

Minutes

Village Board of Trustees

April 2, 2007

An Organizational Meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Howard Miller, Ronald Swartz, and Walter Herbst, Village Atty. John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Police Chief Michael Barton, Fire Chief Arthur Sullivan, Village Justice Bill Driscoll, Deputy Clerk Donna Hartsock, Deputy Treasurer Michele Accavallo, and Manager Assistant Rachel Baer. Also present was: Dave Baker, Planning Board Member.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the members of the Board of Trustees have each been provided with a copy of the proposed resolutions to be considered for adoption at this meeting, and

WHEREAS, each of the Trustees has reviewed each of the proposed resolutions, and

WHEREAS, it has been suggested that the reading of the resolutions may be waived since each of the Trustees have reviewed each of the proposed resolutions in advance.

NOW THEREFORE BE IT RESOLVED, that the reading of the resolutions for agenda items "a" through "o" is waived, and the same are approved and set forth herein below:

- a) BE IT RESOLVED, that the reading of the minutes of the Board of Trustees meetings of March 22, 2007 be dispensed with and the same stand approved as entered by the Clerk.
- b) BE IT RESOLVED, that Mayor Patricia Gross is hereby authorized and directed to execute a contract for the provision of specific services with Southern Tier Economic Growth, Inc. for the term of the agreement as stated therein. The financial consideration for such contract shall not exceed \$5,000.
- c) BE IT RESOLVED, that pursuant to Village Law, the regular monthly meetings of the Village of Horseheads Board of Trustees shall be held on the second and fourth Thursday of each month beginning at 7:00 p.m. at the Village Hall, 202 S. Main St., Horseheads, New York. Special meetings may be called as provided in the Village of Horseheads Board of Trustees' Rules of Procedures for Meetings. Nothing to the contrary withstanding there shall be no regular meeting of the Board on the fourth Thursdays for the months of July and August.
- d) BE IT RESOLVED, that the Clerk's Office of the Village of Horseheads will be open to the general public between the hours of 8:00 a.m. through 4:00 p.m. Monday through Friday excepting for such holidays as are established by the Village of Horseheads Board of Trustees and such other times and periods as such Board may determine from time to time.
- e) BE IT RESOLVED, that the Village Clerk's Office and Village Manager's Office shall be closed on the following legal holidays:

Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving Day
Independence Day	Christmas Day
Labor Day	New Year's Day
Columbus Day	Martin Luther King Day
Veterans Day	Presidents Day

- f) BE IT RESOLVED, that the Elmira Star-Gazette, 201 Baldwin Street, Elmira, NY be and hereby is designated the official newspaper of the Village of Horseheads, and be it further

RESOLVED, that all official proceedings, notices, resolutions, ordinances, and acts of the Trustees shall be published in the aforementioned newspaper or as otherwise directed by the Board of Trustees.

- g) Communication from Mayor Gross to the Board of Trustees:

I recommend the appointment of **Raymond Fortier, George Koliwasky, and David Baker** to the Village of Horseheads **Planning Board**, for terms which will expire on the first Monday of April **2012**. I further recommend the appointment of **Lew VanDuzer** as a member of the **Zoning Board of Appeals**, for a term which will expire the first Monday of April, **2012**.

BE IT RESOLVED, that the above appointments be made.

- h) BE IT RESOLVED, that HSBC Bank USA, and Chemung Canal Trust Company, both of Horseheads, New York, The JP Morgan Chase Bank of Elmira, New York, Cooperative Liquid Assets Securities System, New York (Putnam/Northern Westchester BOCES) ("CLASS") of Yorktown Heights, New York, and Five Star Bank, of Bath, NY hereinafter referred to collectively as "Banks" be and hereby are designated a depository or official bank of this corporation for the official year commencing April 2, 2007 and are authorized to receive for deposit, at any such office or offices, to the credit of this corporation, or for the collection for the account of this corporation, monies, checks, drafts, notes or other instruments for the payment of money (including electronic fund transfers and wire transfers), whether belonging to this corporation or otherwise, which may now be or hereafter come into their possession, and be it further

RESOLVED, that any two of the following three officials or officers of the Village of Horseheads, Mayor, Deputy Mayor or Clerk-Treasurer be and they hereby are authorized to make, sign, draw, accept, indorse, execute and deliver any and all checks, drafts, notes, acceptances, evidences of indebtedness, or other instruments for the payment (including electronic fund transfers and wire transfers) of money of this corporation on deposit with the said Banks; and the said Banks be and they hereby are authorized to make payment from funds of this corporation on deposit with them upon and according to the terms of any such instrument when signed as above provided over the official title of such signer, and to receive the same to the credit of or in payment from the payee or any other holder, when so signed, without

inquiry as to the circumstance of their issue or the disposition of their proceeds, whether drawn to the individual order of or tendered in payment of the individual obligations of any persons signing the same or of any other officer, agent or signatory of this corporation or otherwise, excepting that withdrawals from savings must be signed by one authorized signature of either the Mayor, Deputy Mayor or Clerk Treasurer, and be it further

RESOLVED, that any check herein authorized to be drawn in the name of this corporation may be signed with the facsimile signature of Mayor Patricia Gross and the said Banks shall be entitled to charge any such check to this corporation's account regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto if such signature corresponds with the facsimile specimen duly certified to and filed with the said Banks by the Clerk-Treasurer of this corporation, and be it further

RESOLVED, that the Mayor, Deputy Mayor, and Clerk-Treasurer be and hereby are appointed agents of the said corporation, and that any two of such agents shall have access to the safe or safes including safety deposit boxes, in the vaults of the said Banks, and be it further

RESOLVED, that the Clerk-Treasurer of this corporation be and she hereby is authorized and directed to certify to the said Banks the names of all officers of this corporation and other persons authorized to sign for it as herein provided and the offices respectively held by them together with specimens of their signatures, whether facsimile or otherwise, and from time to time thereafter to certify such changes as may be made, and be it further

RESOLVED, that any and all prior resolutions adopted by this corporation authorizing access to safe or safes, or safety deposit box(es), and designating its official Banks and the parties who may draw against and or withdraw its funds are revoked and canceled the effective date hereof, and be it further

RESOLVED, that the foregoing powers and authority shall continue until written notice of the revocation thereof has been received by said Banks, and be it further

RESOLVED, that the Clerk-Treasurer is hereby authorized, pursuant to Article II of the General Municipal Law, to temporarily invest during the fiscal year ending May 31, 2005 monies not required for the immediate expenditures under conditions and with the limitations specifically set forth herein.

- i) WHEREAS, the Village of Horseheads Board of Trustees did on January 1, 1992 adopt a Purchasing Policy governing the acquisition of goods and services and

WHEREAS, such policy is to be reviewed annually and was last revised in July 2006, and

WHEREAS, this Board has reviewed same and found that no amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Purchasing Policy, as revised in July 2006, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- j) WHEREAS, the Village of Horseheads Board of Trustees did on February 26, 1998 adopt Rules of Procedure governing the conduct of its various board and committee meetings

WHEREAS, such policy is to be reviewed annually, and was last revised in April 2003, and

WHEREAS, this Board has reviewed same and found that no amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Rules of Procedure, last revised on April 1, 2003, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- k) WHEREAS, the Village of Horseheads owns and operates a cemetery known as Maple Grove Cemetery which is regulated by Article 15 of the Village Law and Chapter 113 of the Village Code, and

WHEREAS, the operation of the cemetery is vested in the Board of Cemetery Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Trustees of the Village of Horseheads shall automatically be Cemetery Commissioners for the duration of their respective terms as said Trustees. The Mayor shall be the Chairperson of the Board of Cemetery Commissioners. Meetings of the Board of Cemetery Commissioners may be held as part of and during regular and special meetings of the Board

- l) WHEREAS, the Village of Horseheads owns and operates a Fire Department generally known as the Horseheads Fire Department, and

WHEREAS, Article 10 of the Village Law provides for a Board of Fire Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Fire Commissioners vested with all of the powers and duties of such Board as provided in Article 10 of the Village Law. The members of the Fire Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Fire Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Fire Commissioners shall be the Mayor of the Village. Meetings of the Board of Fire Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

- m) WHEREAS, the Village of Horseheads owns and operates a Water Department, and

WHEREAS, Article 11 of the Village Law provides for a Board of Water Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Water Commissioners vested with all of the powers and duties of such Board as provided in Article 11 of the Village Law. The members of the Water Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Water Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Water Commissioners shall be the Mayor of the Village. Meetings of the Board of Water Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

- n) WHEREAS, the Village of Horseheads has entered into an intermunicipal cooperation agreement with the Town of Horseheads for the latter to provide Code enforcement services, and

WHEREAS, the Town of Horseheads has employed Thomas Skebey, Donald Coats, and Mike Brown, and may hereafter from time to time employ others in the capacity of Code Enforcement Officer, and

WHEREAS, it is the desire of this Board that the Code Enforcement Officers of the Town of Horseheads be authorized and empowered to enforce the Village Code within the Village of Horseheads and to, among other things, issue appearance tickets in regard thereto.

NOW THEREFORE BE IT RESOLVED, that such individuals as are employed by the Town of Horseheads as Code Enforcement Officers and assigned, pursuant to the above-noted agreement, to enforcement of the Code of the Village of Horseheads and/or the resolutions and orders of the Board of Trustees be and they hereby are designated Code Enforcement Officers within the Village of Horseheads and are empowered with all of the duties and responsibilities of such position including the power to issue appearance tickets, etc. Pursuant to Village Law Section 3-300 the Code Enforcement Officer may, in lieu of residing in the Village of Horseheads, reside within Chemung County.

- o) WHEREAS, the Village of Horseheads has entered into an intermunicipal cooperation agreement with the Town of Horseheads for the latter to provide Dog Control services, and

WHEREAS, the Town of Horseheads has employed Frank Rosplock, and may hereafter from time to time employ others in the capacity of Dog Control Officer, and

WHEREAS, it is the desire of this Board that the Dog Control Officer of the Town of Horseheads be authorized and empowered to enforce Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads and to, among other things, issue appearance tickets in regard thereto.

NOW THEREFORE BE IT RESOLVED, that such individuals as are employed by the Town of Horseheads as Dog Control Officers and assigned, pursuant to the above-noted agreement, to enforcement of Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads be and they hereby are designated Dog Control Officers within the Village of Horseheads and are empowered with all of the duties and responsibilities of such position including the power to issue appearance tickets, etc. Pursuant to Village Law Section 3-300 the Dog Control Officer may, in lieu of residing in the Village of Horseheads, reside within Chemung County.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Communication from Mayor Gross to the Board of Trustees:

I hereby appoint **Walt Herbst** as Deputy Mayor for a term which will expire on the first Monday of April, **2008**.

Communication from Mayor Gross to the Board of Trustees:

I hereby appoint **Arthur Sullivan**, 129 Miller Street, Horseheads, New York as **Master Mechanic** of the Horseheads Fire Department; **Tom Skebey**, W. Franklin St. as **Fire Inspector**; **John Groff**, Esq., 53 Silver Oak Drive, Horseheads NY as **Village Attorney**, and **the Village Manager**, and **in the absence of a Village Manager the Clerk-Treasurer**, as **Budget Officer**, each for terms which will expire on the first Monday in April, **2008**.

I further appoint **Donna Hartsock**, Greenridge Drive, Horseheads, as **Deputy Clerk**; and **Michele Accavallo**, of Easterbrook Drive, Horseheads, as **Deputy Treasurer**, each for terms which will expire on the first Monday in April, **2008**.

At this time, Atty. Groff declared open a public hearing regarding the Tentative 2007-2008 Village Budget. As nobody came forward, Atty. Groff declared the public hearing closed.

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Clerk-Treasurer Sharron Cunningham has prepared and submitted a proposed budget for the fiscal year 2007-2008, and

WHEREAS, this budget has been reviewed and critiqued by the Board of Trustees, and

WHEREAS, a public hearing was held on April 2, 2007 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2007-2008 budget prepared by the Clerk-Treasurer which establishes anticipated revenues in the amount of \$4,893,265 and appropriations in the amount of \$4,893,265 with the schedule of salaries and wages and other appropriate schedules required by law is hereby adopted as the final budget for the Village of Horseheads for the fiscal year June 1, 2007 through May 31, 2008 containing a tax levy of \$4.57 per thousand dollars of assessed valuation.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of March 21st, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the March of Dimes has submitted a Festival Permit Application for a Walk America Event to be conducted on May 6, 2007 at 9:00 a.m. in Thorne Street Park, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same.

NOW THEREFORE BE IT RESOLVED, that said application is approved on the condition that the event shall be conducted as provided and described by the applicant.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, Village Law Section 7-712 and 7-718 provide that effective January 1, 2007 all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the above sections of state law provide that a planning board of zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law, and

WHEREAS, the above sections of state law provide that the legislative body of the village specifics which activities qualify as training to satisfy the state requirements.

NOW THEREFORE BE IT RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

NYS Department of State
Department of Agriculture and Markets
Office of the State Comptroller
Department of Health
Department of Transportation
Department of Environmental Conservation
Office of Parks, Recreation and Historic Preservation
Hudson River Valley Greenway
NYS Association of Towns
New York Conference of Mayors
NYS Association of Counties
New York Planning Federation
American Planning Association
Upstate New York Chapter of the American Planning Association and its sections
Capital District Regional Planning Commission
Central New York Regional Planning and Development Board
Herkimer-Oneida Counties Comprehensive Planning Program
Lake Champlain-Lake George Regional Planning Board
Long Island Regional Planning Board
Southern Tier Central Regional Planning and Development Board
Southern Tier East Regional Planning and Development Board
Southern Tier West Regional Planning and Development Board
Genesee-Finger Lakes Regional Planning Council
Hudson Valley Regional Council
Tug Hill Commission
Adirondack Park Agency
Chemung County Planning Federation
Chemung County Planning Departments
Chemung County Soil and Water Conservation Districts
Albany Law School Governmental Law Center

Institute for Legal Studies
Pace Law School
Cornell University and its Cooperative Extension
Online Planning and Zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy

and be it further

RESOLVED, that other training activities may be approved on a case-by-case basis by the Village Board of Trustees upon the request of a planning board or zoning board of appeals member, and be it further

RESOLVED, that any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein, and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years, and be it further

RESOLVED, that the Confidential Secretary to the Village Manager shall create and maintain a system of tracking the training that individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Carl R. Lewis, Jr., Phillip C. Mazzaresse, Jr., and Michael A. Mazzaresse to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Discussion: Farmers Market Staff Person

Trustee Swartz reported that he met with Elaine Noble from Coop. Ext. and Rhonda Lant. Rhonda said she would be in charge of our farmers market. The market will be held on every Saturday beginning June 9th, from 10am -2pm. It will run through mid-September. We agreed that Teal Park would be the best place to have it. We will be submitting this to the Village's Traffic Commission for review.

Discussion ensued on whether this will be sponsored by the Village or by Coop. Ext. Ron noted that Rhonda will be paid by the Village for her services in running the market. Coop. Ext. will be securing the vendors. The vendor fees will be coming back to the Village.

Atty. Groff noted that it sounds more like this person will be an actual employee of the Village. It was agreed that Ron should meet with the Sharron to go over details of how this person will be paid.

Ron noted that Coop. Ext. is looking into their insurance.

Trustee Herbst - Sharron and I are meeting with reps tomorrow regarding a health benefit review. It will be from an actuarial point of view. They might make some recommendations, we'll see what they have to say. The Mayor, Howard, and I are meeting Wednesday to prepare for sports league meeting that evening.

The Board commended and thanked Sharron for her work in developing the budget.

Mayor Gross congratulated Sean Lohmuller from the DPW. He is a firefighter with Town and Country. He was the one who pulled out the driver from that tractor accident recently. He was very instrumental in saving lives.

The Board discussed reviewing the applications for Village Manager. It was agreed that Rachel will make a copy of the applications, and black out the names. The Board is to come in and rate the applicants and narrow the list down. The Mayor asked that the Board use the qualification list that they developed with Dave Radin. Discussion ensued regarding how many they should narrow down to. It was agreed to review them and determine that afterwards. There could be initial telephone interviews, and possibly using the school's video conferencing system.

Chris Lawrick reported that the pit opened today and they were very busy. He noted that he recently assisted the Town of Big Flats on a water main repair. They needed some parts and we supplied them.

As there was nothing further to bring before the Board, the meeting was adjourned at 7:40pm.

/rmb