

Regular Town Board Meeting
Public Hearing on Proposed Local Law No. 4-2023
September 21, 2023

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

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

Others Present: Cathie Gehrig, County Planning Board Member; Irene Bodnaruk, Ann Hunt, Nathan Hall, Gretchen Saunders, Johnna Schrier, Karl Schrier, Charles Cottone, Gloria Hall, John Hall, Shaun Forrester, ZBA Member; Steven Zoller, Pete DiSalvo, Larry Woodworth, Planning Board Member; Kevin Fahey, ZBA Member; Tom and Alex Caryl

PUBLIC HEARING

Supervisor DiSalvo opened the public hearing on Proposed Local Law No. 4-2023 a Local Law Providing a Partial Exemption from Real Property Taxes to Certain Qualifying Volunteer Firefighters and Ambulance Workers.

Cathie Gehrig said she would encourage the Town of Mount Morris to move forward with the law.

Supervisor DiSalvo opened the Public Hearing on the Proposed Zoning Updates at 6:32 PM

Code Enforcement Officer Grasby said that the proposed zoning changes came from the comprehensive committee and the proposed changes were sent to the past Town Supervisor and Town Clerks old emails.

Cathie Gehrig, Town Liaison for the County Planning Board said that no one on the committee agreed to these changes and it most definitely wasn't approved.

Chad Woodworth said that it was never agreed upon by the committee to change residential to 1.5 acres in the Town. Chad Woodworth read off the various changes to the zoning and then asked, why the town would want this? These changes would take away from the country atmosphere. Mr. Woodworth also asked why the multifamily lots were smaller than the single family lots? He then read of the lot required acreage for residential lots in the following Towns:

York – 3 acres
Leicester- 5 acres
Lima – 2.5 acres
Conesus – 2 acres
Dansville – 2 acres
Caledonia – 2 acres

Chad Woodworth asked if the 80 ft setback was from the center of the road? Code Enforcement Officer Grasby said that right now it is from the center line.

Larry Woodworth asked if you could get a septic system on a 1 acre lot? Supervisor DiSalvo said that you could. Larry Woodworth then asked where will the septic go? It has to be a certain distance from the well and he doesn't see how this could be feasible on that small of a lot.

Nate Hall said exactly what Mr. Woodworth said, he has been doing this for 20 years and these size of lot won't meet the requirements needed for a lot that has both a well and septic.

Gloria Hall said that this should be reviewed again, and a new committee should be started. Supervisor DiSalvo said that the Town Board will be keeping the hearing open.

Chad Woodworth said he would like to make a recommendation to form another committee to look into these changes.

Irene Bodnaruk asked multiple times about the code during the comprehensive committee meetings, and it was never visited. Cathie Gehrig said that she would second Mr. Woodworth's recommendation to have another committee.

Cathie Gehrig asked why the Code Enforcement Officer submitted this to the county?

Shawn Grasby the Code Enforcement Officer said he did not submit this to the county, and he did not do the SEQR on this.

Cathie Gehrig said that the SEQR has Shawn Graysby's signature on it so he very well did submit it to the county. Cathie Gehrig asked Code Enforcement Officer Grasby and the Board how could the Grant be closed out without our approval? Shawn said it is his signature on the SEQR. That Thoma must have sent something for him to sign and he didn't realize what it was.

Shawn Grasby the Code Enforcement Officer agreed that the Town should talk to Thoma the company that the grant was through about the changes.

Cathie Gehrig asked why would you pay the money if it wasn't completed?

Ed Russell the Town Attorney said that Dan from Thoma will need to come in and explain what exactly happened.

Cathie Gehrig asked if Dan was part of the group from Thoma? Does the gentleman work with Colleen? The lady from Thoma that worked with the Comprehensive committee.

Code Enforcement Officer Grasby said yes he works with Colleen.

John Hall said that there is more work to be done. Why would the board even call everyone here if they don't know what they want to do?

Supervisor DiSalvo said that he agrees, they need to talk to Dan from Thoma about what changes will be made. Then they can form a new committee.

Gloria Hall said that the board needs to find out where the money went from the grant and what it went for.

Supervisor DiSalvo said that Ed Russell the town attorney and him will figure it out.

Gloria Hall said straighten all of this out and then have a public hearing. Then she got up and walked out.

Shaun Forrester asked, if the grant is closed where are you going to get the money from to change the code? It's very expensive!!

Jeff Coniglio said the money didn't come from the town it came from NYSEDA. Cathie Gehrig said that no one ever questioned why this is being done now?

Cathie Gehrig then went on to ask Shawn Grasby the Code Enforcement Officer if this came from him and he created it? CEO Grasby said no he did not create it ; it was created by Thoma.

Steven Zoller said he had an issue regarding public notice and the availability of public information: Last week before his wife had gone away, she came and asked for the documents. They weren't available. He questioned why it is being published and that these documents are available when they aren't? Clerk Woodworth advised that she asked for the documents multiple times and didn't receive them until the Monday before the meeting.

Cathie Gehrig asked if the Town Planning Board reviewed this proposal. Supervisor DiSalvo said he doesn't think so. Then asked Planning Board Member Larry Woodworth if they did and Larry said definitely not!

Supervisor DiSalvo said, no decisions will be made until they speak with Dan from Thoma and another committee will most likely be started.

Kevin Fahey who entered the meeting late asked who sent it to this to the County Planning Board? Cathie Gehrig said that CEO Grasby signed it but said he didn't submit it.

CEO Grasby said again that Thoma submitted it not him.

Supervisor DiSalvo asked for any other comments then informed the public that the Public Hearing would remain open.

COMMUNITY FORUM

Cathie Gehrig has concerns about the large rocks that are falling from solar trucks that are not being cleaned up.

She also wanted to know if they have a plan for the snow removal from 408 since there has been so much clear cutting and the blowing and drifting will be much worse. It came up at county planning about this.

Supervisor DiSalvo said Ag & Mkts or DEC are addressing the snow issue, and he will address the rock issue. Cathie Gehrig asked if there is a problem who should they contact? Supervisor DiSalvo said please contact the Town and it will be addressed.

Cathie Gehrig asked about the professional company hired to bill for ambulance calls. She would like the town board to review the letter she has about a bill a local resident received stating they had to pay their bill in full. She believes that the agency or Town should offer an option to pay it off in payments. Supervisor DiSalvo said that if the resident would reach out to the billing company the company will set up that option. Cathie Gehrig said maybe the company could put something on the bill saying they can have payment plans.

Supervisor DiSalvo said that there is something on the bills saying that they can reach out to the company for payment arrangements.

Nate Hall asked about solar traffic, he said he lives on Frost Road, and they have an abundance of solar traffic but he noticed a sign on Ridge road that said no solar traffic. He wanted to know why Frost Road is getting all of the traffic.

Supervisor DiSalvo said that Frost is the main hub for solar and that is why there is so much traffic.

Steven Zoller asked who put up "no solar traffic" signs? Are they authorized? Highway Superintendent Cipriano said Blatner put them up at his request.

Shawn Grasby the Code Enforcement Officer said they are only allowed on the roads that are part of the road use agreement.

Nate Hall said that sometimes they are going way faster than they should be.

Chad Woodworth asked about the solar project across from his house. He said that when he talked to Kevin Campbell about the solar, he said there would be a hedgerow in front of the solar field and now instead of the hedgerow there is a driveway and lights shining on his house at 6:30 am. He said he has spoken with Kevin Campbell but wanted to make sure that the board was aware of this.

Shawn Grasby told Mr. Woodworth to keep working through EDF with Kevin Campbell and if he doesn't get the solution, he wants to contact OREZ.

Mr. Woodworth asked if the solar company was going to fix the potholes before winter or are they only fixing the road when the project is done? Supervisor DiSalvo said they should be fixing the road during the project.

Last call Supervisor DiSalvo said for comments. No comments from the public.

Kevin Fahey asked how many Battery Energy Storage systems there are going to be? Dave said as of now only two. Shawn Grasby said only 1 has been permitted and 2 have been proposed.

EXECUTIVE SESSION

Motion to enter executive session by Councilmember Guzzardi, seconded by Councilmember Coniglio.

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

Entered executive session at 7:35 pm

Motion to exit executive session by Deputy Supervisor Huff, seconded by Councilmember Coniglio

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

Exited executive session at 7:46 pm

No decisions were made in executive session.

Approval of Minutes

The Board reviewed the minutes of last month's meeting on August 17, 2023. A motion was made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi, to approve the minutes from the meeting on August 17, 2023.

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

Supervisor's Report

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio, to accept the Supervisors Report from August 2023.

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

Supervisor DiSalvo said that he will speak with Terri McKerrow, the accountant, about the towns budget and come up with a preliminary. He said it's just a wish list at this point.

Supervisor DiSalvo scheduled budget workshop meetings for October 10th and 23rd at 5pm.

AMBULANCE

Supervisor DiSalvo said that the Ambulance BAN was up for renewal. It's going up to 6% and we budgeted to pay \$35,000 principal on this BAN in 2023. The BAN would need to be renewed for \$91,750.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio to make the \$35,000 payment toward the principal and renew the BAN for \$91,750.

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

Supervisor DiSalvo said that the ambulance had the following calls:

ALS Transport - 32	Standby - 04	
Stated - 104	BLS Transport - 31	Cancellation - 09
Unstated - 014	Inmate Transport - 05	Test/Release - 09
Billable - 68		

HIGHWAY SUPERINTENDENTS REPORT

Superintendent Cipriano said that the highway is down a truck and they do not have a spare. Hornellsville has a 2020 freight liner all setup. He believes that they can get it through chips. He said that he needs to get a letter of intent for Hornellsville to get the chips. They went and drove it yesterday and drove it up steep hills.

Councilmember Coniglio asked why they are getting rid of the truck. Superintendent Cipriano said that the Highway Superintendent for Hornellsville gets new trucks every two years.

It would be a total of \$220,000 for the truck and it only has 34,000 miles on it. It has an auger and a conveyor system. Superintendent Cipriano said he would like to get it and not put it in service. Keep it strictly as a backup.

Councilmember Coniglio asked if it's a good price? Superintendent Cipriano said you won't find one like this all setup with a plow and equipment. A new one would go for close to \$300,000.

Councilmember Coniglio asked what he is getting rid of. Superintendent Cipriano said nothing. He wants to keep number 7.

Clerk Woodworth said she will complete a letter of intent for the 2020 freightliner complete with plowing and sanding equipment for the Town of Hornellsville.

Clerk Woodworth advised the board that they made a motion last month to buy other equipment and asked if these motions would still stand.

Superintendent Cipriano said, no they would not be buying that equipment.

She asked the board to please make a motion to rescind the purchase of the equipment they voted on last month.

A motion was made by Deputy Supervisor Huff, seconded by Councilmember Coniglio to rescind the motion from last month and not purchase that equipment.

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

A motion was made by Councilmember Guzzardi, seconded by Councilmember Coniglio to send the letter of intent to Hornellsville for the purchase of their 2020 Freightliner Truck.

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

CEMETERIES

Councilmember Guzzardi asked about the Grant the town is supposed to receive for the cemeteries. Supervisor DiSalvo said that we are receiving the money for the cemeteries from the solar company and should be getting it soon.

Supervisor DiSalvo asked if they could get the baseball backstop taken out of the park? He said it takes up a lot of unnecessary room and he would like to get rid of it.

Councilmember Coniglio asked for a thank you to be put in the Town Column from the Music in the Park events. Thanking the bands and concession companies. Clerk Woodworth advised she would add it to the column.

Code Enforcement Report

Code Enforcement Officer Grasby said that he thinks the town needs to address the code changes that Thoma made.

Town Clerk's Report

The Board reviewed the Clerk's report for the Month of August. 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

Vouchers – Audit of Claims

Abstract 9, Year 2023 and related vouchers were reviewed by the Town Board. A motion by Deputy Supervisor Huff, seconded by Councilmember Coniglio to approve Vouchers 251-275 on General A Abstract in the amount of \$60,377.11

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

A motion by Councilmember Guzzardi, seconded by Councilmember Coniglio to approve Vouchers 40-44 on General B Abstract in the amount of \$808.92

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

A motion by Councilmember Coniglio, seconded by Councilmember Guzzardi to approve Vouchers 95-105 on the Highway DA Abstract in the amount of \$17,863.69

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

A motion by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to approve Vouchers 20-21 on the Highway DB Abstract in the amount of \$153.00.

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

A motion by Councilmember Guzzardi, seconded by Councilmember Coniglio to approve Vouchers 25-26 on the Recycling SR Abstract in the amount of \$660.33.

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

A motion by Deputy Supervisor Huff, seconded by Councilmember Coniglio to approve Voucher 15 on the Sewer SS Abstract in the amount of \$28.67.

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

A motion by Councilmember Guzzardi seconded by Councilmember Coniglio to approve Vouchers 21-22 on the Water SW Abstract in the amount of \$591.00.

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

Total Abstract 9 \$80,482.72

A motion made by Deputy Supervisor Huff, seconded by Councilmember Guzzardi to close the Public Hearing on Proposed Local Law No. 4-2023.

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

A motion by Deputy Supervisor Huff, seconded by Councilmember Coniglio to accept the Local Law as written.

Be it enacted by the Town Board of the Town of Mt. Morris as follows:

LOCAL LAW NO. 4-2023

PROVIDING A PARTIAL TAX EXEMPTION FROM REAL PROPERTY TAXES TO CERTAIN ELIGIBLE VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS

Be it enacted by the Town Board of the Town of Mount Morris as follows:

Section 1. The intent of this Local Law is to adopt a real property tax exemption for certain qualifying volunteer firefighters and volunteer ambulance workers in accordance with New York State Real Property Tax Law §466-a.

Section 2. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in Mount Morris shall be exempt from taxation to the extent of 10% of the assessed valuation for town purposes provided the owner(s) meet qualifications set forth in Section 3 below.

Section 3. To be eligible for the exemption authorized by Real Property Tax Law §466-a and implemented by this Local Law, the real property must be owned by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in the Town of Mount Morris subject to the following additional requirements: (a) the enrolled member resides in the town or village which is served by such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; (b) the property is the primary residence of the enrolled member; (c) the property is used exclusively for the enrolled members residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and (d) the enrolled member has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service for at least two (2) years.

Section 4. Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service residing in Livingston County who accrues more than twenty(20) years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company , fire department, or incorporated voluntary ambulance service, who also meets all the requirement set forth in Section 3, shall be granted the 10% exemption as described above for the remainder of his or her life as long as his or her primary residence is located within the town of Mount Morris.

Section 5. An un-married spouse of a deceased volunteer firefighter or volunteer ambulance worker killed in the line of duty shall be eligible to receive the 10% exemption as described above provided that: (a) such un-married spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-married spouse of a deceased enrolled member; and (b) such deceased volunteer had been an enrolled member for at least five (5) years; and such deceased volunteer had been receiving the exemption prior to his or her death.

Section 6. An un-remarried spouse of deceased volunteer firefighter or volunteer ambulance worker shall be eligible to receive the 10% exemption as described above provided that: (a) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member; and (b) such deceased volunteer and un-remarried spouse had been an enrolled member for at least twenty (20) years; an (c) such deceased volunteer and un-remarried volunteer had been receiving the exemption prior to the death of such volunteer.

This local law shall take effect immediately upon filing with the Secretary of State.

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

A Motion was made by Council Member Coniglio, seconded by Supervisor DiSalvo to adjourn meeting.

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

Meeting adjourned at 8:26pm

Respectively Submitted,

Chelsey Woodworth
 Town Clerk/Collector