the old nurses' two-story building was torn down.

Update on Cemetery Road: Code enforcement officer stated that there were two issues- there needs to be 250' road frontage and the other issue is the property owner put a gate up. The property owner has purchased the lot next to his and combined the two lots and now has 250' road frontage. Because the Town never officially abandoned the road, Code Officer suggested the Town make the Cemetery Road a seasonal road and have the property owner remove the gate to prevent potential issues. Supervisor Horr requested Tammy to email him with her recommendation.

A motion was made to accept the code officer's report by Councilperson Colella and seconded by Bacon. All approved. Motion carried.

Justice reports: Justice Werth and Justice Weidman for the month of August 2023 were presented. Copy on file. The report shows monies taken in for the month were \$19,226.00, and \$4860.00, respectively. A motion by Councilperson Bacon and a second by Infantino to accept the report as presented. All in favor. MOTION CARRIED.

Planning Board Minutes: Motion to accept the minutes was made by Councilperson Bacon and seconded by Infantino. All were in favor. Motion carried.

Councilperson Bacon mentioned there are a couple new members on the Planning Board and wondered which members were appointed by the Town and which by the Village. Supervisor Horr said it can be investigated.

Zoning Board of Appeals Minutes: Motion to accept the reports was made by Councilperson Bacon and seconded by Infantino. All were in favor. Motion carried.

The Board also went over the County Planning Board Report & Chamber Minutes.

Executive Summary was discussed, and it was brought up that the T-Hanger agreement is good for another year then will expire. It will need to be bid next year. Councilperson Colella requested we calendar it now for April or May. **Motion to approve** Executive Summary was made by Councilperson Infantino and seconded by Bacon. All were in favor. Motion carried.

Cemetery: The rates need to be increased. They have been the same price for years. Supervisor Horr had obtained rates from Nunda and Mt. Morris. He is still waiting to hear back from Geneseo. He will mention this again at the meeting next month. He has the new rates effective January 1, 2024.

Kidd Rd Cemetery: State law requires that the title to abandoned public cemeteries revert to the town in which the cemetery is located. In the case of Private cemeteries, there is no obligation of the town to maintain or take it over. Town Clerk will be asked to follow up with the party who inquired and explain.

Highway: Local Law #4: A discussion was held- Per Councilperson Colella's email on August 30th, he proposes to revise this Local Law on 5A to read: *Except for the Town of North Dansville, its employees, agents, and except as otherwise provided by law, all persons and entities, public and/or private, must first obtain a permit from the Town Superintendent of Highways before any excavation of any Town Highway is commenced by any such person or entity. A true copy of the permit application form is attached hereto, all of the terms of which are made a part hereof.*

A Motion was made by Councilperson Infantino and a second by Bacon to set the public hearing for the revised Local Law #4 with the revision on October 10, 2023, at 7 pm. All were in favor. Motion Carried.

Purchase of Land Pro Tractor: Superintendent MacWhorter called LandPro. They are holding the tractor for the Town. The price of the tractor is within the budget, and it can be used for other projects. Motion was made to approve the purchase of the road tractor from LandPro for \$59,900 by Councilperson Infantino and seconded by Bacon. All were in favor. Motion carried.

Airport:

Wedding: Supervisor Horr will check with the Fixed Base Operator to see who will be in charge of collecting the rent. It may be possible to rent out the apron for parking. Airspace cannot be restricted. Councilperson Colella feels there needs to be a contract and it should be from FBO.

Mowing: Both Supervisor Horr and Highway Superintendent MacWhorter stated if the airport is not mowed, there may be negative feedback from the community.

Lighting: Supervisor Horr will get with Jeff Shaver.

Soaring Club: Councilperson Colella made a motion to go into executive session at the end of the meeting to discuss the lease and the email proposal from the soaring club. Seconded by Councilperson Bacon. All in favor. Motion carried.

Hanger Rates: Supervisor Horr continues to work on this.

Solar: Battery Storage, Local Law #5- A motion was made by Councilperson Bacon and a second by Colella to set a public hearing for October 10, 2023, at 7pm. All in favor. Motion carried.

Clean Watts: They have not reached back out to the town yet.

Recreation Area: First time ever there are two groups wishing to use this area. The FC soccer club and the YMCA. The FC soccer club has been using it for many years. They have no problem with the YMCA using it but ask that the area they have marked out not be used but they are willing to give up the rest of the area.

Budget Workshop: Motion was made by Councilperson Bacon to set the budget workshop for September 19, 2023, at 5pm. It was seconded by Councilperson Infantino. Town Clerk will publish the notice.

Audit Report: The board stated they did not get the email from the town clerk so Supervisor Horr will forward it to them and discuss it later.

McWhorter Rd: There will not be a grant from the Army Corp. The Army Corp. did pass along another option for a grant from LaBella. LaBella will be meeting Supervisor Horr on September 28, 2023, at 2pm to see what needs to be done. They will meet at a residence house on McWhorter Road.

End of Year Audit Update: Supervisor Horr stated it will be done by the end of the year.

Maintenance: Supervisor Horr has talked to someone who may be interested in taking over the Maintenance on an emergency basis. He will contact them again.

AC/Heating: It was reported that LMC has been installing new AC units and are now in the DMV. Superintendent MacWhorter has the Cemetery crew alternating days at the DMV as there needs to be an employee present while LMC is working there. MacWhorter also reported that the unit in the closet in the auditorium goes to the clerk's office and the heat has never been hooked up. Supervisor Horr will get with LMC and see if he can get a quote to get everything up to date and see if there is a grant available.

Tammy Malone stated that the Mayor's Office and the Code/Assessors Office are the only offices with window units. Supervisor Horr stated there is \$83,000 funds that can be spent on the building, which must be reported in 2024 as to what it is spent on. Tammy also asked if there was a backup generator for the building and wondered if there was a grant for one. Supervisor Horr will investigate it.

Cell Towers: Supervisor Horr received a letter to renegotiate one of the contracts. They currently pay us \$2,003/mo. They want to drop us back to \$1,900 and give us \$4,000 one-time payment. Option two would be \$394,000 one-time payment. We have no obligation to accept this letter. Going with option two, we would still have about \$7,000 to make up in the budget. Supervisor Horr will run the numbers.

Credit Card for Clerks Office: A Short discussion was held. The board asked Deputy Clerk Howe about the two systems. There was an explanation of the difference in pricing of the readers and what is passed along to the consumer. Also, Howe let the board know Xpress Pay is also the company the County uses for their Tax program which the Clerks Association is considering switching to. A motion was made by Councilperson Bacon to approve the purchase of the credit card system from Xpress pay and to pass the transaction fees to the consumer. Seconded by Councilperson Colella. All were in favor. Motion carried.

Light Poles: Highway Superintendent MacWhorter called former Supervisor Mahus to inquire about the light poles left from an old project on Maddie's Motor Sports property. He thought it was either Babcock's or the Plaza owners. Councilperson Infantino stated that NYSEG was also down there so they may be a possibility. Councilperson Bacon was contacting Tom Leyden (Babcock Enterprises) to see if he knew. Tom got back to Peter by the end of the meeting and the poles went up for auction in 2014 and Graham Marcus, Maddie's Motor Sports bought them.

Lock Boxes: Supervisor Horr stated he let Clerk Tyler know that it was ok the Village and Court put a lock box in the outer area near the police station. It will be at their expense, and it will help those who come in the evening.

A motion was made by Councilperson Infantino to approve the lock box. Seconded by Councilperson Bacon. All were in favor. Motion carried.

News Papers: Supervisor Horr will talk to Mayor Haywood. The newspapers that were left behind by Genesee Country Express are a fire hazard. The Code Enforcement Officer stated they need to be moved before she does the next fire inspection.

Supervisor Horr informed the board that EFPR, our current bookkeepers, A CPA firm, are downsizing so they will no longer be providing that service. However, the people who were doing that service have broken off and formed their own corporation and they will get advice from EFPR. Supervisor Horr signed a letter allowing our files to be transferred. It will be the same people we worked with before, same service and same price.

Approval of Abstracts: A motion by Councilperson Bacon and a second by Colella to pay all bills as audited, general account vouchers #180- #199 incl., totaling \$32,352.64, highway account vouchers #- #50-#61 incl., totaling \$112,719.15. All in favor. MOTION CARRIED.

Motion to go into executive session was made by Councilperson Colella, seconded by Bacon. All in favor. Motion carried.

After the executive session, a motion was made by Councilperson Colella to send a letter counteroffer to the Soaring Club to counter propose the following:

- (A) 5yr lease with no automatic extensions, although it can be negotiated.
- (B) Rent is \$150 per month, retroactive from July 1, 2023. Payable in one lump sum in advance paid annually.
- (C) Net net net lease
- (D) Insurance, taxes if any, utilities are all paid by Soaring Club
- (E) CPI increase annually with no decrease (if the CPI goes down, there will not be a decrease from the year prior)
- (F) All maintenance paid for by the Soaring Club. There will be no credit in rent for any capital repairs.

These are the key hurdles.

If these terms are agreed to, we can negotiate all the other terms the Soaring Club is proposing.

If these are not agreed to, the premises must be vacated on before or on November 1, 2023

Motion was Seconded by Councilperson Bacon. All in favor. Motion carried.

Motion to adjourn was made by Councilperson Colella, seconded by Councilperson Infantino. All were in favor. Motion carried.

Respectfully submitted by
Jennifer Howe
Deputy Clerk