

**TOWN OF HORSEHEADS
TOWN BOARD
September 14, 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 and Carl R. Lewis, Sr., Councilmen

Members Absent: Donald W. Zeigler, Councilman

Others Present: John P. Mustico, Town Attorney; Cathy Wood, Deputy Town Clerk; Dave Murray, Code Enforcement Officer, Joe Atkinson, Diana Hardy, Randy Hardy, Pamela Matthews, Chris Matthews, Ray Cass, Laurie Cass, Robin Witkowski, Residents; Via Zoom – Stephen E. Wilber, Councilman and Peg Woodard, 8th District Legislator.

Supervisor Fischer called the meeting to order at 7:00 p.m.

On a motion by Mr. Lewis, and seconded by Mr. Riopko, it was moved that the reading of the minutes of the August 10th & 24th, 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, and Fischer. Nays: None.

Resolution #111 of 2022

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Riopko, seconded by Mr. Lewis

BE IT RESOLVED, that the Supervisor is hereby directed to pay the audited bills from all funds in the amount of \$181,392.09.

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

Resolution #112 of 2022

REPORTS OF TOWN OFFICERS

Resolution by Mr. Lewis, seconded by Mr. Riopko

BE IT RESOLVED, that the Town Board of the Town of Horseheads received and placed on file the August 2022 reports of the Supervisor in the General and Highway Funds, reports of the

09/14/2022 T.B.

Town Justices, reports of the Code Enforcement Office, Highway Superintendent, Town Clerk, and Assessor.

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

Correspondence:

- Charter Communications – Upcoming Change (08/05, 15, & 09/01/2022).
- Chemung County Soil & Water – Letter re: Catherine Valley Rail Improvement Project (08/31/2022).
- Irrigation Consulting, Inc. – Proposal for Design and Consulting Services for the Holding Point Sporting Complex (08/30/2022).

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

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

During the audience participation portion of the meeting, no one came forward to speak.

At this portion of the meeting, Supervisor Fischer asked Code Enforcement Officer, Dave Murray, to begin his presentation regarding 3085 Butler Avenue. Mr. Murray prepared a power point presentation and explained the events leading up to this point and the condition of the property. Neighbors on Butler, Denver and Arnold Avenue have also been dealing with cockroaches. The presentation also included recommendations to best resolve this problem.

PUBLIC HEARING – DEMOLITION OF UNSAFE PROPERTY LOCATED AT 3085 BUTLER AVENUE, TAX MAP #69.14-3-6

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 September 2, 2022.

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

Robin Witkowski, 167 Denver St. – expressed the situation is extreme and very frustrating for this neighborhood and something needs to be done.

Randy Hardy, 3086 Butler Ave. – came forward to express this situation has been going on. Orkin has been coming to his house for the past 2 years. He has tried to help the residents of 3085 Butler Avenue in the past.

09/14/2022 T.B.

Pam Matthews, 3084 Butler Ave. – came forward and agreed with residents who spoke before her. She owns a very expensive camper which she found roaches in. She experienced a few in her home and also hired Orkin, it will be a year in November 2022, to exterminate the cockroaches.

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. Riopko and seconded by Mr. Lewis to close to close the Public Hearing.

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

Attorney Mustico explained, at the August 24, 2022 meeting, the Town Board passed Resolution #110 of 2022, to begin the process of ordering the removal of structures located at 3085 Butler Ave., Tax Map #69.14-3-6, owned by Beverly L. Hill, based upon Code Enforcement reporting. Gilbert Hill is the most recent resident of 3085 Butler Avenue and William Hill is the Administrator of the Estate of Beverly Hill. Neither Gilbert Hill or William Hill appeared.

Resolution #113 of 2022

RESOLUTION RENEWING RESOLUTION #110 OF 2022 APPROVING THE REMOVAL OF PROPERTY AND STRUCTURES LOCATED AT 3085 BUTLER AVENUE (Tax Map #69.14-3-6) AND AUTHORIZING THE TOWN SUPERVISOR TO SIGN CONTRACT WITH JELLISON PEST CONTROL FOR EXTERMINATION OF COCKROACHES

Resolution by Mr. Lewis and seconded by Mr. Riopko

WHEREAS, on July 17, 2022, Code Enforcement Officer Dave Murray, according to Section 6 of Unsafe Buildings of the Town of Horseheads, posted Notice to Landowner to Remedy and the completed the Affidavit of Posting, and

WHEREAS, on August 24, 2022, at the Town Board Meeting, the process to remove the structures located at 3085 Butler Avenue, Tax Map #69.14-3-6, was approved by way of Resolution #110 of 2022, and

WHEREAS, on August 31, 2022, the Town Clerk, mailed to William Hill, by certified mail return and receipt and by regular mail the Notice to Landowner to Remedy, by depositing both envelopes in an official depository with the United States Postal Service, and Affirmation of Mailing is on file, and

09/14/2022 T.B.

WHEREAS, on August 31, 2022, the Town Clerk filed with the Chemung County Clerk, the Notice to Landowner to Remedy, Lis Pendens, and

WHEREAS, on September 1, 2022, Code Enforcement Officer Dave Murray personally served William Hill the Notice to Landowner to Remedy, and

WHEREAS, a letter dated September 2, 2022 was received and placed on file from Jonathan Keough, Director for Chemung County Health Department Environmental Health Services, and

WHEREAS, on September 14, 2022, at the Town of Horseheads Town Board meeting, Code Enforcement Officer Dave Murray gave a power point presentation, which is on file, of the events and conditions, with recommendations, of the property located at 3085 Butler Avenue, and

WHEREAS, Code Enforcement Officer Dave Murray met with Jellison Pest Control at the premises and a quote was received to provide exterminating services through October 31, 2022, and

WHEREAS, a quote was received for demolition of structures from LCP Group, Inc., and

WHEREAS, based upon the Town of Horseheads procurement law, the Code Enforcement Office will need to obtain two (2) more estimates for the demolition of property, and

WHEREAS, on September 14, 2022, at the Town of Horseheads Town Board meeting, a Public Hearing was held for the demolition of unsafe property located at 3085 Butler Avenue, Tax Map #69.14-3-6, and

WHEREAS, several neighbors came forward to express their concerns, and

WHEREAS, as required by Section 5 of Unsafe Buildings Local Law No. 1, of the Town of Horseheads, the process for demolition shall continue, and

WHEREAS, the Estate of Beverly Hill will be notified as to the findings of this Town of Horseheads Town Board meeting, and

WHEREAS, the Town Board of the Town of Horseheads has duly considered the same, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby renews Resolution #110 of 2022, approving the demolition/removal of property and structures located at 3085 Butler Avenue, Horseheads, NY, (Tax Map #69.14-3-6) and authorizes the Town Supervisor to sign a contract with Jellison Pest control for the extermination of cockroaches.

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

09/14/2022 T.B.

Discussion and possible action regarding amendment to Town Code Article IX, Business Zone and amendments to Town Code, Article XV Special Permits pertaining to the sale of cannabis will carry to the October 12th, 2022 meeting.

Resolution #114 of 2022

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH IRRIGATION CONSULTING, INC.

Resolution by Mr. Riopko, seconded by Mr. Lewis

WHEREAS, a proposal for irrigation design and consulting services for a watering system, at the Holding Point Recreation Center, was received, August 1, 2022, and

WHEREAS, the Town Board of the Town of Horseheads has duly considered the same, and

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby authorizes the Town Supervisor, Donald J. Fischer to sign the proposal estimate, with verbiage modification “not to exceed and cap of expenses” with engineer group, Irrigation Consulting, Inc., to design and construct a watering system at the Town of Horseheads Holding Point Recreation Center.

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

At this portion of the meeting, John P. Mustico explained the request of Longford Farm Realty, LLC, Certiorari. This property is also known as Swift Glass. Longford Farm Realty grieved their current assessment and asked for a revision. The request was reviewed.

Resolution #115 of 2022

RESOLUTION APPROVING THE STIPULATION CONSENT AND AUTHORIZING TOWN ATTORNEY JOHN P. MUSTICO TO SIGN THE STIPULATION CONSENT FOR PROPERTIES 131 WEST 22ND STREET, ELMIRA HEIGHTS, NY (TAX MAP NO. 69.14-1-17) AND 200 LENOX AVENUE, ELMIRA HEIGHTS, NY (TAX MAP NO. 69.14-1-14) FOR TAX YEAR 2022/2023

Resolution by Mr. Lewis, seconded by Mr. Riopko

WHEREAS, a Stipulation, Consent Order and Judgement, for the tax year 2022/2023 of the real estate of Longford Farm Realty LLC., (the “Petitioner”) in the Village of Elmira Heights, Town of Horseheads, County of Chemung, State of New York, Tax Map No. 69.14-1-17, 131 West 22nd Street, and Tax Map No. 69.14-1-14, 200 Lenox Avenue, (the “Properties”), was duly served upon the Assessor of the Town of Horseheads, the Town of Horseheads (the “Town”) and the Board of Assessment Review (the “Respondents”), and

09/14/2022 T.B.

WHEREAS, the Respondents and said property owner entered into an agreement and stipulation of compromise and settlement of their differences, and

WHEREAS, the Town Board has duly considered the same.

NOW, THEREFORE, BE IT RESOLVED, that Town Attorney John P. Mustico is hereby directed to sign the Stipulation, Consent Order and Judgement, for the tax year 2022/2023, Index No. 2022-5490, in full settlement of certiorari proceeding, and be it further

RESOLVED, This Resolution shall take effect immediately.

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

Conference attendance requests – none.

At this portion of the meeting a motion to add discussion and possible action regarding the formation of a joint fire district was made by Mr. Lewis and seconded by Mr. Riopko to the agenda.

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

Resolution #116 of 2022

RESOLUTION AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH HANNIGAN LAW FIRM

Resolution by Mr. Lewis, seconded by Mr. Riopko

WHEREAS the Town of Horseheads, Village of Horseheads and Village of Elmira Heights have explored the merit and feasibility of forming a Fire Protection District to be comprised of the three listed municipalities with the potential to include a portion of the Town of Veteran, and

WHEREAS, a study has been commissioned and completed making certain recommendations regarding that formation, and

WHEREAS, the Town of Horseheads and Village of Horseheads have expressed interest in proceeding with the district formation as soon as practical and are awaiting the response from the Village of Elmira Heights as to whether it wants to participate in the project, and

WHEREAS, a proposal regarding the legal fees and disbursements relative to the formation of the district and the necessary steps to memorialize same has been received and projected such costs at approximately \$10,000.00, and

NOW THEREFORE BE IT RESOLVED, that the Town of Horseheads agrees to pay a sum not to exceed 50% of the legal fees, cost and disbursements subject to the Town Board of the Town of Horseheads satisfaction with the proposed retainer agreement, Hannigan Lawfirm,

09/14/2022 T.B.

together with the finalization of fees and costs associated with such formation and the allocation of same between the interested municipalities.

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

The BMX event, overall, went very well.

As there was no further business to come before the Board, a motion was made by Mr. Lewis and seconded by Mr. Riopko to adjourn at 8:42 P.M.

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

Respectfully Submitted,

Nancy Rohde, Town Clerk