

April 4, 2005

An Organizational Meeting of the Village Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, and Howard Miller, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief David Kole, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, ZBA Member Dave Radin, Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Baer. Also present were: Bob Skebey, 415 Watkins Rd.; Mike Fuller, 914 S. Main St.; Don and Jan Zeigler, 535 Watkins Rd.; George Kastenhuber, 519 John St.; and the news media.

ABSENT: Trustee Kevin Sullivan

Resolution by Trustee Miller, seconded by Trustee Swartz

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 meeting of March 24th, 2005 be dispensed with and the same stand approved as entered by the Clerk.
- b) BE IT RESOLVED, that Village Manager Vincent Azzarelli is hereby authorized and directed to execute contracts for the provision of specific services with a) Southern Tier Economic Growth, Inc., and b) Horseheads Free Library for the respective terms of the agreements as stated therein. The financial consideration for each contract shall not exceed \$5,000 and \$9,000 respectively.
- 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	Washington's Birthday
- 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.

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

I recommend the appointment of **Michael Stenpeck** to the Village of Horseheads Planning Board, for a term which will expire on the first Monday of April **2010**. I further recommend the appointment of **Michael Fuller** as an Alternate Member of the Village Planning Board, for a term which will expire the first Monday of April, **2006**.

I recommend the appointment of **Archer Martin** to the Zoning Board of Appeals, for a term which will expire on the first Monday of April, **2010**. I further recommend the appointment of **David Radin** as an Alternate Member to the Zoning Board of Appeals, for a term which will expire on the first Monday of April, **2007**.

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 Bath National 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 fiscal year commencing April 4, 2005 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

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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 December, 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 Purchasing Policy, as revised in December, 2003, 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

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

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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 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.

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Roll Call Vote:

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

Communication from Mayor Gross to the Board of Trustees:

I hereby appoint **Kevin Sullivan** as Deputy Mayor for a term which will expire on the first Monday of April, **2006**.

Communication from Village Manager Vincent Azzarelli to the Board of Trustees:

I hereby appoint **Richard Sullivan**, 544 Hatfield 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 **Vincent Azzarelli**, of 11 Clubhouse Drive, Horseheads, NY as Budget Officer, each for terms which will expire on the first Monday in April, **2006**.

At this time, Atty. Groff declared open a public hearing on the proposed Village budget for 2005-2006. As nobody came forward, Atty. Groff declared the public meeting closed.

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Village Manager Vincent Azzarelli, Budget Officer for the Village, has prepared and submitted a proposed budget for the fiscal year 2005-2006, and

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

WHEREAS, the public hearing was held on April 4, 2005 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2005-2006 budget prepared by the Budget Officer which establishes anticipated revenues in the amount of \$4,509,136 and appropriations in the amount of \$4,509,136 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, 2005 through May 31, 2006 containing a tax levy of \$4.26 per thousand dollars of assessed valuation.

Mayor Gross - thanked trustees, Sharron, Vinnie and all department heads on this budget. We met almost every week, been a very difficult time. This is a reasonable tax levy for everyone for the Village of Horsheads.

Roll Call Vote:

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

Village Manager - house at 811 W. Broad St., received an offer of \$89,900. Recommend we accept. The offer has no contingencies - would like to close by the end of May.

Discussion ensued.....everyone agreed he should accept the offer.

Trustee swartz - thanked Sharron for her work on the budget. It seems like it took forever to get this one done.

Chris Lawrick - not too much problems with flooding. Got through it pretty well.

Chief Kole - thanked sharron for all her hard work in making the budget happen.

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Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads acquired premises commonly known as 811 W. Broad St., Horseheads, NY on or about December 16, 2004, and

WHEREAS, the improved portion of said premises, the former being known as Parcel "A", is no longer necessary for public purposes, and

WHEREAS, Village Manager Azzarelli has taken reasonable steps to ascertain the fair market value of the unnecessary lands and has further promoted the marketing and sale of such premises at public or private sale, and

WHEREAS, the Village has received an offer from Mr. Curtis and Ms. Howe for the purchase of the parcel which is no longer needed, Parcel "A", in the amount of \$89,900, and

WHEREAS, the Village Manager has recommended the acceptance of same.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby authorize and direct the Village Manager to enter into an agreement for the sale of the above-noted premises to Mr. Curtis and Ms. Howe in the amount of \$89,900, and be it further

RESOLVED, that the Village Manager is authorized and directed to take any and all further steps as are necessary to execute and deliver a deed to said premises to same.

Roll Call Vote:

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

George Kasthuber, 519 John St. - I was expecting 3% tax increase 2 years ago. There were signs 2 or 3 years ago that we would have issues with pension funds, expenses out of everyone's hands. I would encourage everyone to be proactive, look down the road. I'm glad its only 5% now. I don't know why this wasn't done a couple years ago in the hopes that this wouldn't happen. I encourage you to be more proactive in what you do.

Mayor Gross - We were fortunate in that we actually put more money away for the retirement costs, so we are ahead for that, but some costs were way beyond - utilities, etc., went up.

As there was nothing further to bring before the Board, the meeting was adjourned.

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb