

**TOWN OF HORSEHEADS
TOWN BOARD
June 8, 2022
7:00 P.M.**

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

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

Members absent: Gary H. Riopko, Councilman.

Others Present: John P. Mustico, Town Attorney; Nancy Rohde, Town Clerk, Cathy Wood, Deputy Town Clerk, Joseph Atkinson, Peggy Woodard, 8th District Legislator, Sean and Shane Lohmuller, Kirk Vieselmyer, Brian Grose, Ray and Laurie Cass

Supervisor Fischer called the meeting to order at 7:00 p.m. and boy scout Shane Lohmuller led the Pledge of Allegiance and all in attendance recited.

On a motion by Mr. Wilber, and seconded by Mr. Lewis, it was moved that the reading of the minutes of the May 5 & 25, 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 #88 of 2022

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Riopko, seconded by Mr. Wilber

BE IT RESOLVED, that the Supervisor is hereby directed to pay the audited bills from all funds in the amount of \$394,845.17.

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

Resolution #89 of 2022

REPORTS OF TOWN OFFICERS

On a motion by Mr. Lewis, and seconded by Mr. Riopko, it was moved that the May, 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:

- Charter Communications – Upcoming changes (06/01/22).
- Chemung County Soil & Water – thank you for help with tire recycling program (06/01/22).

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 of the meeting, no one came forward to speak.

PUBLIC HEARING – EXTENSION OF MORATORIUM REGARDING THE REGULATION OF UNLICENSED CANNIBIS SALES AND TRANSFERS

At this portion of the meeting, Supervisor Fischer turned the meeting over to Attorney John P. Mustico. Attorney Mustico read the Public Hearing which was published one time in the Star-Gazette on May 26, 2022.

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

Lori Cass, 22 Redwing Lane, came forward questioning if the sale of cannabis is allowed in the Town and stated addresses where she observed businesses selling.

Attorney Mustico offered several times if anyone else would like to speak with regard to the Public Hearing.

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

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

Attorney Mustico explained that the addresses mentioned by the above resident are located in the Village of Horseheads.

Resolution #90 of 2022

RESOLUTION AMENDING LOCAL LAW #1 OF 2022, A MORATORIUM PROHIBITING CANNABIS SALES OR TRANSFERS FOR A PERIOD OF SIX MONTHS, APPROVING A SIX (6) MONTH EXTENSION OF MORATORIUM

Resolution by Mr. Wilber and seconded by Mr. Lewis

06/08/2022 T.B.

WHEREAS, on December 22, 2021, at the Town Board meeting, by way of Resolution #138 of 2021, Local Law #1 for 2022 was adopted, a Moratorium Prohibiting Cannabis Sales or Transfers for a Period of Six Months, and

WHEREAS, on June 8, 2022, at the Town Board meeting, a public hearing was held to extend the moratorium with regards to cannabis related sales and transfers and amend Local Law #1 of 2022, and

NOW, BE IT RESOLEVED, the Town Board of the Town of Horseheads hereby Adopts Local Law #4 of 2022, a Local Law amending Local Law #1 of 2022, and extending the moratorium with regards to cannabis related sales and transfers until December 31, 2022.

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

PUBLIC HEARING – AMENDMENTS TO TOWN CODE ARTICLE IX BUSINESS ZONE AND AMENDMENTS TO TOWN CODE, ARTICLE XV SPECIAL PERMITS PERTAINING TO THE SALE OF CANNABIS.

At this portion of the meeting, Supervisor Fischer turned the meeting over to Attorney John P. Mustico. Attorney Mustico read the Public Hearing which was published one time in the Star-Gazette on May 26, 2022.

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

Attorney Mustico offered several times would anyone like to speak with regard to the Public Hearing.

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

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

No action to be taken at this time regarding this item. Referrals were sent to the Chemung County Planning Board and neighboring municipalities by the Planning Board Secretary. This item will carry to the July 2022 meeting.

PUBLIC HEARING – REQUEST OF ELMIRA STRUCTURES FOR A P.U.D. AMMENDMENT TO ALLOW SPORTS COMPLEXES.

At this portion of the meeting, Supervisor Fischer turned the meeting over to Attorney John P. Mustico. Attorney Mustico read the Public Hearing which was published one time in the Star-Gazette on May 26, 2022.

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

06/08/2022 T.B.

Attorney Mustico offered several times would anyone like to speak with regard to the Public Hearing.

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

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

Attorney Mustico began the discussion with review of SEQR for this project.

Resolution #91 of 2022

**RESOLUTION TO MAKE A NEGATIVE DECLARATION UNDER SEQR
REQUEST OF ELMIRA STRUCTURES FOR A P.U.D. AMMENDMENT TO ALLOW
SPORTS COMPLEXES.**

Resolution by Mr. Zeigler, seconded by Mr. Lewis

BE IT RESOLVED, that the Town Board of The Town of Horseheads, as a result of SEQR review, for applicant, Elmira Structures, P.U.D. amendment request, hereby declares a negative declaration.

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

Resolution #92 of 2022

**RESOLUTION AUTHORIZING P.U.D. AMENDMENT REQUEST OF ELMIRA
STRUCTURES**

Resolution by Mr. Zeigler, seconded by Mr. Lewis

BE IT RESOLVED, that the Town Board of the Town of Horseheads, hereby authorizes the P.U.D. amendment request of Elmira Structures, project location 61 Philo Road West, Elmira, NY 14903, for construction of a 15,200 S.F. sports complex.

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

Resolution #93 of 2022

RESOLUTION AUTHORIZING STANDARD WORK DAY AND REPORTING

BE IT RESOLVED, that the Town of Horseheads hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State Employee's Retirement System based on the records of activities maintained and submitted by these officials to the clerk of this body. (See below).

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

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A (Rev. 11/22)

Received Date: _____

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

BE IT RESOLVED, that the Town of Horseheads, hereby established the following standard work days for these filers and will report the officials to the New York State and Local Retirement based on their record of activities:

| Name | Social Security Number | NYS/LSJ ID | Title | Current Term Begin & End Dates | Standard Work Day | Record of Activities Result | Not Submitted | Pay Frequency | Tier 1 |
|-----------------------------|------------------------|------------|------------|--------------------------------|-------------------|-----------------------------|--------------------------|---------------|--------------------------|
| Elected Officials: | | | | | | | | | |
| Gary H. Riopko | [REDACTED] | [REDACTED] | Councilman | 11/20-12/31/23 | 6 | 14.50 | <input type="checkbox"/> | Bi-weekly | <input type="checkbox"/> |
| Carl R. Lewis, Sr. | [REDACTED] | [REDACTED] | Councilman | 11/20-12/31/2023 | 6 | 19.64 | <input type="checkbox"/> | Bi-weekly | <input type="checkbox"/> |
| Appointed Officials: | | | | | | | | | |
| | | | | | | | <input type="checkbox"/> | | <input type="checkbox"/> |
| | | | | | | | <input type="checkbox"/> | | <input type="checkbox"/> |
| | | | | | | | <input type="checkbox"/> | | <input type="checkbox"/> |

I, Nancy C. Rohde, secretary/clerk of the governing board of the Town of Horseheads, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 8th day of June, 2022 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Horseheads on this 15th day of June, 2022.

Nancy C. Rohde
Secretary/Clerk of Town

Affidavit of Posting: I, Nancy C. Rohde, being duly sworn, deposes and says that the posting of the Resolution began on June 15, 2022 and continued for at least 30 days. That the Resolution was available to the public on the: www.townofhorseheads.org

Employer's website at: _____
 Official sign board at: _____
 Mail and/or New York State or Clerk's office at: _____

Date: 1 of 1

At this portion of the meeting, a motion was made by Mr. Zeigler and seconded by Mr. Lewis to add a resolution to adopt an updated policy against discrimination and harassment on the basis of disability to the agenda.

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

A meeting of the Town Board of the Town of Horseheads was convened on Wednesday, June 8, 2022, at 7:00 PM. The following Resolution was duly offered.

Resolution #94 of 2022

**RESOLUTION TO ADOPT AN UPDATED POLICY AGAINST DISCRIMINATION
AND HARASSMENT ON THE BASIS OF DISABILITY**

Resolution by Mr. Zeigler, seconded by Mr. Lewis

WHEREAS, the New York State Office of Community Renewal requires that a policy be in place for grievance procedures for municipalities with more than 15 employees, which procedures must incorporate due process standards and provide for the prompt and equitable resolution of Section 504 of the ADA related complaints regarding disability; and

WHEREAS, attached hereto is a proposed section 504 Grievance Procedure, and

NOW, THEREFORE, it is resolved by the Town Board of the Town of Horseheads as follows:

1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full herein.
2. The Town of Horseheads does hereby adopt the attached Section 504 Grievance Procedure for the Town of Horseheads of regarding prohibition of discrimination on the basis of disability.
3. This Resolution shall take place immediately.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby Adopts the Updated Policy Against Discrimination and Harassment on the Basis of Disability as written below.

SECTION 504 GRIEVANCE PROCEDURE:

It is the policy of the Town of Horseheads not to discriminate on the basis of disability. The Town of Horseheads has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and the Town of Horseheads Regulations may be examined in the office of the Town Clerk of the Town of Horseheads, Section 504 Coordinator, (845) x 302, who has been designated to coordinate the efforts of the Town of Horseheads to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Town of Horseheads to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

PROCEDURE:

- Grievances must be submitted to the Section 504 Coordinator within seven (7) days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Town of Horseheads relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town of Horseheads Supervisor within 15 days of receiving the Section 504 Coordinator's decision. The Town of Horseheads Supervisor shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing

06/08/2022

a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights.

The Town of Horseheads will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

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

Councilman Wilber gave an update regarding the LED project. More equipment is needed to finish the project.

As there was no further business to come before the board, a motion was made by Mr. Wilber and seconded by Mr. Zeigler to adjourn at 7:23 P.M.

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

Respectfully Submitted,

Nancy Rohde, Town Clerk