

Town Board Regular Meeting  
Town of Hornellsville  
Town Hall - 4 Park Ave, Arkport  
Tuesday, December 14, 2021 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

CALL TO ORDER

The Meeting was called to order at 7:01 p.m. by Dan Broughton, Supervisor with the pledge of allegiance.

MINUTES

Motion was made by Mauro, seconded by Oakes to accept the Regular Minutes of November 9, 2021, the Public Hearing Minutes of November 16, 2021 and the Special Meeting Minutes of November 16, 2021 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 Giglio that bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the amount of \$62,825.20.

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

TOWN CLERK REPORT

Motion was made by Oakes, seconded by Mauro to accept report read by Jessica LaFrance with fees for the month of September in the amount of \$720.46.

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

JUSTICE REPORT

Motion was made by Mauro, seconded by Giglio to accept report read by Yanni. For October, Justice Scavo collected \$1,785.00 and Justice Werner collected \$1,769.00 with distribution to the Town being \$898.

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

CODE ENFORCEMENT REPORT

Motion was made by Oakes, seconded by Giglio to accept report read by Mauro with the activities and mileage for the month of November, 2021 by the Codes Officer.

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

PLANNING BOARD REPORT

Joe Dick announced that he will be able to resume as Chairman of the Planning Board. He wanted to Thank Larry Jones and the rest of the Board for filling in and making sure business was taken care of while he was away.

#### BLDGS/INSURANCE

Steve Peck from the Ryan Agency presented the 2022 Insurance Proposal Summary. The proposal included coverage for Town vehicles, leased, hired and/or borrowed equipment, persons, crime, buildings and property. The total premium is \$28,892 which is down almost \$2,000 from last year. Motion was made by Mauro, seconded by Yanni to accept the proposal as presented by Steve Peck.

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

#### FINANCE

Broughton discussed setting up certain bills for prepay via direct withdraw. LaFrance is going to put together a resolution. Motion was made by Oakes, seconded by Giglio to accept this.

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

#### HIGHWAY REPORT

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

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

#### ECONOMIC DEV/BUS. RELATIONS – No Report

#### PUBLIC SAFETY/FIRE DEPT

Motion was made by Giglio, seconded by Yanni to accept the reports as provided by North Hornell Fire Chief Mike Robbins.

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

#### SUPERVISOR REPORT – No Report

#### DEPUTY SUPERVISOR REPORT – No report

#### COUNTY LEGISLATOR REPORT – No report

#### RESOLUTIONS

##### RESOLUTION #11-2021

WHEREAS, the Governor, Kathy Hochul of New York State has signed Legislation extending virtual access to public meetings under New York State's Open Meetings Law S.50001/A.40001;

WHEREAS, Pursuant to Open Meetings Law S.50001/A.40001, in relation to authorizing political subdivisions to permit any public body to hold meetings remotely and without in-person access during the COVID-19 state disaster emergency; and provides for the repeal of such provisions upon the expiration thereof (Part E),

WHEREAS, in accordance with Open Meeting Law S.50001/A.40001, the Hornellsville Town Board will conduct meetings in such a manner that allows some members of that body and members of the public to attend and participate without being physically present at the meeting place identified on the meeting agenda;

NOW, THEREFORE, BE IT RESOLVED, that the Hornellsville Town Board hereby allows; members of the Town Board, and the public to attend meetings from remote locations by use of video conferencing and/or teleconferencing when conducting any/all meetings or Public Hearings.

FURTHER RESOLVED, and be it this resolution shall take effect immediately.

Motion was made by Oakes, seconded by Mauro to accept the resolution.

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

#### RESOLUTION #12-2021

WHEREAS, Pursuant to Town Law §64(1-a), a town can, by resolution establish a petty cash fund for any town officer or head of a department or office in the town;

WHEREAS, in accordance with Town Law §64(1-a), the Petty Cash can be used for the payment, in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services furnished to the town for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services, provided that moneys in any such fund also may be used for the purpose of making change when such is required in the performance of official duties;

WHEREAS, in accordance with Town Law §64(1-a), at the time of any payment from such fund, the officer for which the fund was established shall require delivery to him or her of a bill in form sufficient for audit by the town board as required by law;

WHEREAS, in accordance with Town Law §64(1-a), at a meeting of the town board a list of all expenditures made from each such fund together with the bills supporting such expenditures, shall be presented to the town board for audit and the town board shall direct the supervisor to reimburse each petty cash fund from the appropriate budgetary item or items, in an amount equal to the totals of such bills which it shall so audit and allow, except that, in any such town in which there is a town comptroller, such list of expenditures, together with such bills shall be presented to said town comptroller for audit no later than the last day of each month and the supervisor shall so reimburse each petty cash fund in an amount equal to the total of such bills which the town comptroller shall so audit and allow;

WHEREAS, in accordance with Town Law §64(1-a), any of such bills or any portion of any of such bills which the town board or the town comptroller, as the case may be, shall refuse to audit and allow shall be the personal liability of the officer for which the fund was established and he or she shall promptly reimburse his petty cash fund in the amount of such disallowances and if such reimbursement has not been made by the time of the first payment of salary to such officer after the action of the town board or the town comptroller, as the case may be, in disallowing an amount so expended, such amount shall be withheld from his or her salary payment and, if necessary, subsequent salary payments and paid into the appropriate petty cash fund until an amount equal to the amount so disallowed has been repaid to such petty cash fund and any bond or undertaking filed by any town officer or department or office head shall be available to the town for recovery of any losses incurred by reason of the operation of the petty cash fund established for him or her; and

NOW, THEREFORE, BE IT RESOLVED, Petty cash funds shall be established for the purpose allowed under Town Law §64(1-a), including but not limited to making change when required in the performance of official duties;

FURTHER RESOLVED, all aspects of establishing, and managing the petty cash funds shall be done in compliance with the procedures, auditing standards and other requirements under Town Law Section 64(1-a) and any other relevant sections of law, rules and regulations;

FURTHER RESOLVED, the petty cash funds are hereby established as follows:

Town Clerk for Clerk Account - \$50.  
Town Clerk for Licensing Account - \$50.  
Town Clerk for Tax Collection Acct. - \$200

FURTHER RESOLVED, and be it this resolution shall take effect immediately.

Motion was made by Mauro, seconded by Giglio to accept the resolution.

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

#### RESOLUTION #13-2021

WHEREAS, Pursuant to General Municipal Law §5(b), the governing board of any local government, as that term is defined in section ten of this article, may, by local law, ordinance or resolution, determine that it is in the public interest and authorize such local government to enter into agreements with one or more financing agencies or card issuers to provide for the acceptance,

WHEREAS, Pursuant to General Municipal Law §5(c), any local government which has entered into an agreement with a financing agency or card issuer as authorized by the provisions of subdivision (b) of this section may accept credit cards as a means of payment;

WHEREAS, Pursuant to General Municipal Law §5(f) The governing board, in enacting a local law, ordinance or resolution pursuant to this section, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the local government, shall be authorized to accept credit cards as a means of payment of fines, taxes, rent, rates, fees, charges, revenue, financial obligations and other amounts, including penalties, special assessments or interest;

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be authorized to enter into contract with Williamson Law Book Company/Quick Pay for Clerks, to handle credit card transactions on behalf of the Town of Hornellsville for the purpose(s) allowed under General Municipal Law §5(b),

FURTHER RESOLVED, that the Hornellsville Town Board authorizes the Town Clerk to accept credit card payments for the purpose(s) allowed under General Municipal Law §5(f),

FURTHER RESOLVED, and be it this resolution shall take effect immediately.

Motion was made by Giglio, seconded by Yanni to accept the resolution.

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

RESOLUTION #14-2021

WHEREAS, there exists, by operation of law, a vacancy on the Town Board of the Town of Hornellsville by virtue of the fact that Ronald Kennell was elected to, and is unable to assume the position of, Councilman effective January 1, 2022; and

WHEREAS, such position of Councilperson is a four (4) year term which expires on December 31, 2025; and

WHEREAS, pursuant to Town Law §64(5), the Hornellsville Town Board, by a majority vote thereof, has the authority to appoint a qualified person to fill the vacancy; and

WHEREAS, the Town Board has received and considered the qualifications of those individuals that have expressed interest in filling said vacancy; and

WHEREAS, pursuant to Town Law §64(5), the vacant seat will be subject to an election to fill the unexpired term at a special election in 2022;

THEREFORE, BE IT RESOLVED, that the Hornellsville Town Board does hereby appoint Trisha Yanni to fill the existing Town Board vacancy until December 31, 2022.

FURTHER RESOLVED, and be it this resolution shall take effect immediately.

Motion was made by Mauro, seconded by Oakes to accept the resolution.

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

RESOLUTION #15-2021

WHEREAS, Debra Castle, Bookkeeper, needs approval to record budget modifications for the below funds.

WHEREAS, approval is needed for Code A1220.4 for Supervisor - Contractual in the amount of \$39.00 from Account A599 Appropriated Fund Balance,

WHEREAS, approval is needed for Code DB5110.1 for General Repairs - Payroll in the amount of \$9,462.75 and Code DB9030.8 for FICA & Medicare in the amount of \$582.94 from Account DB599 Appropriated Fund Balance,

THEREFORE, BE IT RESOLVED, that the Hornellsville Town Board, does hereby approve the recording of the above budget modifications.

Motion was mad by Yanni, seconded by Oakes to accept the resolution.

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

RESOLUTION #16-2021

WHEREAS, pursuant to Town Law §267(2), the Hornellsville Town Board, by a majority vote thereof, has the authority to appoint a board of appeals; and

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

WHEREAS, such position of board of appeals member is a five (5) year term; and

NOW, THEREFORE, BE IT RESOLVED, that the Hornellsville Town Board does hereby reappoint Wendy Jordan, Chairperson to the Zoning Board of Appeals until December 31, 2026.

FURTHER RESOLVED, and be it this resolution shall take effect January 1, 2022.

Motion was made by Mauro, seconded by Giglio to accept the resolution.

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

#### OTHER BUSINESS

A Public Hearing for Local Law #5-2021 – Cannabis Opt Out was scheduled for 12/12/21 at 9 a.m.

#### CORRESPONDENCE

A memorandum and Shared Services Agreement for Data Collection Services was received from Steuben County Real Property requesting renewal. Assessor Gabriel recommended the renewal. Motion was made by Oakes, seconded by Yanni to approve the agreement.

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

The Hornell Area Humane Society provided an updated \$9,000 contract for 2022 regarding dog control. Motion was made by Giglio, seconded by Mauro to approve the contract.

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

The Association of Towns of the State of New York has arranged a virtual training event for newly elected Town officials. Motion was made by Mauro, seconded by Oakes to approve the attendance of any Town official that would like to attend.

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

LaFrance provided a budget schedule for 2022. No action was taken.

PUBLIC – No comments

#### ADJOURNMENT

With no further business, on a motion made by Mauro, seconded by Yanni, the meeting was adjourned at 7:46 p.m.

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

Respectfully Submitted,

Jessica L. LaFrance

Town Clerk  
December 16, 2021