

**TOWN OF HORSEHEADS
TOWN BOARD
May 5, 2022 (AMENDED DATE)
7:00 P.M.**

The regular monthly meeting of the Town Board of the Town of Horseheads was held remotely on the above date at 7:00 P.M. at the Town Hall, 150 Wygant Road, Horseheads, New York.

Members Present: Donald J. Fischer, Councilman, Gary H. Riopko, Carl R. Lewis, Sr., Stephen E. Wilber and Donald W. Zeigler, Councilmen

Others Present: John P. Mustico, Town Attorney; Nancy Rohde, Town Clerk, Joseph Atkinson and Peggy Woodard, 8th District Legislator

Supervisor Fischer called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

On a motion by Mr. Wilber, and seconded by Mr. Zeigler, it was moved that the reading of the minutes of the April 13 & 27, 2022 meetings of the Town Board of the Town of Horseheads be dispensed with and the same stand approved as entered by the Clerk.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #79 of 2022

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Wilber, seconded by Mr. Riopko

BE IT RESOLVED, that the Supervisor is hereby directed to pay the audited bills from all funds in the amount of \$115,694.44.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #80 of 2022

REPORTS OF TOWN OFFICERS

On a motion by Mr. Lewis, and seconded by Mr. Riopko, it was moved that the April, 2022 reports of the Supervisor in the General and Highway Funds, reports of the Town Justices, reports of the Code Enforcement Office, Highway Superintendent, Town Clerk, and Assessor be received and placed on file.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Correspondence:

- Horseheads Historical Society: letter re: connector name recommendation. (04/22/2022).

On a motion by Mr. Lewis and seconded by Mr. Zeigler, it was moved that the correspondence be received and placed on file.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

During the audience participation at this portion of the meeting, Peggy Woodard, *th District Legislator came forward to state that she was attending the meeting in person for the second time in months and she is available if anyone has any questions.

Resolution #81 of 2022

**PROCLAMATION – NATIONAL NURSES WEEK
MAY 6-12, 2022**

WHEREAS, professional nurses carry great patience, helping others who are suffering from physical discomfort while instilling in them confidence that they are being cared for in the best possible manor, and

WHEREAS, nurses are leading advocates of overall public health whose scope of work encompasses specialized areas ranging from neonatal care to gerontology, and

WHEREAS, nurses are our frontline heroes going the extra mile in times of trouble, and

WHEREAS, when recognizing nurses, let us remember to also thank the C.N.A's who work tirelessly beside them.

WHEREAS, nurses must not only listen to the feelings of patients and care for their needs; they must also learn prevailing and new technologies and scientific medical advances and incorporate them to update their knowledge, and

WHEREAS, a nurse is the one who opens the eyes of a new born & gently closes the eyes of a dying man , it is indeed a blessing they share to be first and last to witness the beginning and end of life, and

WHEREAS, the safe and quality health care services provided by registered nurses and licensed practical nurses will be an increasingly important component of the U.S. healthcare system in the future,

05/05/2022 T.B.

NOW, THEREFORE, we, the **Town Board of the Town of Horseheads, NY**, do hereby proclaim the week of **May 6 – 12, 2022** as National Nurses Week and ask all residents of this community to join us in recognizing the crucial role that professional nurses play in the health and well-being of others.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Town of Horseheads to be affixed this 11th day of April, 2022.

Donald J. Fischer,
Town Supervisor

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #82 of 2022

**RESOLUTION TO SET PUBLIC HEARING FOR JUNE 8, 2022 REGARDING ZONING
AMENDMENT RE: SPECIAL PERMITS AND CANNABIS**

Resolution by Mr. Zeigler, seconded by Mr. Lewis

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby sets a Public Hearing to be held on June 8, 2022 at 7:00 PM regarding special permits and cannabis zoning amendment. This item will be referred to the Chemung County Planning Board and all neighboring municipalities.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #83 OF 2022

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER THE
EXTENSION OF THE CANNABIS MORATORIUM**

Resolution by Mr. Wilber, seconded by Mr. Lewis

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby sets a Public Hearing to be held on June 8, 2022 at 7:00 PM to consider the extension of the Cannabis moratorium.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

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The Resolution approving contract with Brian Adessa will carry to the May 25, 2022 Town Board meeting as they have further questions.

At this portion of the meeting, a motion was made by Mr. Wilber and seconded by Mr. Riopko to add the following to the agenda:

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #84 of 2022

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER AMENDING THE
EXISTING PUD TO ADD 607 PRO SPORTS COMPLEX**

Resolution by Mr. Wilber, seconded by Mr. Lewis

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby sets a Public Hearing to be held on June 8, 2022 at 7:00 PM to consider amending the existing PUD to add 607 Pro Sports Complex.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

At this portion of the meeting, a motion was made by Mr. Zeigler and seconded by Mr. Wilber to add the following to the agenda:

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #85 of 2022

**RESOLUTION AUTHORIZING SEASONAL LABOR
POSITION AT HIGHWAY POSITION**

Resolution by Mr. Zeigler, seconded by Mr. Riopko

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby authorizes the position of Season-Laborer to Richard Roark at an hourly salary of \$13.20.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

PUBLIC HEARING – LOCAL LAW #3 OF 2022 – AMENDING LOCAL LAW #1 OF 2017 RESIDENCY REQUIREMENTS FOR CERTAIN APPOINTED OFFICES OF THE TOWN OF HORSEHEADS TO INCLUDE THE APPOINTMENT OF TOWN CLERK AND REMOVE APPOINTMENT OFFICE OF YOUTH BUREAU DIRECTOR

At this portion of the meeting Supervisor Fischer turned the meeting over to Attorney John P. Mustico. A motion was then made by Mr. Wilber and seconded by Mr. Lewis to dispense with the reading of the Public Hearing which was published one time in the Star-Gazette on April 21, 2022.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Attorney Mustico declared the public hearing open and asked if there was anyone who wished to speak with regard to the Public Hearing.

As no one came forward, a motion was made by Mr. Wilber, seconded by Mr. Zeigler to close the Public Hearing.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Resolution #86 of 2022

RESOLUTION AMENDING LOCAL LAW #1 OF 2017 RESIDENCY REQUIREMENTS FOR CERTAIN APPOINTED OFFICES OF THE TOWN OF HORSEHEADS TO INCLUDE THE APPOINTMENT OF TOWN CLERK AND REMOVE APPOINTMENT OFFICE OF YOUTH BUREAU DIRECTOR

Resolution by Mr. Lewis and seconded by Mr. Zeigler

WHEREAS, the Town Board of the Town of Horseheads, Chemung County State of New York, on April 12, 2017, adopted Local Law #1 of 2017, entitled:

“A Local Law to Establish the Residency Requirements for Certain Appointed Offices for the Town of Horseheads” pursuant to Municipal Home Rule Law, §10[1][ii][a][1], and

WHEREAS, the Town Board of the Town of Horseheads hereby amends to local law as follows:

Section I. Title: A local law to establish the residency requirements for following appointed offices in the Town of Horseheads: Town Clerk, Code Enforcement Officer, Town Highway Superintendent, Deputy Highway Superintendent and Town Attorney.

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Section II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 adding a new subdivision (24) expanding the residency requirements for any appointed public office in the Town of Horseheads, Chemung County, thereby rendering Public Officers Law a special law with respect to those appointed town officer (See cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

Section III. Supersession: This local law shall supersede Town law, §23(1) in its application to appointed offices for the Town of Horseheads.

Section IV. Residency Requirements for Certain Appointed Positions for the Town of Horseheads: The persons holding an appointive office in the Town of Horseheads as Town Clerk, Code Enforcement Officer, Town Highway Superintendent, Deputy Highway Superintendent and Town Attorney need not be a resident nor an elector of the Town of Horseheads, provided, however, that such person shall reside within the County of Chemung.

Section V. Inconsistency: All other local laws and ordinances of the Town of Horseheads that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

Section VI. Savings Clause: If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Town of Horseheads Town Board hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section VII. Effective Date: This local law shall take effect immediately upon its filing in the office of the Secretary of State, as required by Section 27 of the Municipal Home Rule Law, and

WHEREAS, the Town of Horseheads would like to amend **Section I. Title** to include the appointed office of Town Clerk and remove the appointed office of Youth Bureau Director, and

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WHEREAS, the Town of Horseheads would like to amend **Section IV Residency Requirements for Certain Appointed Position for the Town of Horseheads** of Local Law #1 of 2017, to include the appointed office of Town Clerk and remove the appointed office of Youth Bureau Director.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby amends Local Law No. 1 of 2017, to include the appointed office of Town Clerk and remove the appointed office of Youth Bureau Director.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

As there was no further business to come before the board, a motion was made by Mr. Lewis and seconded by Mr. Wilber to adjourn at 7:50 P.M.

Ayes: Riopko, Lewis, Wilber, Zeigler and Fischer. Nays: None.

Respectfully Submitted,

Nancy Rohde, Town Clerk