

Minutes

Village Board of Trustees

December 3, 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 Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walt Herbst, and George Koliwasky, Village Atty. John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, DPW Chris Lawrick, Justice William Driscoll, Court Clerk Jan Zeigler, and Manager's Assistant Rachel Baer. Also present were: Jim Lynch, 303 W. Mill St.; Bob and Marilyn Chapman, 712 Tift Ave.; Marnie Koliwasky, 303 Eleanor St.; Bonnie Swartz, 117 Renwick Lane; Earle and Evelyn Catlin, 204 Kennedy Dr.; Guy Reed, 307 Gardner Rd.; Charles Short, Grand Central Ave.; and the news media.

Resolution by Trustee Swartz, seconded by Trustee Miller

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 "f" is waived, and the same are approved and set forth herein below:

- a) 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.
- b) 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.
- c) BE IT RESOLVED, that the Village Clerk's Office and Village Manager's Office shall be closed on the following legal holidays:

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

- d) 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 which are required to be published by law shall be published in the aforementioned newspaper or as otherwise directed by the Board of Trustees.

- e) 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 December 3, 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 Donald Zeigler 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 official year ending the first Monday in December, 2008 monies not required for the immediate expenditures under conditions and with the limitations specifically set forth herein.

f) 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.

- g) 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.

- h) 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

- i) 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.

- j) 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.

- k) 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 Michael 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.

- l) 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 Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Communication from Mayor Zeigler to the Board of Trustees:

I hereby appoint Ronald Swartz as Deputy Mayor for a term which will expire on the first Monday of December, 2008.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, George Koliwasky has been elected as a Trustee to the Village Board of Trustees, requiring his resignation from the Village Planning Board, and

WHEREAS, Mayor Donald Zeigler has proposed the appointment of Guy Reed to the Planning Board.

NOW THEREFORE BE IT RESOLVED, that Guy Reed, of Gardner Road, Horseheads, is hereby appointed as a Full Member of the Village Planning Board to fill the unexpired term of George Koliwasky, said appointment to expire the first Monday of December, 2012.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Mayor Zeigler - I've known Guy all my life. He has a background in code enforcement from the Town of Catlin. I feel he has background and knowledge for this position. Will be a great asset to the Planning Board.

Resolution by Trustee Herbst, seconded by Trustee Miller

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

WHEREAS, the annual sum paid by the Village to the Town for said services has recently been reviewed by both parties and agreed to be increased from \$8,500 to \$12,000.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is hereby authorized and directed to execute an agreement with the Town of Horseheads for Dog Control Services for the amount of \$12,000, said agreement to be effective January 1, 2008 and will continue to renew annually until amended or terminated.

Trustee Swartz asked the last time the amount was increased. Atty. Groff said it has been a few years

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Discussion on Proposed Local Laws on MS4 Stormwater Regulations

Atty. Groff noted that these laws are mandated by federal and state governments. Village is required to adopt local laws. A Coalition comprised of several municipalities was formed. They developed model local laws. Required to be acted on in January of next year. At the next meeting you will be asked to schedule public hearings on these proposed laws. Also regulated by SEQR.

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, Gardner Road LLC is the owner and developer of lands northerly of Gardner Road, developing same into single family dwellings. Said development referred to as Gardner Road Subdivision and also referred to as Village Estates, and

WHEREAS, the developer has completed construction of municipal infrastructure improvements to Phase 2 of the project, and more specifically Phase 2A; such improvements including but not limited to water transmission lines, roadbed and road surfaces, sidewalks, lighting, grading for drainage and other purposes, and

WHEREAS, Gardner Road LLC has submitted to this Board an irrevocable documentary Letter of Credit from Elmira Savings Bank dated June 12, 2007 in the amount of \$101,358, and

WHEREAS, on September 27, 2007 this Board authorized reduction of the Letter of Credit to \$47,638.00 due to partial completion of said infrastructure at that time, and

WHEREAS, the developer has requested that the Village consider releasing additional funds of the Letter of Credit, on the basis that the municipal infrastructure improvements have been dedicated to the Village of Horseheads and have been constructed in accordance with the approved plans and specifications, and

WHEREAS, DPW Chris Lawrick has inspected the roadbed, road, sidewalks, street lighting and surface water drainage facilities comprising Phase 2A of the project and has determined that same have constructed in accordance with such plans and specifications, and

WHEREAS, a Release of Lien has been received from all contractors and materialmen in connection with such infrastructure improvements, and

WHEREAS, Director of Public Works Chris Lawrick has received and accepted appropriate disinfection and pressure testing reports relative to the water system, and has recommended the reduction of the above-noted Letter of Credit based upon the value of the paid improvements to date.

NOW THEREFORE BE IT RESOLVED, that this Board consents to a reduction of the above-noted Letter of Credit to \$10,136.00 which is the required 10% retainer of the original amount of \$101,358.00. Said retainer to be held for three years from this date, until December 3, 2010, in case latent defects are discovered.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Atty. Groff stated that we have received notice from the Chemung County Industrial Development Agency of a public hearing regarding the Appleridge PILOT extension. It is scheduled for December 27th. Not sure of specific terms. They have not been provided to us. Might be extending existing pilot for 4 years. Appropriate to inquire what proposed terms of the amendment to pilot are.

The Board briefly discussed and instructed Atty. Groff to inquire and report back.

Clerk-Treasurer Cunningham noted that the Board needs to schedule a meeting to sit down with our auditor so we can finalize the financial statements.

After brief discussion, it was agreed to meet with the auditor on Wednesday, December 12th at 2:00 p.m.

Mayor Zeigler presented Earle Catlin with his Trustee's picture and nameplate.

Mayor Zeigler thanked his wife Jan for all her support and motivation when he was running for Mayor.

Charlie Short, Grand Central Ave. - asked what new procedures will be in place for code enforcement. Mayor Zeigler said its too early to know for sure, but we will be working on it very soon. That was the number one issue I heard in talking to people this year.

As there was nothing further to bring before the Board, the meeting was unanimously adjourned at 7:30 p.m.

/rmb