

TOWN OF HORSEHEADS
TOWN BOARD
June 12, 2019
7:30 P.M.

The regular monthly 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, Supervisor, Donald J. Fischer, Carl R. Lewis, Sr. and Stephen Wilber, Councilmen

Members Absent: Gary H. Riopko, Councilman.

Others Present: John P. Mustico, Town Attorney, Cathy Wood, Deputy Town Clerk, Brenda Knoll, Ray and Deloris Cass, Peggy Woodard, 8th District Legislator, Joe Atkinson, Kaleb Sherwood, Marcus Paul, Allan Curren, Bruce Whitmarsh and Andrew Whitmarsh.

Supervisor Edwards called the meeting to order at 7:30 p.m. and asked the Boy Scouts in attendance to lead the Pledge of Allegiance.

On a motion by Mr. Fischer, and seconded by Mr. Wilber, it was moved that the reading of the minutes of May 8 & 22, 2019 meetings of the Town Board of the Town of Horseheads be dispensed with and the same stand approved as entered by the Clerk.

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

Resolution #83 of 2019

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Fischer, seconded by Mr. Wilber,

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to pay the audited claims in the Following Funds:

General Fund A& B	#228-295	\$ 53,355.14
Highway Fund DB	#128-154	<u>503,531.44</u>
Total		<u>\$556,886.58</u>

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

Resolution #84 of 2019

REPORTS OF TOWN OFFICERS

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

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

Correspondence:

- Charter Communications – Upcoming changes (05/20/2019).
- Brenda L. Knoll – resignation letter from Zoning Board of Appeals (06/05/2019).
- Horseheads Community Animal Shelter – letter requesting lease renewal and meeting (05/20/2019).
- REDEC Relending Corp. – info to share on economic impact since 1980. (05/24/2019).

On a motion by Mr. Wilber and seconded by Mr. Fischer, 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.

The discussion and possible action regarding dedication of the drainage basin located at Gardner Road and St. Andrews Drive was tabled at this time.

Resolution #85 of 2018

RESOLUTION AUTHORIZING STANDARD WORK DAY AND REPORTING

Resolution by Mr. Wilber, seconded by Mr. Fischer

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 attached).

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

Resolution #86 of 2019

**DISCUSSION AND POSSIBLE ACTION REGARDING
PUBLIC HEARING – 178 RIDGE ROAD (09/21/2018)**

Resolution by Mr. Fischer and seconded by Mr. Lewis

BE IT RESOLVED, that the Public Hearing for the 178 Ridge Road Property be hereby resumed to July 10, 2019 at 7:30 P.M.

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

**PUBLIC HEARING – NEWTOWN CREEK COMMUNITY
DEVELOPMENT BLOCK GRANT**

At this portion of the meeting, Supervisor Edwards turned the meeting over to Attorney Mustico who asked for a motion to dispense with the reading of the notice of Public Hearing which was published one (1) time in the Star-Gazette on May 30, 2019.

A motion was made by Mr. Fischer and seconded by Mr. Wilber to dispense with the reading of the public hearing.

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

Attorney Mustico then declared the Public Hearing open and asked if anyone wished to speak with regard to the Public Hearing. As no one came forwards, a motion was made by Mr. Wilber and seconded by Mr. Fischer to close the public hearing.

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

Resolution #87 of 2019

**RESOLUTION WITH REFERENCE TO THE PROPOSED
TOWN OF HORSEHEADS, CHEMUNG COUNTY, NY
NEWTOWN CREEK CAPITAL IMPROVEMENT PROJECT
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
LEAD AGENCY ESTABLISHMENT**

Resolution by Mr. Wilber, seconded by Mr. Fischer

WHEREAS, the Town of Horseheads is preparing an application to Office of Community Renewal Community Development Block Grant for grant funding to administer grant funds to the subrecipient, Newtown Creek Community, Inc., to undertake a capital improvement project located at 54 Level Acres Drive, a site located within the territorial jurisdiction of this Town of Horseheads Board of Trustees; and

06/12/2019 T.B.

WHEREAS, engineering reports prepared by Hunt Engineers, Architects, and Land Surveyor, DPC identifies improvements of water and sewer distribution system owned and operated by the Newtown Creek Community, Inc. and within the Town of Horseheads; an

WHEREAS, various regulatory, funding and public approvals will be needed in the planning and development of the proposed improvement projects:

NOW, THEREFORE, LET IT BE RESOLVED THAT:

1. The Town Board of the Town of Horseheads determines pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called SEQRA, that the proposed project is an Unlisted action under SEQRA, and the funding agencies require a Full Environmental Assessment and Coordinated Review be prepared.
2. The Town Board declares its intent to establish itself as lead agency in the coordinated review of this action;
3. The Town Clerk or agent of the Town Clerk shall notify all Involved Agencies of the Town Board's intention to designate itself lead agency.
4. A coordinated review will be performed.
5. This resolution shall take effect immediately.

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

Resolution #88 of 2019

RESOLUTION APPROVING MAKING OF THE GRANT APPLICATION FOR THE COMMUNITY DEVELOPMENT GRANT PROGRAM TO THE STATE OF NEW YORK

Resolution by Mr. Fischer, seconded by Mr. Lewis

WHEREAS, the Town of Horseheads is applying to the NYS Office of Community Renewal for administration of funds to the Subrecipient, Newtown Creek Community, Inc. for a project grant under the Community Development Block Grant Public Infrastructure Program to conduct a capital improvement project at 54 Level Acres Drive, a site located within the territorial jurisdiction of this Town of Horseheads Board of Trustees; and

WHEREAS, as a requirement of these programs, said Town of Horseheads must authorize public hearing for the purpose of hearing public comments on the Town of Horseheads' community development needs, and to discuss the submission of the Community Development Block Grant application,

06/12/2019 T.B.

NOW, THEREFORE, be it resolved that the Town of Horseheads Board of Trustees hereby does authorizes a public hearing and endorses the application of Town of Horseheads for a grant under the Community Development Block Grant Program for a project known as Town of Horseheads, Newtown Creek Capital Improvement Project and located within this community.

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

The cable franchise agreement renewal with charter communications was tabled to the July 10, 2019 Town Board Meeting.

Resolution #89 of 2019

RESOLUTION AUTHORIZING TAX EXEMPT STATUS FOR PROPOSED VILLAGE PARK PREMISES KNOWN AS 271 E. FRANKLIN ST. PROPERTY

Resolution by Mr. Lewis, seconded by Mr. Wilber

WHEREAS, by letter dated March 15, 2019, the Town Horseheads requested the an exemption for Town real estate taxes on premises known as 271 E. Franklin St., Tax Map ID #59.01-1-5, and

WHEREAS, NYS Real Property Tax Law, §406(2)(RPTL) provides, in pertinent part, that a public park not located with the municipal corporation’s corporate limits “shall be exempt from taxation by any municipal corporation in which it is located, provided that the governing board thereof shall so agree in writing”, and

WHEREAS, the Village of Horseheads intends to take from the New York State, premises located at 271 E. Franklin St., for park purposes and subject to any further restrictions as may be placed on the transfer by New York State, and

WHEREAS, the Town Board has duly considered the same.

BE IT RESOLVED that the Town of Horseheads hereby approves and grants the exemption as requested for said premises and subject to the requirements of RPTL §406(2) , and be it further

RESOLVED the Town Supervisor is hereby authorized to sign an agreement evidencing the authorization of this exemption hereunder.

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

06/12/2019 T.B.

Resolution #90 of 2019

REZONING REQUEST – 625 BRESPOUR ROAD - REFERR

Resolution by Mr. Wilber, seconded by Mr. Fischer

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby refers the Planned Unit Development for multiple uses request of 625 Breesport Road to the Town Planning Board for their recommendation.

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

Resolution #91 of 2019

**RESOLUTION APPOINTING GREGORY S. LARNARD
CODE ENFORCEMENT OFFICER**

Resolution by, Mr. Lewis, seconded by Mr. Fischer.

BE IT RESOLVED, the Town Board of the Town of Horseheads hereby appoints Gregory S. Larnard to the position of Code Enforcement Officer and, be it further

RESOLVED, the probationary period for the position shall be one (1) year ending on June 3, 2020 at an annual salary of \$55,000.00

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

Resolution #92 of 2019

**RESOLUTION APPOINTING SHIRLEY J. KLOSE
TO THE POSITION OF ASSESSOR'S AIDE**

Resolution by Mr. Fischer, seconded by Mr. Lewis

BE IT RESOLVED, the Town Board of the Town of Horseheads, hereby appoints Shirley J. Klose to the position of Assessor's Aide and, be it further

RESOVLED, the appointment is subject to the Rules of Classified Service of Chemung County and City of Elmira, New York, and be it further,

RESOLVED, the probationary period for the position shall be one (1) year ending on January 28, 2020, and at an annual salary of \$30,000.00.

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

06/12/2019 T.B.

Resolution #93 of 2019

**RESOLUTION APPOINTING JUSTIN RIKER AND BENJAMIN HAGER
AS EQUIPMENT OPERATORS #2 - HIGHWAY DEPARTMENT**

Resolution by Mr. Lewis, seconded by Mr. Fischer

BE IT RESOLVED, the Town Board of the Town of Horseheads hereby appoints Justin Riker and Benjamin Hagar as Equipment Operator #2 for the Town of Horseheads Highway Department at an hourly rate of \$15.36/hour with a probationary period of 26 weeks.

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

Resolution #94 of 2019

**RESOLUTION AUTHORIZING CONFERENCE ATTENDANCE REQUESTS
ASSESSOR AND ASSESSOR'S AIDES**

Resolution by Mr. Fischer, seconded by Mr. Lewis

BE IT RESOLVED, the Town Board of the Town of Horseheads hereby authorizes the following conferences for the Assessor's office:

Assessor and Aide: Appraising Seminar and Fundamentals of Data Collection in Ithaca, NY on July 15-19, 2019.

Assessor's Aides: Administration of Property Tax Exemption in Corning, NY on June 14, 2019.

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

At this portion of the meeting, a motion was made by Mr. Wilber and seconded by Mr. Lewis to go into executive session at 7:46 P.M. for contract negotiations.

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

As there was no action taken during executive session, a motion was made by Mr. Lewis and seconded by Mr. Wilber to reconvene at 7:58 P.M.

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

As there was no further action to come before the board, a motion was made by Mr. Fischer and seconded by Mr. Lewis to adjourn at 7:59 P.M.

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

Respectfully Submitted,

Nancy C. Rohde, Town Clerk