

**TOWN OF HORSEHEADS
TOWN BOARD
JANUARY 09, 2019**

The organizational meeting of the Town Board of the Town of Horseheads was held on the above date at 7:30 P.M. at the Town Hall, 150 Wygant Road, Horseheads, New York.

Members Present: Michael W. Edwards, Town Supervisor; Donald J. Fisher, Gary H. Riopko, Carl R. Lewis, Sr. and Stephen E. Wilber, Councilmen.

Others present: Nancy Rohde, Town Clerk; Gretchen Deglau, Lorie & Ray Cass, Brenda L. Knoll, Joseph Atkinson, Tom Nagle and Beth Grannis.

Supervisor Edwards called the meeting to order at 7:30 p.m. and the Pledge of Allegiance to the flag was recited.

On motion by Mr. Fischer, and seconded by Mr. Lewis, it was moved that the minutes of December 14, and 28, 2016 meeting be dispensed with and the same stand approved as entered by the clerk.

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

Resolution #1 of 2019

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Riopko and seconded by Mr. Wilber

BE IT RESOLVED, that the Supervisor is hereby directed to pay the audited claims in the following funds:

	Voucher Numbers	Amount
General Fund (December)	#750-788	\$ 60,169.17
General Fund (January)	#1-11	27,469.86
Highway Fund (December)	#235-259	39,038.08
Highway Fund (January)	#1-17	<u>\$ 66,759.12</u>
Total		\$193,436.23

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

Resolution #2 of 2019

REPORTS OF TOWN OFFICERS

On a motion by Mr. Lewis, and seconded by Mr. Riopko, it was moved that the December, 2018 reports of the Supervisor in the General and Highway Funds, reports of the Town Justices, Code Enforcement Officer, Youth Bureau, Assessor, Highway Superintendent and Town Clerk be received and placed on file.

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

Correspondence:

- EHS Support – Koppers Pond Monthly progress report (12/2018).
- Noth County Senior Center – request for financial support (12/03/2018).
- NYS D.O.T – restricted Highway Designation (12/11/2018).
- Association of Towns – outline of events at Annual Meeting (01/04/2019).

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

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

No one came forward during the audience participation portion of the meeting.

Resolution #3 of 2019

**RESOLUTION RE-APPOINTING HEATHER D. HAWKES,
PLANNING BOARD MEMBER**

Resolution by, Mr. Fischer, seconded by Mr. Riopko

BE IT RESOVLED, that Heather D. Hawkes aka Heather D. Davis, be hereby reappointed as Planning Board Member for the Town of Horseheads for a seven year term to expire on December 31, 2025.

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

Resolution #4 of 2019

**RESOLUTION RE-APPOINING EARL L. LAMPMAN
ZONING BOARD OF APPEALS MEMBER**

Resolution by Mr. Riopko, seconded by Mr. Fischer

BE IT RESOLVED, that Earl L. Lampman be hereby reappointed as Zoning Board of Appeals Member for the Town of Horseheads for a five year term to expire on December 31, 2023.

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

Resolution #5 of 2019

**RESOLUTION APPOINING BRIAN QUALEY
ZONING BOARD OF APPEALS CHAIRMAN**

Resolution by Mr. Riopko, seconded by Mr. Fischer

BE IT RESOLVED, that Brian Qualey be hereby reappointed as Zoning Board of Appeals Member for the Town of Horseheads for a five year term to expire on December 31, 2019.

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

01/09/2019 T.B.

Resolution #6 of 2019

**RESOLUTION REGARDING 2247 CORNING ROAD PUD
CHANGE FROM RESTAURANT TO CHURCH**

Resolution by Mr. Fischer, seconded by Mr. Lewis

WHEREAS, the Town Board by Resolution No 128 for 2018 received the application of Pennsylvania Avenue United Methodist Church for amendment to the Miracle Mile Planned Unit Development for premises located at 2247 Corning Rd and referred the application to the Town of Horseheads Planning Board for recommendation, and

WHEREAS, the Town Board requested the Attorney for the Town review the matter to determine if action is required for amendment of the district based solely upon this application, and

WHEREAS, the Attorney of the Town has issued an opinion regarding the application, and

WHEREAS, the Town Board has duly considered the same.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Horseheads receives and accepts the opinion of the Attorney for the Town, a copy of which is attached hereto and made a part hereof as if herein fully set forth, and be it further

RESOLVED, the Town Board repeals its prior Resolution No. 128 for 2018 and makes no referral for recommendation to the Town Planning Board.

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

Conference attendance requests - None

Resolution #7 of 2019

**RESOLUTION ESTABLISHING POSITIONS AND RATES OF PAY AT
THE TOWN OF HORSEHEADS HIGHWAY DEPARTMENT**

Resolution by Mr. Fischer, seconded by Mr. Riopko

BE IT RESOLVED, that pursuant to Town Law, the rates of pay for the employees of the Town Highway Department be and the same are hereby fixed as follows:

NAME	TITLE	RATE OF PAY
Michael Mustico	Equipment Operator #2	\$15.36/hour
William Lesso	Equipment Operator #2	\$15.36/hour
Justin Riker	Laborer	\$15.36/hour

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

01/09/2019 T.B.

(There was no motion at this time to remove the following resolutions from the preferred resolutions for individual discussion.)

Resolution by Mr. Wilber, seconded by Mr. Riopko moving approval of all preferred resolutions:

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

Resolution #8 of 2019

RESOLUTION REGARDING OATH OF OFFICES FILED BY ELECTED OFFICIALS AND APPOINTED OFFICERS AS REQUIRED BY LAW

BE IT RESOLVED, that the Town Clerk shall have elected and appointed officials of the Town of Horseheads execute and file their Oaths of Office as required by law.

Resolution #9 of 2019

RESOLUTION AUTHORIZING FEES FOR CODE ENFORCEMENT OFFICE

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby authorizes the Fee structure for the Code Enforcement Office. Said fees are to take effect immediately as follows:

CODE ENFORCEMENT OFFICE

Residential- 1 & 2 Family	Fee calculation	Minimum fee
1 & 2 family new construction including additions	.10 square foot and \$2.00 per thousand of construction value	\$75.00- additions \$500.00- new construction
1 & 2 family remodel	.05 square foot and \$2.00 per thousand of construction value	\$75.00
Reroofing	\$60.00 and \$2.00 per thousand of construction value	
Decks	\$60.00 under 500 square feet \$75.00 over 500 square feet	
Detached residential supplemental buildings	.10 per thousand	\$50.00
Heating Systems, etc.	\$50.00	
Solar 12kW and under & wind	\$75.00	
Swimming Pool	\$75.00	
Building Permit renewal	½ permit fee	
Emergency Generator	\$75.00	
Multi Family		
Multi Family new construction	.10 per square foot and \$2.00 per thousand of construction value	\$100.00- additions \$500.00- new construction

Multi Family remodel	.05 per square foot and \$2.00 per thousand of construction value	\$100.00
All other building permit fees same as residential		
Commercial and Industrial		
Commercial and industrial new construction	.10 per square foot and \$2.00 per thousand of construction value	\$200.00
Commercial and industrial remodel	.05 square foot and \$2.00 per thousand of construction value	\$100.00
Reroofing	\$75.00 and \$2.00 per thousand of construction value	
Building Permit renewal	½ permit fee	
Fire alarm, sprinkler, life safety, truss id, carbon monoxide system	\$75.00	
Temporary use of Building	\$50.00 plus fire inspection fee	
Temporary Tents and Canopies	\$50.00 plus fire inspection fee	
Fuel, CNG and LPG tank installation, Electric vehicle charging station	\$50.00	
Fuel, CNG and LPG dispensing Island and multi fill station	\$50.00 and \$2.00 per thousand of construction value	\$100.00
Tank removal	\$40.00	
Solar 12kw and under	\$75.00	
Solar and wind- Commercial	\$75.00 and \$2.00 of construction value	\$125.00
Emergency Generator	\$75.00	
Accessory Building/storage	.10 per square feet	\$50.00
Demolition		
Residential	\$50.00	
Commercial and Industrial	\$100.00	
Floodplain Development Permit		
Residential	\$50.00	
Commercial and Industrial	\$75.00	
Signs		
Commercial and Industrial	\$30.00	
Temporary	\$20.00	
Mobile Home		
New Installation	\$125.00	
All other building permit fees		

same as residential		
Misc. fees		
Driveway	\$10.00	
Road right of way	\$10.00	
Timber Harvesting	\$50.00	
Home Occupation	\$25.00 plus \$10.00 renewal fee	
Peddling	\$50.00 plus \$10.00 for each additional person	
Mobile Home Park	\$7.50 per lot \$25.00 transfer fee	
Mobile Home Park Inspection	\$10.00 per lot	
Building without permit	Double Permit fee plus \$100.00 fee 1 st time \$200.00 fee 2 nd time	
Truss ID Signs- residential	\$15.00	
Operational Permits		
Assembly	Included with fire insp. fee	
Commercial/ Industrial	Included with fire insp. fee	
Single Event- Pyrotechnics, outdoor events and all others	\$100.00	
Fire Inspection	Base fee with 1 initial visit and 1 follow up	
<i>Commercial and Industrial Square foot of floor area</i>	<i>Base fee</i>	<i>Each visit over base fee</i>
Up to 1000 square feet	\$25.00	\$20.00
1000 to 3000 square feet	\$50.00	\$25.00
3001 to 10,000 square feet	\$100.00	\$30.00
10,001 to 50,000 square feet	\$150.00	\$40.00
50,001 to 100,000 square feet	\$200.00	\$50.00
100,001 to 250,000 square feet	\$500.00	\$100.00
250,001 to 500,00 square feet	\$750.00	\$150.00
501,00 and over	\$1000.00	\$200.00
In multi-tenant building	Charged separate fee	
<i>Multi- family Buildings</i>		
\$25.00 per building	Maximum \$100.00 per complex	
All fire inspections	No show \$25.00	
Late payment fee	\$25.00	After 45 days
Vacant Properties		
Planning and Zoning		
Site Plan Review	Minor Projects	\$75.00
	Major Projects	\$150.00 plus \$25.00 per acre
Final Plat fee	\$50.00	

Recreation fee for subdivision lots	\$100.00 per lot	
Special Use	\$75.00	
Area and Use Variances	\$75.00	
Public hearing notices for variances, planning board actions, P.U.Ds, rezoning, zoning ordinance change and no parking requests	Applicant Pays	
Stormwater SWPPP's		
Single residential lot	\$50.00	
All other	\$75.00 plus \$25.00 per acre	
Subdivisions	\$75.00 plus \$10.00 per lot	
Letters of Compliance		
Residential	\$25.00	
Commercial	\$35.00	
Abatement Fees		
Administrative fee for abatements	\$75.00	Plus actual costs of removal, cutting, disposal/boarding up

Resolution #10 of 2019

**RESOLUTION AUTHORIZING
FEES FOR HOLDING POINT COMPLEX**

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby authorizes the fees for the Holding Point Complex. Said fees are to take effect immediately as follows:

HOLDING POINT COMPLEX

Holding Point Recreation Pavilion \$20.00 per reservation

Holding Point Recreation Complex

Tournament Play

Softball Fields (4) One Day Event	\$150.00
Youth Baseball Fields (4) One Day Event	\$150.00
Softball Fields (4) Two Day Event	\$300.00
Youth Baseball Fields (4) – two Day Event	\$300.00
Adult Baseball Field/Day	\$125.00

Local League Play Only

All fields* rental/four (4) hour time block \$10.00/block

(*Fields include: Multi-Use fields on the East & West side of the Town Hall, BMX Track, Fields 1 – 9 at the Holding Point Complex, Breesport Community Park, & Hazlett Park)

The fees, set forth herein, include both NON-EVENT and NON-TOURNAMENT events, including but not limited to practice blocks. Payment is due at the time the reservation is made.

Resolution #11 of 2019

RESOLUTION ESTABLISHING ANNUAL SALARIES OF TOWN EMPLOYEES

BE IT RESOLVED, that the following annual salaries be and the same are hereby established for the calendar year 2019:

OFFICE AND OFFICIAL	SALARY	PAYABLE
Supervisor/Budget Officer	\$34,000.00	Bi-Weekly
Deputy Sup.	1,300.00	
Town Clerk	53,000.00	
Assessor	90,640.00	
Assessor's Aide	41,025.00	
Assessor's Aide	30,000.00	
Code Enforcement Officer	72,846.00	
Assistant Code Enforcement Officer	43,209.00	
Assistant Code Enforcement Officer	30,000.00	
Highway Superintendent	73,130.00	
Deputy Highway Superintendent	1,500.00	
Councilmen (4)	8,800.00	
Town Justice	29,700.00	
Town Justice	27,800.00	
Deputy Town Clerk	32,445.00	
Deputy Town Clerk/Bookkeeper	31.83	Hourly
Deputy Town Clerk	14.22	
Receiver of Taxes & Assessment	-0-	
Deputy Receiver	-0-	
Court Clerk	31,827.00	Bi-Weekly
Court Clerk – Part-time	13.91	Hourly
Night Court Clerks	50.00/night	
Part-time help	Pleasure of the Board	
Youth Bureau Director	52,611.00	Bi-Weekly
Youth Program Coordinator	34,746.00	
Youth Program Coordinator (Part time)	Pleasure of the Board	
Clerk/Typist	28,883.00	
Secretary, Planning & Zoning Board	55.00/meeting	
Juvenile Aide Officer #1	70.00/night	
Juvenile Aide Officer #2	70.00/night	
Park Overseer	1,500.00	

Resolution #12 of 2019

RESOLUTION ESTABLISHING POSITIONS FOR DEPUTY TOWN CLERK PURSUANT TO TOWN LAW SECTION 30 (10)

WHEREAS, pursuant to Town Law §30(10) the Town Clerk may appoint not more than three deputies, and

WHEREAS, The Town Board of Horseheads has determined it is in the best interests of the Town to create the positions of Deputy Town Clerks, and

WHEREAS, the Board has duly considered the same.

01/09/2019 T.B.

NOW THEREFORE BE IT RESOLVED, hereby creates the three (3) Deputy Town Clerk positions pursuant to Town Law §30(10) with such powers and duties as may be determined by the town board from time, and be it further

RESOLVED such Deputy Town Clerks shall have the authority to act for and on behalf of the Town Clerk in her absence, be it further

RESOLVED the Town Clerk is directed to file a Certified Copy of this Resolution to the Chemung County/City of Elmira Regional Civil Service Commission to request State approval for three (3) Deputy Town Clerks in the exempt class.

Resolution #13 of 2019

RESOLUTION RATIFYING APPOINTMENT OF DEPUTY TOWN CLERKS

BE IT RESOLVED, that the appointments of Deputy Town Clerks, Cathy R. Wood, MinLing (Angie) Li, and Jenifer J. Driscoll, as made by Town Clerk Nancy Rohde, are hereby ratified, for the period January 1, 2019 to December 31, 2019, and be it further

RESOLVED, that the said Deputy Town Clerks shall perform such duties as the Town Clerk as allowed by law in her absence or inability to act as said Town Clerk.

Resolution #14 of 2019

RESOLUTION RATIFYING DEPUTY RECEIVER OF TAXES

BE IT RESOLVED, that the appointments of Deputy Receivers of taxes; Cathy R. Wood, MinLing (Angie) Li and Jenifer J. Driscoll as made by Town Clerk/Tax Receiver Nancy Rohde, are hereby ratified, for the period January 1, 2019 to December 31, 2019, and be it further,

RESOLVED, that the said Deputy Receivers of Taxes shall perform such duties as the Town Clerk as allowed by law in her absence or inability to act as said Receiver of Taxes.

Resolution #15 of 2019

RESOLUTION ESTABLISHING RATES OF PAY FOR HIGHWAY EMPLOYEES

BE IT RESOLVED, that pursuant to Town Law, the rates of pay for the employees of the Town Highway Department be and the same are hereby fixed as follows:

NAME	TITLE	RATE OF PAY
Tyler Griffin	Deputy Highway Supt.	\$25.69/hour
Todd Jansen	Equipment Operator #2	\$26.04/hour
Michael Dipetta	Equipment Operator #2	\$23.66/hour
Jeremy Radford	Equipment Operator #2	\$20.89/hour
Austin Brenton	Equipment Operator #2	\$19.20/hour
Tyler Bliss	Equipment Operator #2	\$19.20/hour
Kirsta Rhodes	Equipment Operator #2	\$19.20/hour
Chase Larue	Equipment Operator #2	\$15.36/hour

01/09/2019 T.B.

Resolution #16 of 2019

RESOLUTION AUTHORIZING EXEMPTION OF VILLAGE PROPERTY

BE IT RESOLVED, that the Assessor be and he hereby is authorized to exempt from levy and collection of taxes in the Town, all properties within the Village of Horseheads and Elmira Heights, pursuant to Section 277 of the Highway Law and to provide the information required in said section.

Resolution #17 of 2019

**RESOLUTION CONTINUING AGREEMENTS
WITH SCHOOL REGARDING TAXES**

BE IT RESOLVED, that the Supervisor be and he hereby is authorized, pursuant to Section 38 of the Town Law, to continue the agreement of the Town of Horseheads with the Horseheads Central School District within the Town of Horseheads and the Elmira Heights Central School District within the Town of Horseheads for the collection of school taxes by said school districts.

Resolution #18 of 2019

RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE CONTRACTS

BE IT RESOLVED, that the Town Supervisor is hereby authorized and directed to execute contracts with Arnot Art Museum, the Elmira Heights Historical Society, the Horseheads Historical Society, North County Senior Citizens, Inc., Environmental Emergency Services, and Chemung Valley Senior Citizens for the years 2019.

Resolution #19 of 2019

**RESOLUTION AUTHORIZING CONTRACT
WITH YOUTH BUREAU EMPLOYEES**

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute contracts with the Town of Horseheads Youth Bureau Employees from 1/1/2019 through the year 2019.

Resolution #20 of 2019

**RESOLUTION AUTHORIZING CONTRACT
WITH ADMINISTRATIVE UNIT EMPLOYEES**

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute contracts with the Town of Horseheads Administrative Employees from 1/1/2019 through the year 2019.

Resolution #21 of 2019

**RESOLUTION AUTHORIZING CONTRACT
WITH HIGHWAY EMPLOYEES**

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute contracts with the Town of Horseheads Highway Employees from 1/1/2019 through the year 2019.

01/09/2019 T.B.

Resolution #22 of 2019

**RESOLUTION AUTHORIZING AGREEMENT
WITH HIGHWAY SUPERINTENDENT**

BE IT RESOLVED, that pursuant to Section 284 of the Highway Law, the Town Board of the Town of Horseheads hereby enters into an agreement for the expenditure of funds for the repair and improvements of Highways with the Highway Superintendent from 1/1/2019 through the year 2019.

Resolution #23 of 2019

RESOLUTION CONCERNING HEALTH INSURANCE

WHEREAS, Section 92A of the General Municipal Law allows that the Town of Horseheads, as a public corporation, may provide for its officers, employees and retired officers and employees or group thereof medical, surgical and hospital insurance, and

WHEREAS, Section 92A of the General Municipal Law may permit any retired officer or employee of the Town to voluntarily subscribe to such a plan of insurance as provided by the Town of Horseheads for said retired officers and employees and their families as lawfully stated therein, and

WHEREAS, the Town of Horseheads has provided a plan for such insurance for its employees, through various contracts, between said Town and employees, and

WHEREAS, the terms officers, employees, retired officers and employees also includes appointed officials of the Town, including Town Clerk, Town Highway Superintendent, Assessor, Code Enforcement Officer, Youth Bureau Director and Town Attorney to subscribe to such plan of health insurance, and

WHEREAS, the term officers, employees, retired officers and employees also includes all retired elected officials including councilmen, Supervisor and Town Justices,

NOW, THEREFORE, BE IT RESOLVED, The Town will continue Health insurance coverage to an eligible fulltime employees as set forth in the Employee Handbook of the Town of Horseheads.

Resolution #24 of 2019

RESOLUTION PROPOSING SUPERVISOR'S POWER AND DUTIES

BE IT RESOLVED, that pursuant to Section 29 of the Town Law, the Supervisor shall have such powers and duties of administration and supervision of the Town and of Special Improvement District functions to be performed on behalf of the Town as provided by law.

Resolution #25 of 2019

RESOLUTION CONTINUING POSITION OF DEPUTY SUPERVISOR

BE IT RESOLVED, that the Deputy Supervisor shall preside, when present, at the meetings of the Town Board and shall be vested with all of the powers and may perform all of the duties of the Supervisor in the absence of same, as stated in Section 42 of the Town Law, and be it further

RESOLVED, that I, Michael W. Edwards, do hereby appoint Donald J. Fischer as Deputy Supervisor for the Town of Horseheads.

01/09/2019 T.B.

Resolution #26 of 2019

RESOLUTION ACCEPTING UNDERTAKINGS

BE IT RESOLVED, that the Supervisor be and he hereby is authorized and directed to purchase from Perry and Carroll Insurance Company, Inc., a pre-paid blanket bond, funds to be appropriated from A1910.4.

Resolution #27 of 2019

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

BE IT RESOLVED, that, pursuant to Section 65, Sub. 11 of the Town Law, that the Star-Gazette is hereby designated as the official newspaper of the Town of Horseheads, and that the Corning Leader, or Shopper be used as alternates.

Resolution #28 of 2019

RESOLUTION NAMING TIME AND PLACE FOR TOWN BOARD MEETINGS

BE IT RESOLVED, that, pursuant to Section 62 of the Town Law, the regular monthly meetings of the Horseheads Town Board be held on the second Wednesday of each month beginning at 7:30 P.M. and the fourth Wednesday of each month beginning at 8:00 A.M. at the Town Hall, 150 Wygant Road, Horseheads, New York unless by resolution adopted at a regular meeting, a different place within said Town be designated as the place of holding the next regular meeting. Pursuant to law, the regular meeting in November shall be held on the Wednesday after election and before the Thursday after election.

Resolution #29 of 2019

RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES

BE IT RESOLVED, that the Chemung Canal Trust Company be designated as the banks for the General Fund and Town Clerk's Fund and that the Chemung Canal Trust Company of Horseheads be designated as the banks for the Highway Fund, Trust and Agency Fund and the Tax Account for the year 2019 and be it further

RESOLVED, that Michael W. Edwards or Donald J. Fischer be authorized to execute checks for the General Fund, Highway Fund and Trust and Agency Fund, and Enterprise Fund and be it further

RESOLVED, that two (2) signatures shall be required for all checks issued for the General Fund, Highway Fund, and Enterprise Fund. Signatures required shall be as follows:

Michael W. Edwards, Supervisor, Donald J. Fischer, Deputy Supervisor; Nancy Rohde, Town Clerk and Cathy R. Wood, with the exception of the Town Clerk and Deputy Town Clerk who shall not be signatories on any check except in combination with the Supervisor or Deputy Supervisor.

RESOLVED, that Nancy Rohde, Town Clerk, be authorized to execute checks for Town Clerk's Fund and that Nancy Rohde, Receiver of Taxes and Assessments, and Cathy R. Wood, and Jenifer J. Driscoll, Deputy Receivers, be authorized to execute checks for the Tax Accounts, and be it further

RESOLVED, that the Supervisor is empowered to invest in Certificates of Deposit at the Chemung Canal Trust Company.

01/09/2019 T.B.

Resolution #30 of 2019

RESOLUTION AUTHORIZING PAYMENT OF CERTAIN BILLS UPON RECEIPT

BE IT RESOLVED, that the Supervisor is hereby authorized to pay certain bills upon receipt such as debt service, fund transfers, telephone, electric & gas, postage, and oil supplied on credit tickets.

Resolution #31 of 2019

RESOLUTION AUTHORIZING SUPERVISOR AND TOWN CLERK TO FILE REPORTS

BE IT RESOLVED, that the Supervisor shall submit to the Town Clerk within sixty (60) days after the close of the year, a copy of his report to the State Comptroller and require the Clerk to cause the publication of same within ten (10) days in the official newspaper of the Town, pursuant to Town Law, Section 29(10-a), and be it further

RESOLVED, that the Town Clerk be and she is hereby authorized, pursuant to Town Law, Section 30, to file with the Department of Audit and Control the name of all Town officers, their respective addresses, the date of appointment and expiration of term by January 10, 2019, and also within twenty days, file with the County Clerk's Office, the names and addresses of all appointed officers.

Resolution #32 of 2019

RESOLUTION ESTABLISHING HOURS FOR TOWN OFFICES

BE IT RESOLVED, that the Town Hall offices of the Town of Horseheads will henceforth be open between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

Resolution #33 of 2019

RESOLUTION REGARDING TOWN BOARD AGENDA

BE IT RESOLVED, that the agenda for the regular meeting of the Town Board be mailed to all members of the Board, including the Town Attorney, or be hand delivered so that the members receive the agenda on the Saturday before the meeting.

Resolution #34 of 2019

RESOLUTION NAMING HOLIDAYS

BE IT RESOLVED, that the Town Hall, the Highway Department and the Youth Bureau shall be closed on the following legal holidays:

New Year's Day; Martin Luther King, Jr., Day; Presidents' Day; Good Friday, Memorial Day; Independence Day; Day after Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; day after Thanksgiving, and Christmas Day as designated under Section 24 of the General Construction Law, and the closing of said offices as stated in the Public Officers Law, Section 62, and be it further

RESOLVED, that if a holiday falls on Saturday, the previous Friday will be observed, and if the holiday falls on Sunday, the following Monday will be observed.

01/09/2019 T.B.

Resolution #35 of 2019

**RESOLUTION CONTINUING RULES OF
PROCEDURE AT TOWN BOARD MEETINGS**

BE IT RESOLVED, that the Rules of Procedure, as adopted by the Town Board on July 14, 1971, be and are hereby continued for the year 2019.

Resolution #36 of 2019

RESOLUTION CONTINUING CODE OF ETHICS

BE IT RESOLVED, that the Code of Ethics for the Town of Horseheads, as set forth in Chapter 19 of the Code Book of the Town of Horseheads as adopted by the Town Board on November 11, 1970, as amended, be continued for the year 2019.

Resolution #37 of 2019

RESOLUTION REGARDING PART-TIME HELP

BE IT RESOLVED, that part-time help will be hired at the discretion of the Supervisor and the rate of pay for such part-time help shall be as may be set from time to time by resolution of the Town Board.

Resolution #38 of 2019

RESOLUTION ESTABLISHING MILEAGE ALLOWANCE FOR 2019

BE IT RESOLVED, that pursuant to Section 116 of the Town Law, Town Employees, when on official business, shall be allowed mileage at the Federal Rate for use of his or her automobile as stated in the said Town Law, and all officers and appointees attending conferences, conventions, etc., pursuant to Section 77B of the General Municipal Law and said Town Law, shall be allowed the same fee as provided therein.

Resolution #39 of 2019

RESOLUTION CONTINUING PETTY CASH

BE IT RESOLVED, that a petty cash fund in the sum of \$200.00 for the Town clerk; \$200.00 for the Youth Bureau Director; and \$50.00 for the Justice Court are hereby continued for the payment in advance of bills as is provided pursuant to Section 64(1-a) of the Town Law.

Resolution #40 of 2019

**RESOLUTION FIXING RATE OF PAY FOR PLANNING BOARD,
ZONING BOARD OF APPEALS AND BOARD OF ASSESSMENT AND REVIEW**

BE IT RESOLVED, that pursuant to Section 271 of the Town Law and Local Law #1 of 1989, payment is hereby authorized to each member of the Planning Board in the sum of \$55.00 for each regular meeting attended, and be it further

01/09/2019 T.B.

RESOLVED, that the Chairman shall receive, in addition thereto, the sum of \$1,000.00 per annum, and be it further

RESOLVED, that, pursuant to Section 267 of the Town Law, and Local Law #1 of 1989, payment is hereby authorized to each member of the Zoning Board of Appeals in the sum of \$55.00 for each regular meeting attended, and be it further

RESOLVED, that the Chairman of the Zoning Board of Appeals shall receive the sum of \$65.00 per meeting conducted.

RESOLVED, that the Board of Assessment and Review members are hereby authorized the sum of \$105.00 for each meeting attended.

Resolution #41 of 2019

RESOLUTION AUTHORIZING CHARGE FOR INSUFFICIENT FUND CHECKS

BE IT RESOLVED, that Town officials collecting money from persons doing business in the Town of Horseheads shall hereby charge \$20.00 for any check returned for insufficient funds in accordance with Chapter 203 of the Laws of New York, 1989, and be it further

RESOLVED, that any person having had a check which was returned for insufficient funds may be required to remit any future payments only in the form of cash or by certified or cashier's check.

Resolution #42 of 2019

RESOLUTION AUTHORIZING FEES FOR DUPLICAT TAX RECEIPTS

BE IT RESOLVED, that effective this date, the Town Clerk may charge \$10.00 for each tax clearance.

Resolution #43of 2019

RESOLUTION TO CONTINUE WORK IN THE RECREATION COMPLEX

BE IT RESOLVED, that the Town Highway Superintendent and the Town Highway Employees are hereby authorized to continue their work in the Recreation Complex as needed.

Resolution #44 of 2019

**RESOLUTION CONTINUING POSITION OF
DEPUTY HIGHWAY SUPERINTENDENT**

BE IT RESOLVED, that the Deputy Highway Superintendent shall act and be vested with all of the powers and duties of the Town Highway Superintendent in the absence of said Town Highway Superintendent, as stated in Section 32 of the Town Law, and be it further

RESOLVED, that the Town Board hereby ratifies the appointment of Tyler Griffin as Deputy Highway Superintendent as made by Marty Vanderhoff.

01/09/2019 T.B.

Resolution #45 of 2019

**RESOLUTION AUTHORIZING HIGHWAY SUPERINTENDENT
TO EMPLOY ENGINEER**

BE IT RESOLVED, that the Town Highway Superintendent be and he hereby is authorized by Section 140, Subdivision 19 of the Highway Law, to employ an engineer subject to the approval of the Town Board of the Town of Horseheads.

Resolution #46 of 2019

**RESOLUTION AUTHORIZING HIGHWAY
SUPERINTENDENT TO RENT EQUIPMENT**

BE IT RESOLVED, that the Town Highway Superintendent be and hereby is authorized to rent or hire highway equipment when necessary as provided by law, to maintain signs and markers for the safety of the Towns highways, to purchase gravel for the year 2019, and to purchase or repairs tools, equipment and supplies as provided by Highway Law, Section 142.

Resolution #47 of 2019

**RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO SIGN AN
AGREEMENT ON BEHALF OF THE TOWN, WHICH AUTHORIZES THES
SUPERINTENDENT TO DIRECTLY CONTRACT WITH THE SUPERINTENDENTS OR
PERSON HOLDING SIMILAR PUBLIC OFFICE IN OTHER MUNICIPALITIES WHO
POSSESS SIMILAR AUTHORIZATION FOR THE BORROWING OR LENDING OF
MATERIALS AND SUPPLIES AND THE EXCHANGING, LEASING, RENTING OF
MACHINERY AND EQUIPMENT, INCLUDING THE OPERATIONS THEREOF, FOR THE
PURPOSE OF AIDING THE SUPERINTENDENT IN THE
PERFORMANCE OF HIS/HER DUTIES**

WHEREAS, all municipalities, including the Town of Horseheads have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities, including the Town of Horseheads have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Horseheads and other municipalities have machinery and equipment which is not used at all times but lie idle during certain periods, and

WHEREAS, it is determined that the Town of Horseheads and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by the renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Horseheads and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

01/09/2019 T.B.

WHEREAS, all municipalities have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

WHEREAS, all municipalities have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town of Horseheads and other municipalities have machinery and equipment which is not used at all times but lie idle during certain periods, and

WHEREAS, it is hereby determined that by the renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Horseheads and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, exchanging, leasing or renting of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town Board and governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing board are not in session, and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of this Town Board to give the Superintendent the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position comparable to that of superintendent authority to make similar agreements, and

WHEREAS, it is hereby determined that it will be in the best interests of the Town of Horseheads to be a party to such an agreement.

NOW, THEREFORE, BE IT RESOLVED, that the chief executive officer of Town of Horseheads is hereby authorized to sign on behalf of the Town, the following contract:

CONTRACT OF SHARED SERVICES

1. For the purposes of this contract, the following terms shall be defined as follows:

"Designated filing Agent" shall mean the central place where all similar contracts for highway shared services are filed as agreed upon by all participating municipalities. It shall be, for the purposes of this Agreement, the clerk of the Chemung County Legislature.

"Municipality" shall mean any city, county, town or village within the County of Chemung, New York, which has agreed to be bound by a contract of shared services identical in terms and effect with this contract and has filed a certified copy of a resolution to that effect with the designated filing agent as defined herein.

"Contract" shall mean the text of this Agreement which is identical in terms and effect with similar agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect if each chief executive officer had signed each individual contract.

"Shared Services" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but shall not be limited to:

- a. the renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators, conditioned on such other municipality providing a similar service, or a service of equal value, in exchange;
- b. the borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower or by the lending of equipment by the borrower, the value of which is substantially equal to the borrowed supplies;
- c. the providing of a specific service for another municipality, conditioned on such other municipality providing a similar service, or a service of substantially equal value, in exchange.

"Superintendent" shall mean, the person or agent appointed or elected to serve as Commissioner of Public Works, Director of Public Works, or the Superintendent of Highways, or other comparable position that is the head of the department of highway or public works (as the case may be) of the municipality signing this Agreement.

- 2. The undersigned municipality has caused this Agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has filed a similar contract in the office of the designated filing agent and which has sent a notice of such filing to the officer signing this Agreement.
- 3. The undersigned municipality by this Agreement grants unto the Superintendent the authority to enter into any shared service agreement with any other municipality or other municipalities subject to the following terms and conditions.

a. The undersigned municipality agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for its public works purposes. The determination as to whether such machinery, with or without operators, is needed by the municipality shall be made by its Superintendent. The value of materials or supplies borrowed from another municipality under this Agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of substantially equal value, to be determined by mutual agreement of the respective Superintendents.

b. The undersigned municipality agrees to rent, exchange or lend to any municipality any and all materials, machinery, and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Superintendent. In the event the Superintendent determines that it will be in the interests of the City/County/Town/Village to lend to any other municipality, the Superintendent is hereby authorized to lend, rent or exchanged to or with another municipality. The value of supplies or materials loaned to another municipality may be returned to the lending municipality by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of substantially equal value, to be determined by mutual agreement of the respective Superintendents.

c. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the Superintendent of the borrowing municipality in relation to the scope of the work to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

d. When receiving the services of an operator with a machine or equipment, the borrowing municipality's Superintendent shall make no request of any operator which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality by which the operator is employed.

e. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given by the borrowing municipality to perform work, then the lending municipality shall be held harmless by the borrowing municipality.

f. Each municipality shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

4. The renting, borrowing or leasing of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the Superintendent. Such memorandum may be delivered to the other party via mail, personal delivery, email or by facsimile machine. In the event there is no written acceptance of the memorandum, the using of the machinery, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.

5. In the event any shared agreement is made without a memorandum at the time of receipt of the shared service, the Superintendent receiving the shared service shall, within five (5) days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the shared service. In the event such shared service related to or included the receipt of any materials or supplies, such memorandum shall identify such materials or supplies and the time and place of delivery.
6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for purposes of exchanging shared services of a comparable value, it is agreed that the value of the shared service shall be as set forth in the memorandum.
7. All machinery, equipment and employees of the lending municipality, for purposes of workers' compensation, general commercial liability, and inland marine insurance coverages, shall be considered the machinery and equipment of and the employee of the municipality owning the machinery and equipment, which municipality shall maintain appropriate insurance coverages (proof of which must be made available upon request with reasonable notice).
8. Unless otherwise agreed to by the parties following any damage to machinery or equipment, in the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working on a project for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs, except if the damage is caused by the negligence or intentional conduct of the borrower, in which case the borrower shall be responsible for the cost of repair and/or replacement of the machinery or equipment.
9. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings or other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.
10. Any action taken by the Superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the municipal budget for highway purposes.
11. A record of all transactions that have taken place as a result of the municipality participating in the services afforded by this contract shall be kept by the Superintendent, and a statement thereof, in a manner satisfactory to the governing body, shall be submitted to the governing body semi-annually on or before the first day of June and on or before the first day of December of each year following the filing of the contract with the designated filing agent, unless the governing body requests the submission of records at different times and dates.

12. If any provision of this Agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect as if the contract has been signed or filed with the designated filing agent with the invalid PROVISIONS modified or eliminated.
13. Any party to this contract may revoke such contract by sending a notice of such revocation to the designated filing agent and a copy thereof to each participating municipality filing as required by Paragraph 1 of this contract, within the definition of "Municipality." Upon the revocation of such contract, any outstanding obligations shall be settled within thirty (30) days of such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.
14. This contract may be signed in counterparts, and the signature of the undersigned municipality below shall bind said municipality to the terms hereof, to each and every other signing municipality. Original or copies of signed contracts from each signing municipality shall be filed with the designated filing agent, but the failure to do so shall not invalidate the provisions hereof.
15. This contract shall continue for a term of five (5) years from the date of its signing by the undersigned municipality unless sooner terminated pursuant to Paragraph 13 hereinabove.

Resolution #48 of 2019

RESOLUTION AUTHORIZING INTERAGENCY PURCHASING COOPERATION

WHEREAS, it is in the public interest for government entities to obtain goods and services of maximum quality at the most economical price; and

WHEREAS, all participating government entities would benefit from a program designed to purchase those items that are in common use under the umbrella of a cooperative single-bid procedure; and

WHEREAS, The Interagency Purchasing Cooperative, comprised of: The County of Chemung, City of Elmira, Town of Big Flats, Town of Veteran, and Town of Horseheads as initiated a Cooperative Single-Bid Procedure which affords other government entities accessibility to its bid solicitations, and

WHEREAS, The Cooperative (IPC) would not be bound to any great degree than at present when bids are taken, and would include said entities in selected bid specifications thereby affording them opportunity for cost savings at no additional cost burden to said Cooperative (IPC) or municipal entity,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby agrees to participate in the cooperative bidding with the Interagency Purchasing Cooperative of commodities and services requested and approved by the appropriate fiscal officer,

01/09/2019 T.B.

Under this agreement, it is understood and agreed that each participating entity will make its own separate purchase agreement with selected bidders, that each entity shall only be liable to the successful bidder for materials/supplies/services contracted for by such entity, without any liability for purchases contracted for by any other participating entity, and each bid winner shall be required to bill each participating entity directly for purchases contracted by it.

It is further understood that in the event of any dispute between participating entities and the bid winner arising after a contract of purchases has been executed, such dispute shall be handled by and between the affected parties with said parties holding harmless the Cooperative (IPC), and be it further,

RESOLVED, that the specifications as prepared by the Interagency Purchasing Cooperative designated agency and made available to the participating entity under this agreement by accepted for purchase at the lowest responsible bid price recommended by the Interagency Purchasing Cooperative (IPC); however, each entity has the right to reject all or part of the designated agency recommendation or the local bid award; and be it further,

RESOLVED, that the invitation to bid will be advertised by the Designated Agency in the Elmira Star-Gazette in accordance with the provisions of Section 103 of the General Municipal Law.

Resolution #49 of 2019

RESOLUTION AUTHORIZING EMPLOYMENT OF AUDITOR

BE IT RESOLVED, that Richard McNeilly, Certified Public Account is hereby employed as auditor of the Town books, and be it further

RESOLVED, that Supervisor Michael W. Edwards is hereby authorized and directed to execute agreements for same.

Resolution #50 of 2019

RESOLUTION AUTHORIZING PAYMENT FOR RETIREMENT EMPLOYEES

BE IT RESOLVED, that the 20-year career plan, 75-I, be continued for the Town of Horseheads, and payment for the same is hereby authorized to all elected officials, appointed officials and employees of the Town excepting school traffic officers and those employees who do not come under the retirement plan.

Resolution #51 of 2019

RESOLUTION AUTHORIZING CORPORATE BANK ACCOUNTS

BE IT RESOLVED, that the corporate resolution as required by the Chemung Canal Trust Company, authorizing bank accounts for the tax accounts of the Town of Horseheads, be executed by the Supervisor of the Town, and authorize the signature of Nancy Rohde, Receiver of Taxes and Assessments and Cathy R. Wood and Jenifer J. Driscoll, Deputy Receivers.

01/09/2019 T.B.

Resolution #52 of 2019

**RESOLUTION CONTINUING P.O.P. §125 PLAN AND HEALTH SAVING
ACCOUNT PLAN WITH ELIGIBLE EMPLOYEES**

WHEREAS, the Town of Horseheads previously adopted a Code Section 125 Cafeteria Plan, and

WHEREAS, the Internal Revenue Service allows plans to carryover up to \$500.00 of plan funds to the following year without forfeiture, and

WHEREAS, the Town Board has duly considered the same.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby authorizes the plan to allow up to \$500.00 of the amount deposit for the current calendar year to be carried over to the subsequent calendar year without forfeiture.

Resolution #53 of 2019

**RESOLUTION AUTHORIZING RECEIVER OF TAXES AND ASSESSMENTS TO
DEPOSIT ALL MONIES DUE TO THE SUPERVISOR IN THE NAME
OF THE RECEIVER OF TAXES AND ASSESSMENTS**

BE IT RESOLVED, that the Receiver of Taxes and Assessments for the Town of Horseheads is hereby authorized to deposit all monies due to the Supervisor from the collection of Special District fees in the name of the Receiver of Taxes and Assessments until such time as the tax funds are disbursed to the County.

Resolution #54 of 2019

**RESOLUTION AUTHORIZING ATTENDANCE OF TOWN EMPLOYEES AT THE
ASSOCIATION OF TOWNS MEETING**

BE IT RESOLVED, that Town officials are hereby authorized to attend the Association of Towns meeting to be held in New York City on February 17-20, 2019 and present their vouchers for same.

Resolution #55 of 2019

RESOLUTION NAMING DELEGATE FOR ASSOCIATIONS OF TOWNS

BE IT RESOLVED, that XXX is hereby named the delegate for the Town of Horseheads at the Association of Towns Annual Meeting to be held in New York City on February 17-20, 2019.

As there was no further business to come before the Board, on a motion by Mr. Lewis, seconded by Mr. Fischer, it was moved that the meeting be adjourned at 8:35 P.M.

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

Respectfully Submitted,

Nancy C. Rohde, Town Clerk