

Town Board Regular Meeting
Town of Hornellsville
Town Hall - 4 Park Ave, Arkport
Tuesday, November 14, 2023 7:00 PM

Present: Dan Broughton, Supervisor
James Giglio, Councilman
Robert Mauro, Councilman
David Oakes, Councilman
Trisha Yanni, Councilman
Recording Secretary: Jessica LaFrance, Town Clerk
Others Present: Jason Emo, Highway Superintendent
Debra Castle-Harvey, Bookkeeper
Shannon Smith, Deputy Clerk

CALL TO ORDER

The Meeting was called to order at 7:02 p.m. by Dan Broughton, Supervisor with the pledge of allegiance.

MINUTES

Motion was made by Giglio, seconded by Yanni to accept the Regular Minutes and Budget Workshop Minutes of October 10, 2023 as submitted by the Town Clerk.

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

AUDIT OF CLAIMS

Motion was made by Mauro, seconded by Oakes that bills contained on Abstract #11 have been reviewed by the Town Board and are authorized for payment in the amount of \$147,536.23.

General Fund A - \$33,805.02
Highway Fund DA - \$41,442.10
Highway Fund DB - \$61,073.51
Capital Projects H2 - \$10,783.00
Water District Fund SW2 - \$70.80
Water District Fund SW4 - \$361.80

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

TOWN CLERK REPORT

Motion was made by Mauro, seconded by Giglio to accept report with total disbursements by the Clerk for the month of September in the amount of \$405.00.

Paid to the Supervisor for General Fund - \$239.00
Paid to the Supervisor for Part Town Fund - \$90.00
Paid to NYS DEC for Decals - \$31.00
Paid to NYS Animal Population Control Fund - \$45.00

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

BUILDINGS AND INSURANCE

Broughton discussed the renewal for the towns insurance policy through The Ryan Agency. The estimated cost of the policy is \$30,000. Steve Peck will schedule a time to present the 2024 changes to the board. No action was taken.

HIGHWAY REPORT

Motion was made by Mauro, seconded by Giglio to accept report read by Oakes with activities from the Highway Department for the month of October.

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

ECONOMIC DEVELOPMENT

Giglio reported that Harbor Freight is working on the old Valu building and Pizza Hut is still looking to open a location on the corner of Seneca and County Route 70A. No action was taken.

PUBLIC SAFETY/FIRE DEPT

Motion was made by Yanni, seconded by Giglio to accept the report dated November 13, 2023 as provided by North Hornell Fire Chief, Mike Robbins and report dated October 2023 as provided by South Hornell Fire Chief, Matt Donovan.

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

SUPERVISOR REPORT

Motion was made by Oakes, seconded by Yanni to accept report read by Broughton. Supervisors report submitted stated that the balance as of 9/30/2023 was \$2,254,890.19. The town had an increase of \$278,112.28 and a decrease of \$235834.50 leaving a balance as of 10/31/2023 of \$2,297,167.97.

Roll Call: Giglio, Mauro, Oakes, and Yanni; all ayes. Carried.

RESOLUTIONS

RESOLUTION 12-2023

A RESOLUTION AUTHORIZING THE OFFICIAL DEPOSITORY TO HONOR AND PAY ANY AND ALL DRAFTS, CHECKS OR ORDERS DRAWN AND COUNTERSIGNED BY THE PROPER OFFICIALS

Whereas proper action has heretofore been taken by the Town of Hornellsville, County of Steuben, State of New York, naming Community Bank the official depository of the Town of Hornellsville;

Whereas under Town Law §30 (9), the town board may by resolution require the countersignature of the Town Clerk on all checks that require the signature of the town supervisor;

Whereas under Town Law §30 (10a), the deputy town clerk shall possess the powers and perform the duties of the town clerk during the absence or inability to act of the town clerk; and

Whereas under Town Law §42, the deputy supervisor shall be vested with all of the powers and may perform all of the duties of the supervisor during the absence or inability to act of the supervisor; now, therefore, be it

Resolved, by the Hornellsville Town Board that all drafts, checks or orders shall be drawn only upon proper authorization of the Town of Hornellsville, for the payment of invoices, debts and obligations of the Town of Hornellsville, incurred and presented for payment, be drawn and signed by Dan Broughton, Supervisor, and countersigned by Jessica LaFrance, Town Clerk. In the absence of Dan Broughton, Supervisor, all checks, drafts or orders drawn against the

accounts of the Town of Hornellsville, be drawn and signed by James Giglio, Deputy Supervisor, and countersigned by Jessica LaFrance, Town Clerk, or in the absence of Jessica LaFrance, Town Clerk, all checks, drafts or orders drawn against the Town of Hornellsville shall be countersigned by Shannon Smith, Deputy Town Clerk;

Further resolved, that for the purpose of payroll, checks may be honored by the official depository of the Town of Hornellsville when said check bears the original signature of Dan Broughton, Supervisor. The countersignature of the town clerk or deputy town clerk will not be required. In the absence of Dan Broughton, Supervisor, said payroll checks must bear the original signature of James Giglio, Deputy Supervisor. The countersignature of the town clerk or deputy town clerk will not be required;

Further resolved, that Community Bank, official depository of the Town of Hornellsville, is hereby authorized to honor and pay all drafts, checks, or orders of the Town, properly drawn and countersigned as aforesaid, and for it doing so, this Resolution shall be sufficient warrant; and

Further resolved, that a certified copy of this Resolution, duly executed, be delivered to the proper officers of Community Bank, as evidence of the Bank's authority to act in accordance therewith.

Motion Made by: Robert Mauro
Motion Seconded by: James Giglio

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

RESOLUTION 13-2023

A RESOLUTION APPROVING THE APPOINTMENT OF JOSEPH BAILEY ZBA CHAIR

Whereas Wendy Jordan submitted her resignation effective September 6, 2022 creating a vacancy;

Whereas pursuant to Town Law §267(2), the Hornellsville Town Board, has the authority to designate the chairperson thereof; and

Whereas Joseph Bailey, currently serving as a member thereof with a term to expire December 31, 2027; now, therefore, be it

Resolved, that the Hornellsville Town Board does hereby appoint Joseph Bailey, Chairperson to the Zoning Board of Appeals until December 31, 2027.

Motion Made by: Robert Mauro
Motion Seconded by: Trisha Yanni

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

RESOLUTION 14-2023

A RESOLUTION APPROVING THE APPOINTMENT OF LARRY JONES PLANNING BOARD CHAIR

Whereas the term of office for Joseph Dick, Planning Board Chair expired January 9, 2023 creating a vacancy;

Whereas pursuant to Town Law §271(1), the Hornellsville Town Board, has the authority to designate the chairperson thereof; and

Whereas Larry Jones, currently serving as a member thereof with a term to expire December 31, 2025; now therefore, be it

Resolved, that the Hornellsville Town Board does hereby appoint Larry Jones, Chairperson to the Planning Board until December 31, 2025.

Motion Made by: Robert Mauro

Motion Seconded by: David Oakes

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

RESOLUTION 15-2023

A RESOLUTION AUTHORIZING THE RE-LEVY OF UNPAID WATER BILLS ON 2024 TOWN AND COUNTY TAX BILLS

Whereas in accordance with Town Law §198, the Town of Hornellsville has opted to enforce the re-levy of unpaid accounts for water;

Whereas the Steuben County Legislature shall levy the sum of \$716.86 against the applicable properties as provided by the Village of Almond on the 2024 Town and County tax bills;

Whereas the Steuben County Legislature shall levy the sum of \$24,119.64 against the applicable properties as provided by the City of Hornell on the 2024 Town and County tax bills; now, therefore, be it

Resolved, that the Town of Hornellsville Town Board, does hereby approve the re-levy in such sums as indicated above.

Motion Made by: David Oakes

Motion Seconded by: Robert Mauro

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

RESOLUTION 16-2023

A RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH COMMUNITY BANK N.A. FOR THE USE OF REMOTE DEPOSIT CAPTURE (RDC) SERVICES FOR ACCOUNTS

Whereas proper action has heretofore been taken by the Town of Hornellsville, County of Steuben, State of New York, naming Community Bank the official depository of the Town of Hornellsville;

Whereas the Town is desirous to use said services for the purposes of depositing funds remotely for the Town Clerk account, Licensing account and Tax Collection account;

Whereas the purchase of one (1) RDC machine by the Town will be required to scan and deposit funds; and

Whereas Community Bank will reimburse the Town for said RDC machine in full, now, therefore, be it

Resolved, that the Hornellsville Town Board, does hereby authorize the Supervisor to execute an agreement to utilize remote deposit capture services provided by Community Bank; and

Further Resolved, that the Hornellsville Town Board does hereby authorize the purchase of one (1) RDC machine to be reimbursed in full by Community Bank.

Motion Made by: Trisha Yanni
Motion Seconded by: Robert Mauro

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

RESOLUTION 17-2023

A RESOLUTION AUTHORIZING THE SIGNING OF THE CERTIFICATE OF ABANDONMENT OF A PORTION OF OLD STATE HIGHWAY 906

I, the undersigned, Town Superintendent of Highways of the Town of Hornellsville, Steuben County, State of New York, hereby certify that the Hornellsville old State Highway 906 has not been opened or worked for the past six (6) years. It has been abandoned by the public, and is no longer used as a public highway.

That piece of parcel of property located in the Town of Hornellsville, County of Steuben, State of New York, bounded and described as follows:

Parcel number 136.00-02-059.000 generally running from just south of the intersection of Seneca Road and County Route 70A, parallel to County Route 70A in an easternly direction aside Big Creek River, rejoining County Route 70A through parcel number 136.00-02-050.000.

Also, we the undersigned members of the Town Board, constituting the whole or majority thereof, do hereby consent to the making and filing of this Certificate, and do hereby sign the same.

Therefore, pursuant to section 205 of the Highway Law, the highway is declared to be, and hereby is, discontinued and abandoned.

Motion Made by: Trisha Yanni
Motion Seconded by: James Giglio

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

OTHER BUSINESS

The contract presented by HAHS was reviewed and tabled until questions can be answered regarding the changes. No action was taken.

Emo discussed the issue with cars being parked on the side of the road during winter. These vehicles make it difficult to plow the road. There are no parking signs present, but they are being ignored. The board discussed the possibility of issuing warnings for those that are in violation. No action was taken.

ADJOURNMENT

With no further business, on a motion made by Yanni, seconded by Giglio, the meeting was adjourned at 7:43 p.m.

Roll Call: Broughton, Giglio, Mauro, Oakes and Yanni; all ayes. Carried.

Respectfully Submitted,

Jessica LaFrance
Town Clerk
December 11, 2023