

Minutes

Village Board of Trustees

December 3rd, 2012

An **Organizational Meeting** of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.

Present were:

Village Board and Staff

Mayor Donald Zeigler
Deputy Mayor Ronald Swartz
Trustee Larry Clark
Trustee George Koliwasky
Trustee Mike Skroskznik
Village Manager Walt Herbst
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham
Deputy Clerk Michelle Accavallo
DPW Matt Mustico
Code Enf. Bob Young
Manager's Asst. Rachel Baer
Planning Bd. Member Mike Stenpeck

Others Present

Don Gaylord, Big Flats
Jeff & Jamie Swartz, Corning
David Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Bernie Weigle, Boorum Pl.
Patricia Weigle, Boorum Pl.
Pat Gross, W. Broad St.
Tess Banfield, Catalpa Dr.
Rosemary May, Center St.
Jim & Suzanne Horton, Kennedy Dr.
Barb Skorczewski, W. Franklin St.

John & Marilyn Horton, Rochester
Steve & Pam Wilber, Old Ithaca Rd.
Greg and Brandon Swartz, Aster Dr.
Dan West, Hhds.
Don and Jean Quinn, 555 Gardner Rd.
Mike Swasta, Watkins Rd.
Jim Lynch, W. Mill St.
Scott Cardamone, Royal Crest Rd.
Scott McGrain, Gardner Rd.
News Media

After the meeting was called to order, Trustees Ronald Swartz and Mike Skroskznik, and Village Justice Lou Tarantelli were sworn in for their new terms in office.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

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 'k' as set forth below is hereby waived, and the same are approved.

Trustee Skroskznik - regarding the Rules of Procedure, just wanted some clarification on that. Public comments restricted to just agenda items?

Atty. Groff - rules apply to anything the Board has jurisdiction over. If there are matters they don't have jurisdiction then it would not be a legitimate subject for public comment. As far as the time limits, historically the board has limited public comment to 3 minutes per speaker.

Trustee Clark moved to call the question. Seconded by Trustee Koliwasky.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

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	Labor Day
New Years Day	Columbus Day
Martin Luther King Day	Veterans Day
Presidents Day	Thanksgiving Day

Good Friday
Memorial Day
Independence Day

Day After Thanksgiving Day

d) BE IT RESOLVED, that the Elmira Star-Gazette 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.

e) BE IT RESOLVED, that Chemung Canal Trust Company and Five Star Bank both of Horseheads, New York, and The JP Morgan Chase Bank of Elmira, New York, 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, 2012** 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, 2013** 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 has adopted a Purchasing Policy governing the acquisition of goods and services and

WHEREAS, such policy is to be reviewed annually and was last revised in May 2011, 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, last revised May 12, 2011, 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 has adopted Rules of Procedure governing the conduct of its various board and committee meetings, and

WHEREAS, such policy is to be reviewed annually, and was last revised in December 2010, and

WHEREAS, proposed **amendments to said policy have been recommended.**

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Rules of Procedure, **revised December 2012**, 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 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.

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, **2013**.

Resolution by Trustee Swartz, seconded by Trustee Clark

BE IT RESOLVED, that **Sharron Cunningham**, Fairview Terrace, Horseheads be appointed as **Clerk-Treasurer** for a term which will expire the first Monday of December, **2016**.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroszchnik	Aye

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the following appointments be made:

- **Ray Fortier**, Shull Lane, **Planning Board Chair**
- **Doug Baker**, W. Broad St., **Planning Board Member**
- **Lori Spallone**, Westinghouse Rd., **Planning Board Member**
- **Lew Vanduzer**, W. Broad St., **Zoning Board of Appeals Member**

Each for terms which will expire on the first Monday in December **2017**.

AND

- **Richard Rich**, S. Main St., **Planning Board Alternate**
- **Tony van Dinther**, Kennedy Dr., **Zoning Board of Appeals Alternate**

Each for terms which will expire on the first Monday in December **2014**.

AND

- **William Goodwin**, Sunset Drive, **Planning Board Alternate** for a term which will expire on the first Monday in December **2013**.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Communication from Village Manager Walter Herbst to the Board of Trustees:

I hereby make the following appointments:

Arthur Sullivan, Miller Street, as **Master Mechanic** of the Horseheads Fire Department;
Robert Young, W. Franklin St., as **Fire Inspector and Code Enforcement Officer**;
John Groff, Esq., Silver Oak Drive, as **Village Attorney**;
Walter Herbst, S. Main Street, as **Budget Officer**;
Donna Hartsock, Greenridge Drive, as **Deputy Clerk**; and
Michele Accavallo, Easterbrook Drive, as **Deputy Treasurer**

each for terms which will expire on the first Monday in December, **2013**.

Proposed Local Law on Property Registration

Manager Herbst - we had the public hearing at the last mtg. There are some misunderstandings about this law that I'd like to address. The overwhelming majority of residents placed property maintenance on their most important issue for the comprehensive plan. In this law there is no burden on landlords who now maintain their property. Only requirement is that they register as property owners. This is good for three years. There is a fee. \$1.00/unit for 3 years. Subject to a \$10.00 minimum. We also decided that if an owner registers within first three months there is no fee. January through March 2013 no fee - simply a registration form. Landlord who takes care of his property and registers is all set for three years. Out-of-county landlords must have an agent residing or who has a business in Chemung County. We added this place of business stipulation as a result of the public hearing. Where there are violations that go unaddressed, we have to personally serve the owner. That becomes challenging when property owner lives out of the area. But even with absentee landlords if there is no property maintenance issue there

are no problems. There were also some question on inspections. The only time an inspection comes up is if a landlord is convicted of a violation of this law. Going through court, etc. After all the notices and appearance before a judge and the landlord is convicted, then an inspection of the property would take place. Then there would be a fee for inspection. Another question came up on the search warrant. Following conviction an inspection is required. If the owner or agent does not give consent to the inspection, then and only then the CEO would apply to the court for the issuance of a search warrant. The application must comply with federal and state laws. So... bottom line, if there are no property maintenance issues you are done.

Trustee Koliwasky - I talked to City of Elmira. They are glad we are passing this. They wish they had passed theirs years ago. There have been a lot of people questioning this. But if you follow the rules your ok.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, a resolution was duly adopted by the Village Board of Trustees for a public hearing to be held by said Board at 202 S. Main St., Horseheads, NY on November 15, 2012 at 7:05 p.m. to hear all interested parties on a proposed local law entitled "A Local Law Establishing Rules and Regulations for Rental Housing in the Village of Horseheads", and

WHEREAS, a notice of said public hearing was duly advertised in the Star-Gazette and posted as required by law, and

WHEREAS, said public hearing was held at the place, date and time advertised and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition the proposed local law, and

WHEREAS, said proposed local law was revised to allow agents for subject property owners to maintain an office or reside in Chemung County, New York, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Environmental Conservation Law Article 8 (State Environmental Quality Review Act) it has been determined by the Village Board of Trustees that adoption of the proposed local law does not constitute an action as defined and could be considered without regard to SEQRA, and

WHEREAS, the Village of Horseheads is desirous of maintaining the housing stock in the Village in a manner that allows for safe and sanitary habitability for its citizens, and

WHEREAS, the Village of Horseheads Board of Trustees after due deliberation finds it in the best interest of the Village to adopt the above-noted local law.

NOW THEREFORE BE IT RESOLVED, that the Village Board does hereby adopt the above local law as Local Law # 7 of 2012 entitled "A Local Law Establishing Rules and Regulations for Rental Housing in the Village of Horseheads", a copy of which shall be placed on file with the Village Clerk, and be it further

RESOLVED, that Village Clerk-Treasurer Sharron Cunningham is directed to enter this law in the Local Law Book of the Village of Horseheads and to give due notice of the adoption of same

to the Secretary of State, and be it further

RESOLVED, that Village Manager Walt Herbst is directed to oversee the drafting of the necessary forms to implement the provisions of said local law including but not limited to a Rental Housing Information/Registration Form, Permit or the like and to revise same as warranted, and be it further

RESOLVED, that the following schedule of fees and charges, as referenced in said local law, are hereby established:

- A) Rental Permit Fee: \$1.00 per dwelling unit/rooming unit in a rental building or structure.
Minimum fee of \$10.00 per owner regardless of the number of dwelling units/rooming units owned by such owner in the Village.

- B) Inspection Fee: \$150.00 per dwelling unit/rooming unit in each rental building or structure, or portion thereof inspected, not to exceed \$750.00 per building or structure.

- C) Re-Inspection Fee: \$75.00 per dwelling unit/rooming unit, not to exceed \$450.00 per building or structure.

and be it further

RESOLVED, that the above-noted permit fee shall be waived for all fully completed registration forms and supporting materials received by the Code Enforcement Office on or before March 31, 2013. The above fee schedule shall apply to all registrations received after March 31, 2013.

BE IT FURTHER RESOLVED, that enforcement of this local law shall begin on January 1, 2013.

Trustee Skroskznik - I wasn't here for the public hearing. This is very controversial. I make a motion to table so I can review it more in depth. Nobody seconded the motion.

Roll Call Vote on adopting the law:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No

As there was nothing further to come before the Board, the meeting was adjourned at 7:27 p.m.
/rmb