

TOWN OF HORNBY
REGULAR MONTHLY MEETING & ORGANIZATIONAL MEETING
JANUARY 13, 2025

Present at the January meeting of the Hornby Town Board were: Supervisor Justin Eberlin, Councilmembers Ken McLaughlin, Hazel Russell, Steve Reed and John Hale, Highway Superintendent Ron Divens (6:31pm) and Town Clerk Pam Smith. Eunie Taggart and Brad Lavery also attended the meeting.

The Town Board meeting was opened at 6:03 pm by Supervisor Eberlin.

MOTION by McLaughlin, seconded by Reed,
To approve the minutes of the Town Board meeting dated December 9, 2024 as presented. No discussion was held.

Vote: Eberlin – aye, Russell – aye, McLaughlin – aye, Reed - aye, Hale - aye.

MOTION by Reed, seconded by Hale,
To approve the payment of General Fund vouchers numbered 168-173 & 1-10 on abstract G-01-25 in the amount of \$13,205.57; the payment of Highway Fund vouchers numbered 1-12 on abstract H-01-25 in the amount of \$10,362.32; and the payment of Trust and Agency voucher numbered 54 in the amount of \$7,086.92. No discussion was held.

Vote: Eberlin – aye, Russell – aye, McLaughlin – aye, Reed - aye, Hale - aye.

The Association of Towns sent the yearly packet asking for a delegate. Supervisor Eberlin asked if anyone wanted to be a delegate, and no one wants to do it.

The bookkeeper and Carol Golden will be closing the 2024 books soon.

CPE IT is holding off replacing some of the computers because the town clerk and bookkeeper cannot do it right now.

The Steuben County Mobile Work Crew will start painting the week of February 10th.

There will be a free petition class held February 1st at the Board of Elections.
Discussion was held.

The supervisor held a 'coffee with the supervisor' session and talked with the people coming in to pay taxes. There were no complaints on taxes. There was an code enforcement issue brought to his attention, and he talked to the Code Enforcement Officer regarding the issue. Discussion was held.

MOTION by Eberlin, seconded by McLaughlin,
To appoint Cat Hill as planning board chairperson, term of 1/13/2025 – 12/31/2028.
Vote: Eberlin – aye, Russell – aye, McLaughlin – aye, Reed - aye, Hale - aye.

Discussion was held on updating the camper law regarding tents; and possibly updating the solar law.

The meeting was opened to visitors.

Historian Eunie Taggart handed out her annual report and discussed it with the town board.

Supervisor Eberlin stated that he got a report from AMR stating they average 10 calls a month to Hornby, with a 12-14 minute response time. Discussion was held.

The assessor sent the Supervisor her monthly report and he read it to the town board.

As of December 31st, Highway has \$5,917, which they only have because General loaned money to Highway to pay December bills and payroll. There is not enough to cover the budgeted unexpended fund balance. Highway paid back some of the loaned money with the CHIPS payment. Highway still owes General around \$55,000. Discussion was held. The last paving project was pushed to the end of the year and there wasn't enough time to get that paperwork turned in for the December CHIPS payment. On March 14th, at least \$164,028.20 is expected as a CHIPS payment.

December's monthly report also shows deficits on certain lines. Highway Superintendent Divens will investigate why that happened.

There is not enough money in Highway to pay the January abstract of \$10,362.32. Discussion was held.

RESOLUTION by McLaughlin, seconded by Eberlin,
To transfer \$30,000.00 from General to Highway to cover Highway expenses for January, to be repaid out of Highway funds. This \$30,000.00 to be repaid is not a complete payment of what is owed to General. Discussion was held.
Vote: Eberlin – aye, Russell – aye, McLaughlin – aye, Reed - aye, Hale - aye.

Highway Superintendent Divens stated that the pad for the generator was poured. He is meeting with the generator person on Wednesday. Hopefully the generator can be installed the beginning of February.

The contract is signed for the new truck, with it being completed in February.

Discussion was held on Highway Superintendent Divens planned retirement at the end of 2027. Councilmember Russell would like to start a contract for the Highway Superintendent that takes over once Highway Superintendent Divens retires. She would like to specify that the town will not reimburse for a cell phone, and that he/she will pay for health insurance, and he/she should not be paid the same salary as the highway superintendent is receiving. Discussion was held on whether the position should be an appointed position.

The Town Clerk was asked to call Brian Creelman regarding a light fixture savings brochure for NYSEG & RG&E businesses, farms and non-profits. He might be able to use fixtures in the brochure to replace the lights at the town hall.

There have not been any meetings for the Climate Adaption Plan committee.

The organizational portion of the meeting started at 7:37 pm.

RESOLUTION by Hale, seconded by McLaughlin, to approve the following designations:

The Town Board will meet the second Monday of each month at 6:00 PM at the Town Hall.

The official newspaper is the Corning Leader.

Depositories: Supervisor – Community Bank, NA
Justice – Community Bank, NA
Town Clerk – Five Star Bank
Tax Collection – Chemung Canal

Petty cash funds shall be set as follows:

Town Clerk - \$50.00
Tax Collection - \$200.00
Town Justice - \$100.00

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by McLaughlin, seconded by Hale, to approve the following contract to be effective retroactive to January 1, 2025.

Attorney for the Town – Thomas M. Bowes/ Firm of Yorio, Ferratella & Bowes,
Attorneys at Law at \$3,000 per year for the first 30 hours.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by Eberlin, seconded by McLaughlin, to approve the following salaries to be effective retroactive to January 1, 2025:

Justice – Courtney Segar, at \$5,818.47

Supervisor – Justin Eberlin, at \$9,636.00

Town Board Members – Hazel Russell, at \$1397.97

Ken McLaughlin, at \$1397.97

John Hale, at \$1397.97

Steven Reed, at \$1397.97

Town Clerk – Pamela Smith, at \$20,225.08

Superintendent of Highways – Ron Divens, at \$70,248.00

Code Enforcement – Brad Lavery at \$10,000.00

Assessor – Holley Smalt and David Weeks at 19,069.42

Summons Server – to be determined, at \$10.00 per service, plus mileage

Dog Control Officer – Edward Fratarcangelo, at \$4,774.08

Historian – Eunice Taggart at \$611.82

Bookkeeper – Ann Taft, at \$19.95 per hour

Clerk to the Planning Board and Zoning Board of Appeals – Candace Buchanan @

\$45 per meeting night, hourly minimum wage for other planning and zoning work.

Court Clerk – Patrick Harrison @ minimum wage; with a 3 hr minimum

Deputy Supervisor – Kenneth McLaughlin at no salary

Deputy Town Clerk/Tax Collector – Laura Landolf at minimum wage; with a 3 hr minimum

Town Hall Cleaner – Shannon Eberlin at \$206.00 per month

Armed Court Officer PT – to be determined, at \$20 per hour; with a 3 hr minimum

Assessment Board of Review - \$60.72 diem per each grievance day and current minimum wage plus mileage to attend training, to be paid by voucher after grievance day.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by McLaughlin, seconded by Eberlin,

That the Highway Superintendent is to be paid biweekly; the Assessor, Supervisor, Town Clerk, Dog Control Officer, Justice, Bookkeeper, Court Clerk, Armed Court Officers, Planning Board Clerk, Custodian and Code Enforcement Officer, shall be paid monthly. All other elected and appointed officials shall be paid in four equal payments as set by the 2025 budget, to be paid in March, June, September, and December.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by Reed, seconded by McLaughlin, to authorize the following:

The Town Hall scheduler is the Town Clerk or in her absence, the Supervisor.

Regular Town Hall use is:

Town Clerk Monday 10:00 am – 2:00 pm & Tuesday 11:00 am – 6:00
pm and
during January on Fridays 11:00 am – 6:00 pm
Assessor – 1st & 3rd Tuesdays 11:00-3:00 and 2nd & 4th Thursdays 11:00-
3:00
Planning Board – Thursday following the Town Board meeting at
7:00pm
Zoning Board of Appeals – as needed
Code Enforcement Officer – Mondays 4:30pm – 6:30pm
Justice – Court is 1st Wed at 8:30am
Town Board – second Monday of each month at 6:00 pm
Town Supervisor – 5:00pm-6:00pm Mondays before Town Board
meetings

The rate for mileage reimbursement is set at \$.70 per mile. Mileage is to be
turned in to
the Town Clerk for reimbursement by March 1, June 1, September 1 and
December 1 of
the current year.

The Supervisor is authorized to submit, in lieu of an annual report, a
copy of the annual report submitted to the State Comptroller to the
Town Clerk. Said report is to be submitted within 60 days after the
close of the fiscal year. The Town Clerk is to publish in the official
newspaper that the report has been received and is on file at the Town
Hall. Said notice shall be published within 10 days of receipt of the
report.

That the Supervisor is authorized to pay bills that may incur a
penalty prior to audit by the Board and to invest town funds in interest
bearing accounts per regulation set by the State Comptroller and that the
Supervisor is
also authorized to prepay medical insurance for the covered employees.

That the veterinarians at Towne & Country Veterinary Hospital are authorized
to euthanize dogs upon the direction of the DCO at the current rate per animal
size.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by McLaughlin, seconded by Eberlin, to approve the highway program for 2025 as follows:

Pay scale – Laborers:	\$16.00
MEO:	\$19.90 – \$23.87

In addition to their raise, the employee shall be paid, upon completion of an annual evaluation to be performed by the Highway Superintendent, an incentive raise which shall be 1/5 of the difference of his/her starting salary and the top pay scale for his/her job description. This shall continue until the top rate is reached. The incentive raises shall be given on the employees' anniversary date. All raises shall be given at the discretion of the Highway Superintendent.

The pay period shall be bi-weekly, with payday no later than Wednesday following the end of the pay period; the end of the pay period being Saturday, unless a holiday falls on a Monday, Tuesday or Wednesday, in which case the payday may be delayed until Thursday.

Holidays: Eleven paid holidays: New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas, the day after Christmas and one roving day. If a holiday falls on a Friday, Saturday or Sunday, the day before or after will be observed, the Highway Superintendent will specify the day. Employees must work the day before and the day after a holiday to receive holiday pay. Employees will also be paid to attend the Steuben County Highway Employees Summer Picnic if the event is held on a scheduled work day.

Sick pay: one sick day per month, accumulative to 100 days. If sick days are consistently used by employee without a major illness, the employee may be required to have a physical exam by a physician to ascertain the employee's well being for employment. If employee is absent for three consecutive days, the employee may be required to have a physician's statement to return to work. Employees will be eligible to receive 40 hours (1 week) pay for unused sick days after 1000 hours have accumulated, payable in the last payroll of the year. Upon retirement, the employee will be paid their accumulated sick hours at 62.5% of their current hourly rate.

Overtime: Time and one half will be paid for hours over 10 hours per day or 40 hours per week.

Personal days: One day or 10 hours, every six months, non accumulative.

Health Insurance:

Individual coverage – employee shall contribute \$120.00 per month for coverage,

the balance of the premium shall be paid by the Town.

Starting January 1, 2026, employees shall contribute \$130.00 per month for individual coverage.

Family coverage – employee shall contribute \$120.00 per month for coverage, the balance of the premium shall be paid by the Town.

Starting January 1, 2026, employees shall contribute \$160.00 per month for family coverage.

Paid Vacation Per Year:

One week after 1 completed year of employment

Two weeks after 2 completed years of employment

Three weeks after ten completed years of employment

Four weeks after fifteen completed years of employment

Five weeks after twenty completed years of employment

No more than three consecutive weeks being allowed at one time without special permission of the Highway Superintendent.

Bereavement Leave

In the event of death in the immediate family, each employee shall be granted three (3) days off with pay for time lost during regularly scheduled workweek. This time shall

normally end on the day following the funeral. Immediate family shall mean: Spouse,

Child, Step-Child, Parent, Step- Parent, Brother, Sister, Step-Brother, Step-Sister,

Grandparent and/or Grandchild of either spouse. Bereavement shall not be deducted

from any other accumulated leave benefit nor shall they be accumulative.

Additional

days to be deducted from an employee's accumulated sick leave may be granted at the

discretion of the Employer.

Jury and Court Attendance

An employee working at least 40 hours or more weekly shall be entitled to his/hers usual

salary for the days he/she actually serves as a juror or is in Court pursuant to subpoena or

other order of the Court, in Federal Court, Grand Jury, County Court, City

Court, Police
Justice Court, and Magistrate Court.

Unemployment Insurance: Paid by employer

Disability Insurance: Covered under the State Plan – paid by employer
When employee meets the requirement for disability, the following
shall go into effect. The disabled shall receive 100% of their wages for
the time of disability under the following equation:

Disability will be paid by the current disability insurance rate with the
balance being paid by sick days to meet the employees' weekly
wage. Once the employees' sick days run out, the
employee will only be paid the current disability insurance rate per
week.

Employees on disability are not active employees, and as such, will not receive
active employee benefits such as holiday pay.

Workers Compensation: Steuben County Plan – 2025 cost to the Town is \$26,522.50.

Retirement:

Employees are eligible under the NYS and Local Retirement System, tier 3 & 4
& 6
coverage. Three percent of wages paid by employee, if applicable. Upon
reaching the
age for retirement, employee shall notify the Town of intent to retire and
approximate
day for retirement. Retiree shall be responsible for notifying the NYS
Retirement System
and the Social Security Administration for benefits. Health Insurance
coverage and
benefits may be changed depending upon costs.

The Town operates under the guidelines of the Steuben County Drug and Alcohol
Program at a cost of \$50 per person, per year, paid by Town.

The costs of the annual D.O.T. physicals will be paid by the Town.

Uniforms

Employees will be reimbursed for up to \$250 a year per person for
purchasing work pants and/or boots.

The Town of Hornby will provide proper PPE including 5 work shirts and 5
sweatshirts.

The Highway Superintendent shall be authorized to purchase tools, equipment and implements during the year, without prior approval of the Town Board, up to the amount of \$1,000.

Any major repairs to equipment shall have a written quote from the vendor with a firm quote and notification that without written consent, overages will not be paid.

The yearly highway inventory shall be filed with the Town Clerk for items valued over \$500. The Highway Superintendent shall file said inventory by August 1st.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by McLaughlin, seconded by Eberlin,
To appoint the Highway Superintendent as Town of Hornby FEMA Administrator, whose activities include identifying damage, attending applicant briefings, completing forms, creating files, project monitoring, assessing damage, collecting cost data, developing cost estimates and final inspection of projects.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by McLaughlin, seconded by Eberlin, to approve the following

Vacations (Non-Highway):

Hourly: Non-Highway Hourly employees will not be paid for time off from work that they choose to take. Such time off must be approved by the Town Supervisor a minimum of

one week prior to time off. Emergencies excluded. They may take unpaid time off to

the extent that it does not impact fulfilling their job duties, and their jobs are not

negatively impacted.

Salaried: Non-Highway Salaried employees will receive paid vacation time.

Vacation time

must not interfere with the fulfillment of the employees normal duties.

Town Supervisor

must be notified at least one week in advance. Emergencies excluded.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by Russell, seconded by McLaughlin, to approve the following

Any salaried employee (highway or non-highway) who is enrolled in the NY State and

Local Retirement System must report any time off to the bookkeeper, whether it is vacation, medical leave, personal days, etc., to ensure proper reporting to the retirement system.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

RESOLUTION by Eberlin, seconded by Hale,

All hourly employees, highway and non-highway, who have met all requirements of their respective positions for the entire year may, at the discretion of their respective supervisors, receive up to an additional \$75 in addition to their annual salaries. This decision will be made at the November or December Town Board meeting.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

MOTION by Russell, seconded by Eberlin,
Starting with the retirement or departure of the current Highway Superintendent Ron Divens, the starting salary will be \$50,000.00 for the incoming Highway Superintendent position. No cell phone will be provided, nor reimbursed; and the employee contribution for health insurance shall be that of all other highway employees.

Vote: Eberlin – Aye, Russell – Aye, McLaughlin – Aye, Reed - Aye, Hale - Aye.

The organizational portion of the meeting concluded at 8:39 pm

The regular meeting resumed at 8:39 pm.

The highway department is considering going union. Discussion was held.

The current dog control officer, Ed Fratarcangelo, is leaving around June or so. Supervisor Eberlin has talked to Joel Pearson with Southern Tier Animal Control Inc., an organization that is interested in becoming Hornby's dog control officer and sent us a contract. Discussion was held.

MOTION by McLaughlin, seconded by Russell,
to adjourn the meeting at 8:42 pm. No discussion was held.

Vote: Eberlin – aye, Russell – aye, McLaughlin – aye, Reed - aye, Hale - aye.

Pamela A. Smith
Hornby Town Clerk