

Town Board Meeting  
Town of Hornellsville  
March 15, 2018

Present: Supervisor Dan Broughton  
Town Clerk Sharon Ames  
Board Member Robert Mauro  
Board Member David Oakes

Meeting came to order at 7 PM with pledge by all.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried. Absent: Kennell & Giglio

MINUTES

Motion made by Mauro and seconded by Oakes to accept minutes of February 15, 2018.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

BILLS

Motion made by Oakes and seconded by Mauro to pay bills in the amount of \$38,484.10

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

TOWN CLERK REPORT

Report read by Sharon Ames with fees for the month of February in the amount of \$144.

Motion made by Mauro and seconded by Oakes to accept report.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

JUSTICE REPORT

Justice report read by Broughton noting that the Town received \$3725 for the month of January 2018.

Motion made by Mauro and seconded by Oakes to accept report.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

CODE ENFORCEMENT REPORT

Code Enforcement Report read by Mauro.

Motion made by Oakes and seconded by Mauro to accept report.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

## PLANNING BOARD

Report read by Broughton. Discussed the training class held on March 8, 2018. The board went over a local law from City of Hornell, and the Village of North Hornell to decide if either of them fit the Town's needs. The board recommends to the Town to use the Village of North Hornell's law for contractors who work in the Town with same fee schedule of \$10 for permit and fine \$50 if do not have one. The permit would be good for one year ending on December 31 of the year issued.

Motion made by Mauro and seconded by Oakes to accept report.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

## FINANCE REPORT

Supervisor Broughton presented Resolution #5-2018 – for budget modifications (attached).

Motion made by Oakes and seconded by Mauro.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

## HIGHWAY REPORT

Highway report read by Mauro.

Motion made by Oakes and seconded by Mauro to accept report.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

## PUBLIC SAFETY/FIRE DEPT

The roof is still leaking at the fire department. The Town will call the contractor again.

## RESOLUTIONS

Supervisor Broughton noted that the town is trying to apply for a grant for \$50,000 and needs to do 4 out of 10 requirements in order to apply.

Resolution #3-2018 is to adopt the New York State Solar Permit Process (attached).

Motion made by Oakes and seconded by Mauro to accept resolution.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

Resolution #4-2018 is for establishing Energy Benchmarking Requirements for Certain Municipal Buildings (attached).

Motion made by Mauro and seconded by Oakes to accept resolution.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

The 3<sup>rd</sup> requirement is that the Code Officer has to sign up for training and has already done. The 4<sup>th</sup> requirement is to pick a spot to install an electric two (2) port car charging system. There is a rebate just for that. However, the Town can get a small grant for \$5,000. The deadline for these requirements is April 13, 2018.

Resolution #6-2018 – Easement from Woodlands to Hornellsville in order to allow for maintenance of the water and sewer lines.

Motion made by Oakes and seconded by Mauro to accept resolution.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

PUBLIC

Mention was made about Executive Sessions and when the board can do. Noted it should be done at the end of a meeting instead the middle of a meeting because public has to leave and then are not there for the rest of the meeting. Discussion was held.

Motion made by Oakes and seconded by Mauro to adjourn the meeting.

Roll Call: Broughton, Mauro, Oakes, all ayes. Carried.

A handwritten signature in black ink that reads "Sharon Ames". The signature is written in a cursive, flowing style.

Sharon Ames  
Town Clerk  
March 16, 2018



**RESOLUTION NO. 4 – 2018**

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings – for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Hornellsville is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Hornellsville Town Board desires to use Building Energy Benchmarking – a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings – to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Hornellsville; and

**WHEREAS**, the Town of Hornellsville Town Board desires to establish procedure or guideline for Town staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICIES/PROCEDURES**

**§1. DEFINITIONS**

(1) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) “Building Energy Benchmarking” shall mean the process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings.

(3) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Board.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in utility bills or other documentation of actual energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(10) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(11) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(12) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than April 1, 2018, and no later than April 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

#### **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) THE Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2018 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual Reporting under this Policy has been required for said building.

#### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

#### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the



**TOWN OF HORNELLSVILLE**

P.O. BOX 1, 4 PARK AVE.  
ARKPORT, NEW YORK 14807  
607-295-9660  
FAX# 607-295-8015

Danny Broughton, Supervisor  
James Giglio, Board Member  
Ronald Kennell, Board Member  
David Oakes, Board Member  
Robert Mauro, Board Member  
Robert Mooney, Codes Officer  
Fay Parada, Tax Collector

Sharon Ames, Town Clerk  
Jason Emo, Hwy. Supt.  
Richard Scavo, Justice  
Eric Buisch, Justice  
Madeline Seaman, Court Clerk  
Katherine Gabriel, Assessor  
Elizabeth VanScoter, Deputy Town Clerk

**RESOLUTION #5-2018**

WHEREAS, THE TOWN OF HORNELLSVILLE, Debra Castle, Director of Finance, to make budget modifications.

WHEREAS, THE TOWN OF HORNELLSVILLE TOWN BOARD need to approve the recording of the final budget modifications (attached).

BE IT RESOLVED, THAT THE TOWN OF HORNELLSVILLE TOWN BOARD, does hereby approve the final budget modifications.

Motion Made by: *D. Oakes*  
Motion Seconded by: *R. Mauro*

ROLL CALL:	AYES	NAYES	ABSENT	ABSTAIN
Dan Broughton _____	✓			
Ronald Kennell _____			✓	
James Giglio _____			✓	
Robert Mauro _____	✓			
David Oakes _____	✓			
Motion Carried _____	✓			

Dated: March 13, 2018

RESOLUTION #6-2018

**EASEMENT**

This Easement is made the 13<sup>th</sup> day of March 2018, and is between

**THE WOODLANDS COMMUNITY, INC.**, with an address of 1190 County Road 66, Hornell, New York 14843, hereinafter known as "Woodlands", Party of the First Part.

And

**TOWN OF HORNELLSVILLE**, with an address of 4 Park Avenue, Arkport, New York 14807, hereinafter known as "Hornellsville", Party of the Second Part.

**WHEREAS** the Woodlands are current owners of the real property known as 1190 County Route 66, Town of Hornellsville, New York, Steuben County, tax map number 136.05-01-023.220, as recorded in the Steuben County Clerk's Office in Liber 2597 of Deeds at Page 233, said real property being a manufactured housing park; and

**WHEREAS** Hornellsville is a municipality which is situate in the County of Steuben; and

**WHEREAS** Hornellsville did resolve on February 14, 2017, to approve Resolution #1-2017 for the dedication of the Water and Sewer Lines from the Woodlands to Hornellsville subject to all regulations and to not using any Town tax monies for this passage of this resolution #1-2017; and

**WHEREAS** Woodlands and Hornellsville require an Easement from Woodlands to Hornellsville in order to allow for maintenance of the water and sewer lines.

**NOW THEREFORE**, Woodlands and Hornellsville hereby agree as follows:

1. Woodlands hereby grants to Hornellsville an easement for the purpose of ingress and egress in order to repair and maintain the water and sewer lines that run within and service the park. The easement description shall include that area as detailed on the attached "Schedule A"; and
2. Upon recording of this Easement, Hornellsville shall take dedication of the water and sewer lines; and
3. That this Easement shall run with the land.

IN WITNESS WHEREOF, the parties hereto have duly executed this easement the day and year first above written.

THE WOODLANDS COMMUNITY,  
INC.

*Patricia J. Emerson*

BY: PATRICIA EMERSON,  
PRESIDENT

TOWN OF HORNELLSVILLE

*Daniel Broughton*

BY: DANIEL BROUGHTON,  
SUPERVISOR

STATE OF NEW YORK )  
COUNTY OF STEUBEN ) ss.:

On the 12 day of March in the year 2018, before me, the undersigned, personally appeared **Patricia Emerson, President of The Woodlands Community, Inc.**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*Fay Horan Parada*  
Notary Public

STATE OF NEW YORK )  
COUNTY OF STEUBEN ) ss.:

FAY HORAN Parada  
Notary Public, State of New York  
Steuben County No. 4815741  
My Commission Expires Dec. 31, 2022

On the 13 day of March in the year 2018, before me, the undersigned, personally appeared **Daniel Broughton, Supervisor of the Town of Hornellsville**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*Fay Horan Parada*  
Notary Public

FAY HORAN  
Notary Public, State of New York  
Steuben County No. 4815741  
My Commission Expires Dec. 31, 2022

## SCHEDULE A

COMMENCING at a point in the intersection of the east line of New York State Route 36 and the south line of Webbs Crossing Road; thence running South  $89^{\circ}20'14''$  East along the south line of Webbs Crossing Road a distance of 56.87 feet to a point; thence running South  $88^{\circ}16'11''$  East along said Webbs Crossing Road a distance of 107.14 feet to point marked by a concrete monument; thence running North  $86^{\circ}27'30''$  East along said Webbs Crossing Road a distance of 7.06 feet to the TRUE POINT OF BEGINNING; thence running North  $86^{\circ}27'30''$  East a distance of 40.10 feet to a point; thence running South  $01^{\circ}41'33''$  West a distance of 49.34 feet to a point; thence running South  $01^{\circ}10'57''$  West a distance of 64.77 feet to a point; thence running South  $60^{\circ}28'50''$  East a distance of 35.56 feet to a point; thence running South  $59^{\circ}27'11''$  East a distance of 43.55 feet to a point; thence with a curve turning to the right having a radius of 76.70 feet, an arc length of 67.18, with a chord bearing of South  $30^{\circ}04'24''$  East, and a chord length of 65.05 feet to a point; thence running South  $01^{\circ}44'35''$  East a distance of 49.79 feet to a point; thence running South  $89^{\circ}28'11''$  East a distance of 73.00 feet to a point; thence running North  $89^{\circ}31'39''$  East a distance of 236.45 feet to a point; thence running South  $01^{\circ}04'07''$  West a distance of 264.52 feet to a point; thence running South  $00^{\circ}39'17''$  East a distance of 214.66 feet to a point; thence running South  $05^{\circ}09'36''$  East a distance of 49.38 feet to a point; thence running South  $07^{\circ}02'32''$  East a distance of 49.08 feet to a point; thence running North  $52^{\circ}48'13''$  East a distance of 83.65 feet to a point; thence running North  $52^{\circ}41'01''$  East a distance of 4.19 feet to a point; thence running North  $47^{\circ}14'33''$  East a distance of 105.01 feet to a point; thence running North  $09^{\circ}26'53''$  East a distance of 48.40 feet to a point; thence running North  $02^{\circ}57'48''$  East a distance of 422.45 feet to a point; thence running North  $01^{\circ}15'53''$  East a distance of 5.43 feet to a point; thence running North  $50^{\circ}28'16''$  West a distance of 5.74 feet to a point; thence running North  $45^{\circ}30'57''$  West a distance of 284.17 feet to a point; thence running North  $04^{\circ}08'11''$  East a distance of 13.79 feet to a point in the south line of Seneca Road; thence running South  $63^{\circ}06'31''$  East along said Seneca Road a distance of 10.12 feet to a point; thence running South  $45^{\circ}10'09''$  East along said Seneca Road a distance of 333.02 feet to a point; thence running South  $02^{\circ}57'48''$  West a distance of 409.35 feet to a point; thence running South  $09^{\circ}26'53''$  West a distance of 46.66 feet to a point in the north line of New York State Route 21; thence running South  $51^{\circ}11'40''$  West along said New York State Route 21 a distance of 309.60 feet to a point; thence running South  $65^{\circ}19'13''$  West along said New York State Route 21 a distance of 65.43 feet to a point; thence running North  $88^{\circ}37'33''$  West a distance of 31.53 feet to a point; thence running North  $86^{\circ}10'30''$  West a distance of 137.99 feet to a point; thence running North  $87^{\circ}40'50''$  West a distance of 125.82 feet to a point; thence running North  $02^{\circ}06'44''$  West a distance of 40.12 feet to a point; thence running South  $87^{\circ}40'50''$  East a distance of 129.44 feet to a point; thence running South  $86^{\circ}10'30''$  East a distance of 137.66 feet to a point; thence running South  $88^{\circ}37'33''$  East a distance of 38.05 feet to a point; thence with a curve turning to the left having a radius of 67.58 feet, an arc length of 27.19, with a chord bearing of North  $69^{\circ}56'18''$  East, and a chord length of 27.01 feet to a point; thence running North  $53^{\circ}50'04''$  East a distance of 54.97 feet to a point; thence running North  $18^{\circ}36'40''$  West a distance of 12.97 feet to a point; thence running North  $07^{\circ}02'32''$  West a distance of 51.38 feet to a point; thence running North  $03^{\circ}39'26''$  West a distance of 76.41 feet to a point; thence running North  $87^{\circ}33'11''$  West a distance of 420.44 feet to a point; thence running North  $18^{\circ}06'47''$  West a distance of 42.72 feet to a point; thence running South  $87^{\circ}33'11''$  East a distance of 431.80 feet to a point; thence running North  $02^{\circ}00'06''$  West a distance of 41.35 feet to a point; thence running North  $00^{\circ}45'30''$  East a distance of 132.27 feet to a point; thence running North  $87^{\circ}23'29''$  West a distance of 155.70 feet to a point; thence running North  $87^{\circ}07'09''$  West a

distance of 146.78 feet to a point; thence running North 87°39'30" West a distance of 177.73 feet to a point; thence running North 10°02'50" West a distance of 40.81 feet to a point; thence running South 87°42'09" East a distance of 186.65 feet to a point; thence running South 87°07'09" East a distance of 146.89 feet to a point; thence running South 87°23'29" East a distance of 154.42 feet to a point; thence running North 01°04'07" East a distance of 161.49 feet to a point; thence running South 89°31'39" West a distance of 195.46 feet to a point; thence running North 88°03'58" West a distance of 97.05 feet to a point; thence running North 88°00'04" West a distance of 205.55 feet to a point; thence running North 02°33'11" East a distance of 40.00 feet to a point; thence running South 88°00'04" East a distance of 184.61 feet to a point; thence with a curve turning to the left having a radius of 132.92 feet, an arc length of 42.73, with a chord bearing of North 02°08'39" East, and a chord length of 42.55 feet to a point; thence with curve turning to the left having a radius of 36.70 feet, an arc length of 31.41, with a chord bearing of North 28°44'08" West, and a chord length of 30.46 feet to a point; thence running North 59°27'11" West a distance of 41.42 feet to a point; thence running North 60°28'50" West a distance of 37.65 feet to a point; thence running South 68°46'46" West a distance of 106.92 feet to a point; thence running North 03°00'08" East a distance of 43.86 feet to a point; thence running North 68°46'46" East a distance of 85.02 feet to a point; thence running North 01°10'57" East a distance of 43.92 feet to a point; thence running North 87°20'50" West a distance of 76.14 feet to a point; thence running South 03°00'08" West a distance of 185.95 feet to a point; thence running South 02°33'11" West a distance of 40.00 feet to a point; thence running South 01°04'43" East a distance of 70.11 feet to a point; thence running South 03°49'40" East a distance of 46.49 feet to a point; thence running South 05°19'14" East a distance of 32.05 feet to a point; thence running South 10°02'50" East a distance of 40.81 feet to a point; thence running South 13°07'35" East a distance of 100.46 feet to a point; thence running South 17°40'21" East a distance of 82.95 feet to a point; thence running South 18°06'47" East a distance of 42.72 feet to a point; thence running South 18°19'29" East a distance of 193.68 feet to a point; thence running South 02°06'44" East a distance of 40.12 feet to a point; thence running South 19°12'45" East a distance of 70.57 feet to a point; thence running South 85°23'12" East a distance of 14.55 feet to a point; thence running South 16°20'26" East a distance of 44.68 feet to a point in the north line of New York State Route 21; thence running South 70°01'40" West along said New York State Route 21 a distance of 30.30 feet to a point; thence running North 72°06'02" West a distance of 7.00 feet to a point marked by a concrete monument; thence running North 18°13'24" West along the east line of New York State Route 36 a distance of 490.59 feet to a point; thence running North 08°54'59" West along said New York State Route 36 a distance of 13.03 feet to a point; thence running North 11°35'13" West along said New York State Route 36 a distance of 154.49 feet to a point; thence running North 06°42'06" West a distance of 47.19 feet to a point; thence running North 01°04'43" West a distance of 54.04 feet to a point; thence running North 00°39'45" East a distance of 39.85 feet to a point; thence running North 03°00'08" East a distance of 245.73 feet to a point; thence running South 87°20'50" East a distance of 114.80 feet to a point; thence running North 02°24'54" East a distance of 25.43 feet to the point or place of beginning.