

October 11, 2022

Supervisor Gregory Horr called the regular meeting of the North Dansville Town Board to order at 7:00 PM. Rollcall was taken, and found Councilperson Luce, Bacon, Colella, present. Highway Superintendent MacWhorter was also in attendance. Absent Councilperson Infantino. Guest: Yvonne Smallwood, Charles Perkins, Don Hamler, Rick Lafford, Mary Rawls, Kim Coleman, and Donna Didas.

Pledge to the Flag followed led by Councilperson Colella.

Supervisor Horr opened the Public Hearing on amending local law #3 of 2006, Enforcement of the New York State Uniform Fire Prevention and Building Code. The public notice was read aloud by the Town Clerk. Supervisor asked if there were any questions from the public or the Town Board. Councilperson Bacon asked if this would replace the existing law, and Councilperson Colella stated that it would with additions. There was no public comment. Supervisor Horr asked that the meeting remain open for the duration of the regularly scheduled meeting.

Privilege of the floor was given to Kim Coleman who is in attendance asking the Town Board to repeal Local Law #1 of 2021, OPTING OUT OF CANNABIS ALLOWING RETAIL DISPENSERIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4. Kim presented statistics and business plan information. There was discussion between the Town Board and Kim Coleman. Councilperson Colella stressed that the reason the Town opted out was that the State of New York has not issued any guidelines for Municipalities to follow yet.

A motion by Councilperson Bacon to hold a Public Hearing on Repealing Local Law #1 of 2021 on 11/8/22 at 7:00 PM. There was no second to this motion, therefore no action was taken. Ms. Coleman asked if it was because of the non-issuance of State Guidelines. Councilperson Colella answered with Yes. It was suggested to Ms. Coleman to try again when there is a full Board present, and then maybe a Public Hearing could be scheduled.

Privilege of the floor was given to Mary Rawls who was in attendance asking about the status of the house on Greenmount Cemetery grounds. She would be interested in renting the house if it was an option. Supervisor Horr let Ms. Rawls know that the Town Board is waiting on a contractor to walk through the house and give estimates on what work needs to be done. There may need to be structural work done, so renting the house might be several months away. Ms. Rawls expressed that she would like to be contacted when and if that time comes.

Town Clerk presented the minutes from the September 13<sup>th</sup>, 2022, regular meeting, copy on file. A motion by Councilperson Colella and a second by Bacon to accept the minutes as presented. All in favor. MOTION CARRIED.

Town Clerk presented the minutes from the September 19<sup>th</sup>, 2022, Public Meeting on Cemetery Rules & Regulations, copy on file. A motion by Councilperson Bacon and a second by Colella to accept the minutes as presented. All in favor. MOTION CARRIED.

Town Clerk's report for the month of September 2022 was presented, copy on file. The report shows monies taken in for the month were \$ 22,905.00 of which \$2740.56 was turned over to the Supervisor. A motion by Councilperson Bacon and a second by Luce to accept the report as presented. All in favor. MOTION CARRIED.

Zoning/Code Officer's report for the month of September 2022 was presented, copy on file. A motion by Councilperson Bacon and a second by Councilperson Luce to accept the report as presented. All in favor. MOTION CARRIED.

Justice reports from Justice Werth and Justice Weidman for the month of September 2022 were presented, copies on file. The report shows monies taken in for the month were \$9,581.00 and \$3,458.00 respectfully. A motion by Councilperson Bacon and a second by Luce to accept the reports as presented. All in favor. MOTION CARRIED.

Town/Village Planning Board: No minutes were submitted.

Town/Village Zoning Board of Appeals: Minutes from September 15, 2022, were submitted. A motion by Councilperson Bacon, and a second by Luce to accept the minutes as presented. All in favor. MOTION CARRIED.

Executive Summary Report for the month of September 2022 was presented, copy on file. A motion by Councilperson Bacon and a second by Colella to accept the report as presented. All in favor. MOTION CARRIED.

#### Committee Reports:

Cemetery report for the month of September 2022 was presented, copy on file. A motion by Councilperson Bacon and a second by Luce to accept the report as presented. All in favor. MOTION CARRIED.

A motion by Councilperson Colella, and a second by Bacon to approve the application from Mary Rawls to have a bench placed at her cemetery plot in place of a head stone. It was made clear that Ms. Rawls will have to have the proper foundation in place at her expense, and measurements need to be in specification to the Cemetery Rules and Regulations. All in favor. MOTION CARRIED.

A motion by Councilperson Colella, and a second by Bacon to approve revisions to the Cemetery Rules & Regulations last revised February 28, 2018. All in favor. MOTION CARRIED.

Councilperson Luce will get the revisions completed and a new copy will be presented to the Town Clerk to be put out for public viewing. There will be hard copies available at the Town Hall, and available for viewing on the website [www.northdansville.org](http://www.northdansville.org).

Highway: Superintendent MacWhorter reports all road work has been completed this year. He let the Town Board know that his crew has been working with the Village this week on black top projects the Village is working on. He is also getting his paperwork and receipts together to get reimbursement through CHIPS.

NYMIR: Supervisor Horr supplied the Town Board with copies of the recommendation report from New York State Municipal Insurance Reciprocal. The suggestions in the report are being reviewed and action will be taken if necessary. Some of the items have already been taken care of. NYMIR also suggested that we have a Notice of Highway Defects Local Law in place.

A motion by Councilperson Colella, and a second by Bacon to hold a Public Hearing on 11/8/22 @ 7:00PM, to hear public comments on Notice of Highway Defects Local Law. All in favor. MOTION CARRIED.

Councilperson Colella asked the Town Clerk to check and see if there is currently a Highway Defects Local Law on file. If there is such a law and no revisions need to be made, then the Public Hearing will not be necessary.

Airport: Supervisor Horr let the Town Board know that he is staying in contact with Clark Patterson on the Hangar Roof project. The current contract states the work is supposed to be completed by the end of the year.

Rick Lafford was in attendance and asked for the Town Board's consideration of a storage fuel tank to be installed at the airport so the fuel would not have to be brought in by truck. The Town Board will consider this option and further discussion will be held at future meetings.

Parks & Recreation: Supervisor Horr asked Jim MacWhorter to get estimates on frontage road parking lot and fencing repair. The plan is to use the \$20,000 County Grant to cover the cost of this project.

## Other Business:

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 September 30, 2022, and payroll by transaction class for the same period for their review. Town Clerk presented a hard copy of these materials for board review if they so wished. Board members had no concerns with the information contained in the financial material.

Fiscal Year 2023 Budget: A motion by Councilperson Bacon and a second by Luce to hold a Public Hearing on 10/25/22 at 5:00 PM to hear public comments on the 2023 Town Budget. The Town Clerk will place a legal advertisement stating such.

Solar Law: Working sessions are continuing. The next session will be 10/17/22 at 5:30 PM.

McWhorter Road: Supervisor Horr let the Town Board know that he has reached out to CPL, and Labella Associates for estimates on the land erosion issue. He is also staying in touch with the Army Corp. of Engineers on the progress they are making on this issue. He has reached out to Alfred University Dean who forwarded the information to the Professor in charge of the Engineering Department.

## Other Communications:

Supervisor Horr talked with the Board about switching our Legal Advertising Agency from The Livingston County News, to The Spectator out of Hornell, NY. The LCN is only a weekly print making it impossible to meet the deadlines to place such notice. The Spectator is a daily print making those deadlines more manageable with our meeting schedule. A motion by Councilperson Luce, and a second by Bacon to name The Spectator as our official newspaper for the remainder of 2022. All in favor. MOTION CARRIED.

ZBA Alternate Member: A motion by Councilperson Bacon, and a second by Colella to name Jennifer Howe as an alternate ZBA member appointed by the Town of North Dansville. All in favor. MOTION CARRIED.

Supervisor asked the public and Town Board Members if there were any more comments on Public Hearing on Local Law #3 of 2022, to which there were none. A motion by Councilperson Colella, and a second by Bacon to close the Public Hearing at 7:54 PM. All in favor. MOTION CARRIED.

**RESOLUTION: ADOPTING LOCAL LAW #3 OF THE YEAR 2022  
NO. 10-1-2022**

Motion by: Councilperson Bacon  
Second by: Councilperson Colella

**WHEREAS**, the Town Board has prepared and submitted for review Local Law # 3 of the Year 2022; and

**WHEREAS**, a legal notice was placed in the Livingston County News informing the General Public of a Public Hearing scheduled for October 11, 2022, at 7:00 PM; and

**WHEREAS**, the Town Board's purpose is for amending, administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. Previously adopted as Local Law #3 of the year 2006. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law to protect the health, safety, and welfare if this Town; and

**WHEREAS**, a proposed local law was prepared which will amend and implement the New York State Uniform Fire Prevention and Building Code and Energy Code previously filed on 12/12/2006; and

**WHEREAS**, the Town Board duly held a Public Hearing on the proposed Local Law on October 11, 2022 and heard all interested parties.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. The Town Board hereby adopts Local Law No. 3 of 2022.

2. The Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.
3. This Resolution shall take effect immediately.

Roll call vote: AYES: Councilperson Colella, Bacon, Luce, and Supervisor Horr  
NOES: None. MOTION CARRIED 4 to 0.

A motion by Councilperson Bacon and a second by Luce to pay all bills as audited, General Account Vouchers #180-#197 incl., totaling \$15,144.10 and Highway Account Vouchers #76-#85 incl., totaling \$4669.27. All in favor. MOTION CARRIED.

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

Meeting adjourned at 8:10 PM

Respectfully submitted

Lori Tyler

Town Clerk/ Tax Collector