

**Minutes**

**Village Board of Trustees**

**November 9, 2006**

A 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, and Walter Herbst, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Police Sgt. Michael Barton, DPW Chris Lawrick, Fire Chief Artie Sullivan, Deputy Clerk Michele Accavallo, and Manager's Assistant Rachel Baer. Also present were the following: Tom Santobianco, Bethany Village; Tom Sweet, Chemung Co. Legislator; Don Coyles, Atty. for Bethany Village; Brad Davies, 206 Tiff Ave.; Don Zeigler, 535 Watkins Rd.; Elliott Blauvelt, Jr., Fletcher St.; Bill Marquardt, Bethany Village.

ABSENT: Trustee Ron Swartz

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 26, 2006, and of the Special Board Meeting of November 2, 2006, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

-	General Fund:	\$114,718.24
-	Water Funds:	\$ 30,940.01
-	Trust & Agency:	\$ 2,042.96

and be it further

RESOLVED, that \$3,548.72 be appropriated from the Capital Reserve Fund for the KVS Software upgrades.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the transfer of funds as listed on the attached sheet be approved.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the Justice Reports for October 2006 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Catlin, seconded by Trustee Miller

WHEREAS, Governor Pataki has made funding available for the Quality Communities Program to create partnerships that promote innovative and participatory community development based on sustainable economic development, conservation and restoration of natural and historic assets, community livability/quality of life, inclusiveness and a balance of development and open space protection, and

WHEREAS, the Village of Horseheads in conjunction with the Town of Horseheads and the Horseheads School district will partner to work towards the completion of the plan, and

WHEREAS, this alliance of partners will be available to implement specific plan related actions and recommendations, and

WHEREAS, the Village has formed a Comprehensive Plan Committee with support of the Village Planning Board and Village Board of Trustees, and

WHEREAS, Quality Communities Grant Proposals require a cash match of at least 20%. The Village of Horseheads along with Cornell Cooperative Extension will support the proposal with \$4,168 of match funding, and

WHEREAS, this project is eligible for funding under the Quality Communities Program.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby endorses and supports the submission of a grant application under the Quality Communities Program for total project costs of \$20,838.

Mayor Gross thanked Dave Radin for looking at this and redoing this for us.

Roll Call Vote:

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

Application from Tim Updegraph - Peddlers Permit

Trustee Miller - Our police had a problem with one of these people. And last time he had a permit there were complaints.

Atty. Groff - There are also other problems. Application should have been signed by all the people seeking to get the peddlers permit. Not only problems with background checks, but also with the manner in which the application was submitted. You should consider denying the application.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Tim Updegraph, of Erin, NY has applied to the Village of Horseheads for a Peddler's Permit for himself and 5 employees to sell Kirby Vacuum Cleaners door-to-door in the Village, and

WHEREAS, hawking and peddling is regulated pursuant to Chapter 171 of the Village Code, and

WHEREAS, after review and discussion, it has been determined that the applicant has submitted an incomplete and inadequate application for the issuance of a permit under said Code.

NOW THEREFORE BE IT RESOLVED, that the application of Tim Updegraph to peddle the aforementioned goods in the Village of Horseheads is hereby denied.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that due to the holidays in November and December, the following regularly scheduled Board of Trustees meetings are hereby cancelled:

- Thursday, November 23<sup>rd</sup>
- Thursday, December 28<sup>th</sup>

Roll Call Vote:

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

Motion by Trustee Miller, seconded by Trustee Catlin, that the following items be added to the agenda:

- Presentation by Bethany Retirement Home on Bond Refinance
- Receive Proposed Local Laws: Outdoor Wood Furnaces, and New Building Code Law
- Discussion and Possible Action on Cooperative Extension Experimental Plantings in Linear Park

Roll Call Vote:

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

Presentation by Bethany Retirement Home

Bill Marquardt, bond counsel for Bethany made a brief presentation on what they want to do. There are outstanding bonds which were issued in 1994. At that time we sold \$9,685,000 in bonds, issued on behalf of the Village. The proceeds were used to purchase equipment and renovate the Manor, and refinance certain indebtedness. It had nothing to do with Appleridge. Proceeds also funded reserve fund and collateral fund. These were not an indebtedness of the village. Their maturity occurs in 2026 and interest rate from 7.4-7.5. These are pursuant to Rev. Ruling 63-20 which permits not for profits to issue bonds on behalf of municipalities. Its basically a cheaper way of borrowing money. The project itself comes back in the hands of the municipality. We are now proposing to refinance those bonds. Interest rates are down and it would be a savings of \$13,000 per month. It would mirror the transaction of what happened in 1994. New bonds same structure. Proceeds to pay off old bonds. No money from proposed bonds will go toward Appleridge. The maturity on these bonds will stay as it is. Bonds in place now come due in 2026. New bonds would also come due in 2026. That is a requirement. The first step is to hold a pub. hrg. Municipality has to have public hearing with a 14 day notice period. Then the Mayor signs certification which authorizes issuance of the bonds. The Village will not be an obligor. It would be the same resolution as in 1994. We would also need a legal opinion needed by the Village counsel, and a SEQR review. Because it is a refinance, it appears that this is probably a Type 2 action. The new interest rate would be between 5-5.5%.

Mr. Marquardt distributed sheets listing where the proceeds will go. The form of the notice for the public hearing has been submitted to Village counsel. You don't need to publish notice right away. However, my client would like to see this move along if possible.

Mayor Gross - John Groff emailed us some review materials earlier this week. Please review and speak to John before 11/16 if you have any questions. We meet on the 16<sup>th</sup>, we can discuss this then.

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that this Board hereby receives a Proposed Local on Regulation of Outdoor Wood Furnaces, and that a public hearing regarding same is hereby scheduled for Thursday, December 14<sup>th</sup>, at 7:05 p.m., and be it further

RESOLVED, that this Board hereby receives a Proposed Local Law on the New Building Code, and that a public hearing regarding same is hereby scheduled for Thursday, December 14<sup>th</sup>, at 7:15 p.m.

Roll Call Vote:

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

Mayor Gross - regarding the plantings in linear park. We want to plant a variety of grasses and ground covers. Cornell Coop Ext. called Eileen Patocka - interested in experimental ground covers that are weed resistant. NYSDOT and CCE have now agreed on small area near end of Hulett St.

Atty. Groff - this area is still under auspices of NYSDOT. They want a resolution assuming responsibility for this particular area. You will be assuming resp. for this area from this point forward if you approve this.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads would like to develop an experimental ground cover/planting project in conjunction with Cornell Cooperative Extension to be located at the southerly terminus of Hulett Street between the two burning bush areas, and

WHEREAS, the project would be located in the I86 Construction Project area, and would involve various ground covers and plants.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads, in conjunction with Cornell Cooperative Extension, agrees to be responsible for these plantings, and this planting area only as marked and will not hold NYSDOT responsible for this experimental area, and be it further

RESOLVED, that all other areas of the I86 Project, excluding the experimental planting area, will remain the responsibility of NYSDOT, its contractor and relevant subcontractors (the latter understood to be Wenzels), and be it further

RESOLVED, that Mayor Patricia Gross is authorized to communicate the effect of this resolution to NYSDOT, Cornell Cooperative Extension and others, and is authorized to enter into agreements to effectuate same.

Roll Call Vote:

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

Tom Sweet - would like to thank and commend the Village Water Dept. My mother had a water leak recently. The Village crew fixed it within 15 min. I appreciate that very much.

Tom - I would also like to congratulate the Village on passage of proposition moving the election to November. Does this eliminate caucus?

Atty. Groff - The Village only regulates elections. The action of proposition only effects date of election. The manner in which party nominations are done is controlled by parties themselves. So to change from caucus to primary is a political decision made by the party. Chemung County Republican and Democratic parties have to make that decision on their own. To implement they would have to modify their bylaws. This has been addressed by the former Village Manager to both parties. Whether the parties have taken the initiative is not a Village matter.

Tom Sweet - so unless the County parties change it, we are still looking at a caucus in January.

Atty. Groff - timing of caucus might change as a result of change in election date. But this is not a municipal decision. County party can make decisions on a jurisdictional basis. Doesn't have to be uniform for all villages in the County.

Mayor Gross - but it would have to be Chemung County Republican Party.

Atty. Groff - yes. It is a party issue, not a Village issue. They have been told repeatedly that this is their issue.

Atty. Groff - I suggest that you have an executive session at the end of this meeting.

All the Trustees welcomed Walt Herbst to the Board.

Sgt. Barton - we will have seatbelt enforcement from the 13<sup>th</sup> through the 26<sup>th</sup>. We had a visitor from Dept. of Corrections to inspect our cells - we did pass inspection with a minor adjustment to policy and procedure regarding that.

Motion by Trustee Herbst, seconded by Trustee Miller, that this Board along with the Village Attorney move into an Executive Session to discuss the employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

Roll Call Vote:

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

At this time the Mayor, Board Members and Village Attorney moved into Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:00 p.m., the Board reconvened back to its original meeting of this date.

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

/rmb

**TRANSFER LIST - 11/09/2006**

**GENERAL**

<b><u>AMOUNT</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>DESCRIPTION</u></b>
\$1,364.00	1230.102	1110.110	Court Clerk Salary Adj.
\$1,364.00	1230.102	1111.111	Court Clerk Salary Adj.
\$200.00	1990.477	1230.160	OT Board Meetings
\$299.70	1990.477	3120.128	Police Off-Retro Pay
\$2,000.00	5110.440	5410.440	Sidewalk Cont. Services
\$3,730.46	7310.101	7141.100	Concession Stand Personnel
\$108.75	7310.440	7141.443	Concession Stand Repairs
\$23.92	7310.440	7141.410	Concession Stand Supplies
\$2,268.34	7310.110	7310.160	Pool Overtime
\$219.47	8170.410	8170.443	Street Cleaning Repairs
\$400.00	1990.477	9060.865	Life Insurance
<b><u>\$11,978.64</u></b>	Total		

**WATER**

\$500.00	1620.440	8310.440	Water Contracted Services
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**Increase Expense - Revenue Received**

\$5,011.65	3120.203	NYS Traffic Grant
\$2,090.00	3120.478	Drug Asset
\$832.50	7180.501	Super Saturday

**Village Board of Trustees**

**EXECUTIVE SESSION**

**November 9, 2006**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Howard Miller, and Walt Herbst, and Village Attorney John G. Groff.

A lengthy discussion ensued between individuals present regarding matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. No action was taken.

At 9:00 p.m., upon motion by Trustee Miller, seconded by Trustee Herbst, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

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

/rmb