

**TOWN OF HORSEHEADS
TOWN BOARD
JULY 10, 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, Town Supervisor; Donald J. Fischer, Gary H. Riopko, Carl R. Lewis, Sr., and Stephen E. Wilber, Councilmen

Others Present: Nancy Rohde, Town Clerk; John P. Mustico, Town Attorney; Peggy Woodard, 8th District Legislator, Big Flats Attorney Thomas Reilly, Deanna Hyche and Brian Grose from Broadway Group, LLC., Matt Steele, Joe Atkinson, Thomas Skebey, Code Enforcement Director, Ray and Lorie Cass, and Ed Fairbrother, Big Flats Supervisor.

Deputy Supervisor Fischer called the meeting to order at 7:30 p.m. and the pledge of allegiance was recited.

On a motion by Mr. Fischer, and seconded by Mr. Wilber, it was moved that the reading of the minutes of the June 12, & 26, 2019 meeting 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 #97 of 2019

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

Resolution by Mr. Fischer, seconded by Mr. Riopko

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

General Fund A, B, SF1 & SF2	#296-356	\$ 67,676.93
Highway Fund DB	#155-176	<u>130,375.83</u>
Total		\$198,052.76

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

Resolution #98 of 2019

REPORTS OF TOWN OFFICERS

On a motion by Mr. Lewis and seconded by Mr. Wilber, it was moved that the June, 2019 reports of the Supervisor in the General and Highway Funds, reports of the Town Justices, Code Enforcement Office, Highway Superintendent, Town Clerk, Assessor, and Youth Bureau be received and placed on file.

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

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Correspondence:

- Charter Communications – Upcoming changes (06/15/2019).
- Elmira Heights Historical Society – Annual Report (06/07/2019).
- Chemung County Legislature – resolution re: demolition of Horse Stable at Chemung County Fairgrounds (06/17/2019).
- Donald Coats- Code Enforcement Officer – resignation letter (06/17/2019)

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

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

During the audience participation portion of the meeting, Matt Steele of Mill Street in Breesport came forward to ask if the Town could help with the speeding along Mill Street. He would like to recommend a speed limit reduction or some sort of sign to warn drivers of children playing. Supervisor Edwards stated that they will turn his letter over to the Highway Superintendent and have him give Mr. Steel a call.

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

PUBLIC HEARING REGARDING CERTAIN STRUCTURES AND SWIMMING POOL SITUATE ON 178 RIDGE ROAD

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 public hearing which appeared in the Star-Gazette on September 21, 2018 and held and then tabled from the June 12, 2019 meeting. A motion was made by Mr. Wilber and seconded by Mr. Fischer to dispense with the reading.

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

Attorney Mustico declared the public hearing open and asked if anyone wished to speak with regard to the Planned Unit Development amendment request.

As no one came forward, a motion was made by Mr. Fischer and seconded by Mr. Lewis to close the public hearing.

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

Resolution #99 of 2019

RESOLUTOIN REGARDING UNSAFE BUILDING – 178 RIDGE ROAD

WHEREAS, the Code Enforcement Office of the Town of Horseheads filed its report, dated September 11, 2018, in writing, with the Town Board of the Town of Horseheads, containing findings and recommendations regarding certain structures situate on premises known as 178 Ridge Road, Town of Horseheads, Chemung Co., NY designated by Tax Map No. 49.02-1-2 in which report said Code Enforcement Office states in their opinion that said structures are unsafe and dangerous to the public and recommends their immediate securing or removal, and

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WHEREAS, the Town Board of the Town of Horseheads after reviewing said report and after hearing the Code Enforcement Officer in regard thereto at its meeting of September 12, 2018 by Resolution No. 107 of 2018 authorizing notice be given to Sterling Group of MD, LLC, Jonathan Stanley, owner of the structures and setting public hearing for October 10, 2018 at 7:30 PM at the Horseheads Town Hall, 150 Wygant Road, Horseheads, NY 14845, in relation to such dangerous or unsafe structures; and

WHEREAS, after discussion among Shaun Marks, representative of the Sterling Group of MD, LLC, the attorney for the Town and Code Enforcement Officer, the Public Hearing was adjourn to further call of the Town Board, based upon the agreement of the Sterling Group to allow inspection of the premises, cover the pool so it cannot be entered, and to arrange for removal of the pool or renovate the pool by end of June, 2019 and

WHEREAS, by Resolution #86 of 2019 the Town Board called to reopened the Public Hearing for the 178 Ridge Road Property on July 10, 2019 at 7:30 P.M,

WHEREAS, at its meeting of July 10, 2019 the public hearing was reopened, and

WHEREAS, Code Enforcement Officer Thomas Skebey testified first and referenced a prior stipulation between the Town and Sterling Group of MD, LLC, as follows:

1. Pursuant to the stipulation, Tom undertook an inspection of the premises and reviewed the interior of the premises due to the fire which had taken place in the property, he advised the damage was minimal but required cleaning up and a minor structural repair; junk and debris that was on property had been cleaned up; he has not as of this date been invited back to complete and finalize the inspection. The property remains posted for no occupancy.
2. A visual exterior inspection completed in preparation for this appearance, showed the property clean of debris, the pool remains covered but the Town has not been advised of the owner's plan to either remove the pool or renovate the pool, which was to be completed on or before July 15, 2019 and Code is unaware if any work has been completed inside the property.
3. On one occasion, Code sent a high grass notice, and since that time the lawn has been cut and no further notices have been required.
4. There remains open a basement window on the rear of the house, for which the Code will send a notice, that the window needs to be secure and if not taken care of by the owner, the Town will move the secure the same from intrusion.

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5. Code was informed that the house had been sold and received a copy of a purchase offer from the owner; as of this date the neither Code nor the Assessor's office has been advised of any transfer of the property, either by the owner or any buyer.
6. Recommendations: the house does not need to be torn down, however, final inspection needs to be completed; Code will send violation for the open window and will handle that issue in the normal course of their operations; pool needs to continue as an unsafe structure requiring remediation.

WHEREAS, the Town Board has duly considered the same

NOW, THEREFORE, BE IT RESOLVED the Town Board finds as follows:

- A. The house is not found to be an unsafe building, requiring either demolition or further action by the Town, but will remain an enforcement issue for the Code Enforcement Office under NYS Building and Property Maintenance Codes and any local laws that apply;
- B. The pool is found to be an unsafe structure and will be either renovated or removed at the expense of the owner; this matter is referred to the Code Enforcement Office for continued action; the Code Enforcement Office shall report back to the Town Board on their progress and, if necessary, recommend further action to the Town Board for removal of the structure.

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

The cable franchise agreement renewal with charter communications was tabled to the August 14, 2019 Town Board Meeting.

Resolution #100 of 2019

RESOLUTION DETERMINING ENVIRONMENTAL SIGNIFICANCE OF PROPOSED ACTION - NEWTOWN CREEK COMMUNITY, INC.

Resolution by Mr. Fischer, seconded by Mr. Lewis

WHEREAS, Newtown Creek Community, Inc., on or about June 14, 2019 filed an Environmental Assessment Form (EAF), with this Town Board, a copy of which is attached hereto and made a part hereof as if herein fully set forth, relating to application for CDBG funds for proposed Newtown Creek Water and Sewer Improvements on 54 Level Acres Drive in the Town of Horseheads, and

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WHEREAS, on or about June 14, 2019, notice was duly posted on the Town Clerk's signboard and said EAF had been received and would be reviewed by this body at a regular meeting to be held on July 10, 2019 at 7:30 P.M. at Town Hall, Town of Horseheads, 150 Wygant Road, Horseheads, NY 14845, and

WHEREAS, notice as published in the Elmira Star-Gazette, the official newspaper of the Town of Horseheads, a copy of the affidavit of posting and affidavit of publication thereof are attached hereto and made a part hereof as if herein fully set forth, and

WHEREAS, the Town has duly considered the same

NOW, THEREFORE, BE IT RESOLVED, it is hereby determined that the action proposed is an unlisted action as defined in 6 NYCRR section 617 of the SEQR regulations, be it further

RESOLVED, pursuant to 6 NYCRR section 617 of said regulation, it is hereby determined that the action proposed in said application will not have a significant effect upon the environment and may be processed by other applicable governmental agencies without further regard to said Local Law.

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

Resolution #101 of 2019

**RESOLUTION APPROVING STORMWATER MAINTENANCE AGREEMENT
113 OLD ITHACA ROAD, HORSEHEADS,**

Resolution by: Seconded by:

WHEREAS, the Broadway Group made application to the Town of Horseheads for construction of a Dollar General located at 113 Ithaca Road, and

WHEREAS, by Resolution #4 the Town Planning Board approved the site plan for the project including receipt of stormwater development and maintenance for the premises, and

WHEREAS, the project requires a Stormwater Control Facility Maintenance Agreement; and

WHEREAS, the Town Board has duly considered the same

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Horseheads authorizes the Supervisor to execute a Stormwater Control Facility Maintenance Agreement, a copy of which is attached hereto and made a part hereof as if herein fully set forth.

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

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

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

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Resolution #102 of 2019

RESOLUTION TO DECLARE SURPLUS – DUMP TRUCK

Resolution by Mr. Wilber, seconded by Mr. Fischer

BE IT RESOLVED, that the Town Board of the Town of Horseheads hereby authorizes the Highway Superintendent to declare one 2007 International 7600 Series 10 Wheeler Dump Truck surplus for public or private auction.

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

Resolution #103 of 2019

RESOLUTOIN TO REFER REZONING REQUEST TO PLANNING BOARD - 5 E. VARGO ROAD

Resolution by Mr. Fischer, seconded by Mr. Lewis

BE IT RESOLVED, that Town Board hereby refers the rezoning request of Terry Ott of 5 E. Vargo Road to the Town Planning Board for their review and recommendation.

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

Resolution #104 of 2019

RESOLUTOIN TO APPOINT THOMAS C. NAGLE ZONING BOARD OF APPEALS MEMBER

Resolution by Mr. Wilber, seconded by Mr. Fischer

BE IT RESOVLED, that Thomas C. Nagle is hereby appointed as Zoning Board of Appeals Member for the Town of Horseheads to fill the unexpired term ending December 31, 2021

Ayes: Fischer, Riopko, 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 to discuss a certain employee.

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

As there was not action taken during executive session, a motion was made by Mr. Fischer, and seconded by Mr. Wilber to reconvene at 7:55 P.M.

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

As there was no further business to come before the Board, on a motion by Mr. Lewis, and seconded by Mr. Riopko, it was moved that the meeting be adjourned at 7:56 P.M.

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

Respectfully Submitted,

Nancy C. Rohde, Town Clerk