

Regular Town Board Meeting  
Public Hearing Proposed Zoning Updates  
October 19, 2023

Present: Supervisor, David DiSalvo; Deputy Supervisor, Don Huff; Councilmember, Nate Guzzardi; Councilmember, Jeff Coniglio

Also present: Ed Russel, Attorney; Sam Cipriano, Highway Superintendent; Shawn Grasby, Code Enforcement Officer; Chelsey Woodworth, Town Clerk

Others Present: Dane Ellis; Thoma Consulting

Community Members Present: Irene Bodnaruk, Pete DiSalvo, Larry Woodworth, Johnna Schrier, Chris Christophel, Steven Zoller, Gretchen Saunders, Nate Hall

At 6:31pm Supervisor DiSalvo opened the Town Board meeting at the Mount Morris Town Hall, 103 Main Street, Mount Morris, NY. Supervisor DiSalvo led the Pledge of Allegiance.

Supervisor DiSalvo announced that the public hearing on the proposed zoning updates was left open from last month's meeting held on September 21, 2023. Then he said that Dan Ellis from Thoma Consulting was present to answer any questions that the public may have.

**THOMA CONSULTING**

Dan Ellis from Thoma said that his organization was hired several years ago when the town of Mount Morris received a grant from NYSERDA to update their zoning code. He said that the town formed a Comprehensive Board that went through the Town Code and put together a Comprehensive Plan based on what they believed to be necessary changes.

Dane asked if anyone had questions?

Steven Zoller asked what were the results from the comprehensive plan?

Chris Christophel added that an advisory committee needed to also be created and they needed to have public meetings and it should have also been reviewed by the Town Planning Board and then they should of had a public hearing. The necessary steps weren't followed, and she asked how the town got here without following the proper procedures. Chris asked if the Code Enforcement Officer is the one who signed off on this. She then asked who made these Recommendations.

Supervisor DiSalvo said that is what they are trying to figure out by having this meeting. Attorney Ed Russell said that the town realizes that there is a process, and nothing has been set in stone.

Chris Christophel asked why it takes a month to figure out who sent this to the county.

Irene Bodnaruk said that she was a member of the Comprehensive Board, and they never met on zoning because once COVID happened Colleen Nelson became unresponsive.

Dan Ellis answered that the Town of Mount Morris told him to submit the proposed zoning updates with the SEQR to the county.

Dan was advised by Clerk Woodworth that the public is asking who from the town advised you to submit this to the county.

Dan replied that Code Enforcement Officer Grasby asked him to submit it.

Chris Christophel said that the proper procedures weren't followed. Per the plan it states that the town should appoint an advisory committee after the comprehensive plan is formed by the Comprehensive Board.

Nate Hall said that it is being proposed that the Comprehensive Board made these recommendations but people that were on the board were present last meeting and some are

present tonight that said they didn't agree with these recommendations or make these recommendations.

Supervisor DiSalvo said that the town doesn't have to proceed with the proposed zoning changes. or they can form a committee and then investigate the changes. Nate Hall said one question he would have is why the things that were recommended from the committee aren't included in this plan.

Dan Ellis from Thoma Consulting said that he apologizes because he was under the understanding that these recommendations came from the comprehensive committee.

Attorney Ed Russell said that right now as was stated earlier the comprehensive plan is just an advisory plan and the town is not required to move forward with anything.

Irene Bodnaruk said there is a portion of the plan that no one was able to put in input due to COVID.

Larry Woodworth said there seems to be an issue with the whole process. Everything should be backed up from these meeting minutes and there is no accountability. As a Town Planning Board Member he is sure that nothing came in front of the Town Planning Board.

Councilmember Guzzardi asked who proposed it? There is nothing showing who proposed it to begin with.

CEO Grasby said that this means that we need to start this process back over again.

Councilmember Coniglio stated that the board doesn't have to adopt it.

Steve Zoller said that he thinks there needs to be some accountability on the town authority. That none of the proper procedures seemed to have been followed.

Attorney Russell said it was a false assumption that this had already been through the Town Planning Board.

Supervisor DiSalvo said in the midst of all of this we had COVID and two different clerks. He was the Deputy Supervisor at the time.

Larry said he recommends that they don't move forward with this. Multiple other people in the audience said that they seconded what Larry said.

A motion was made by Supervisor DiSalvo, seconded by Deputy Supervisor Huff to close the Public Hearing on the proposed zoning updates.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to not move forward with the proposed zoning changes.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

Nate Hall asked if the Comprehensive Plan could be amended? Dan from Thoma said that they can amend anything they want to and then go through the planning process, again.

### **PUBLIC COMMENT**

Steven Zoller said that he notices that the code enforcement officer is a liaison for the solar Company. He asked if it's a conflict of interest. He then asked if the town code enforcement officer doesn't have anything he has to do as far as code for the town with solar.

Supervisor DiSalvo stated that due to this the town hired the Village Code for Enforcement Officer Mark Mulliken to oversee the solar farms and OREZ handles the larger solar farm.

OREZ handles all the permits and legalities as far as code with the larger solar farms.

**PUBLIC HEARING**

Supervisor DiSalvo said the town is close to exceeding the tax cap, so they need to set a public hearing for Local Law No. 5-2023, A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

A motion was made by Councilmember Coniglio, seconded by Deputy Supervisor Huff to set the Public Hearing for Local Law No. 5-2023, A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c on November 14, 2023 at 6:30 PM.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

Supervisor DiSalvo said the town also needed to set a Public Hearing for the Preliminary Budget.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to set the set the Public Hearing for The Preliminary Budget on November 14<sup>th</sup> at 6:30 PM.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

**BOARD OF ASSESSMENT REVIEW**

Supervisor DiSalvo advised the board that they received a letter of interest from Kitt Ceronie for the vacant board position for the Board of Assessment Review.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio to appoint Kitt Ceronie to the Board of Assessment Review.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

**APPROVAL OF MINUTES**

Councilmember Coniglio said that he noticed an error in the meeting minutes dated August 17, 2023. In the meeting minutes it reads Chad Young instead of Chris Young.

A motion was made by Councilmember Guzzardi, seconded by Councilmember Coniglio, to approve the minutes from the meeting on August 17, 2023 with the corrections.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

The Board reviewed the minutes of last month’s meeting on September 21, 2023. A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi, to approve the minutes from the meeting on September 21, 2023.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

**SUPERVISORS REPORT**

A motion was made by Councilmember Guzzardi, seconded by Councilmember Coniglio to accept the September 2023 Supervisor’s Report as presented.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

**AMBULANCE REPORT**

134 calls total of those calls 100 calls were ALS and 34 were BLS. Supervisor DiSalvo said that the Fly Car is running, and the crew has been using it to do drills. He also informed the board that the Estate of Evelyn Rollison made a \$500 donation to the ambulance.

**HIGHWAY SUPERINTENDENT REPORT**

Superintendent Cipriano said that he would still like to purchase the freightliner truck but is concerned because they can't get it until November or December. Attorney Russell asked if they have the vehicle? Superintendent Cipriano said yes, they have it but need it until then because they haven't received their new vehicle. Superintendent Cipriano asked if the town should get a written agreement that it will be maintained as far as the insurance and upkeep until we take possession. Attorney Russell said that they are a municipality if something were to happen to the vehicle prior to the town taking possession they would have to take care of it.

Superintendent Cipriano said that they are having to put money into the #2 truck. Supervisor DiSalvo asked if this was a spare truck. Superintendent Cipriano said no its not a spare and it needs to be fixed. Superintendent Cipriano said the pump was \$3540, the PTO was \$1200, and the cross member will be about \$429. It will be close to \$6000 when they are done fixing it.

Superintendent Cipriano said that Ian Ginnick is supposed to go tomorrow and get his permit. He asked if they could let him work at his cemetery rate and work in the shop. So that he can get experience. Supervisor DiSalvo and Attorney Ed Russell didn't think this would be an issue.

Superintendent Cipriano said that something has to be done with the roof in the shop. Councilmember Guzzardi said he came up with price on material and it's about \$15,000.

Superintendent Cipriano said that it is an emergency as far as he is concerned. Councilmember Guzzardi said that the facia needs to be rebuilt as well as the roof. Superintendent Cipriano said that earlier this year he contacted a few different places that do salt sheds, and no one will return his call.

Supervisor DiSalvo advised that the town will have to raise water rates. All of the charges that town has incurred from MRB for the EAP as well as the new water billing system the tow had to purchase.

**TOWN CLERK'S REPORT**

The Board reviewed the Clerk's report for the Month of September. A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to accept the report as presented

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

Clerk Woodworth also is concerned that the Highway Superintendents Secretary Dana Brzenski isn't bonded. He handles money quite often and is worried if something were to happen, he would not be protected.

Attorney Ed Russell said that if he handles money he should be bonded. Supervisor DiSalvo said that he will look into getting him bonded.

**VOUCHERS/ AUDIT OF CLAIMS**

Abstract 10, Year 2023 and related vouchers were reviewed by the Town Board. A motion by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to approve Vouchers 277-302 on General A Abstract in the amount of \$103,677.00.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Councilmember Guzzardi, seconded by Councilmember Coniglio to approve Vouchers 45-49 on General B Abstract in the amount of \$2,261.49.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to approve Vouchers 107-116 on the Highway DA Abstract in the amount of \$23,476.38

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Councilmember Coniglio, seconded by Deputy Supervisor Huff to approve Vouchers 22-26 on the Highway DB Abstract in the amount of \$240,744.85.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Councilmember Guzzardi, seconded by Councilmember Coniglio to approve Vouchers 29-31 on the Recycling SR Abstract in the amount of \$1,629.41.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to approve Voucher 16 on the Sewer SS Abstract in the amount of \$57.73.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion by Councilmember Guzzardi seconded by Councilmember Coniglio to approve Vouchers 23-24 on the Water SW Abstract in the amount of \$4,562.10

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

**Total Abstract 10 376,408.96**

### **INSURANCE**

Supervisor DiSalvo said that the highway workers looked into their insurance through the union, and they offer better coverage. Due to having a larger number of people the insurance is better and less expensive than what the town can offer. The highway workers are willing to switch to the unions coverage.

A motion was made by Councilmember Coniglio, seconded by Councilmember Coniglio to accept the health insurance through the Teamsters Union.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

### **EXECUTIVE SESSION**

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio to enter into Executive Session at 8:08pm

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio to exit Executive Session at 8:45pm

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

A motion was made by Councilmember Coniglio, seconded by Councilmember Guzzardi to adjourn this meeting.

Vote: Aye 4 (DiSalvo, Huff, Guzzardi, Coniglio)  
No 0  
Motion Carried

Meeting adjourned at 8:47pm.

Respectively Submitted,

Chelsey Woodworth  
Town Clerk/Tax Collector