

Minutes

Village Board of Trustees

October 22, 2020

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. in Village Hall.

Present were:

| <u>Village Board and Staff</u> | |
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| Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin Trustee Skroskznik - absent Trustee Mark Cronin - absent | Village Manager Nate Nagle Clerk/Treasurer Donna Dawson Manager's Asst. Jessica Molter Attorney John Groff Elliott Blauvelt: Zoning Board Mike Stenpeck: Planning Board |
| <u>Others Present</u> | |
| Joshua Baker Ryan Wheeler | Nanette Hatch - Canal Street |

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 24, 2020 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney: Aye
 Trustee Gross: Aye
 Trustee Goodwin: Aye

Attorney Groff: Discussed the difference between the use variance permit and the amendment to the special use permit and why the applicant is applying for an amendment.

Resolution by Trustee Goodwin, seconded by Mayor Maloney

BE IT RESOLVED, that the reading of the minutes of the Planning Board meeting of September 28, 2020 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney: Aye
 Trustee Gross: Aye
 Trustee Goodwin: Aye

Attorney Groff: Draft minutes for special meeting of the Board- apparent that Trustee Skrosznik left the meeting at 6:23. Suggest that approval of minutes reflect his departure at that time. "Prior to the board adjourning executive session and returning to the special meeting, Trustee Skrosznik left the meeting at 6:23pm."

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the amended minutes of the Board of Trustees Special Meeting and executive session of October 19, 2020 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney: Aye
Trustee Gross: Aye
Trustee Goodwin: Aye

Financial Report:

Through September 30th:

29% expenses general, 63% revenue

95% property taxes recv'd

Water: 24% for revenue and expenses.

Liability and workers comp insurance is paid in full (bumps expenses in the beginning of the year because they are large expenses)

Computer network support running high may need to do xfers

Summary: Short of revenue on general side by \$1,664,000 short

\$3,331,000mil expense to spend rest of year expense

Water- Revenue: 820K and on target rest of year for revenue. \$890,000 left to spend for this budget year for the water department

Trustee Goodwin: the sales tax revenue was up by \$40,000 do we know why?

Sales tax up: governor to reevaluate and this is the result of that and redistribution.

Online sales tax is included in what we are receiving now

Grand Central Ave: Set Public Hearing

Attorney Groff: This is to expand the special use permit to allow for professional offices. Noted overtime the idea of professional offices has changed. Originally, lawyers, doctors, accountants, surveyors, etc. Now, professional is more inclusive and broader than previous. Property according to applicant has been converted to an office use (full bathrooms and kitchens and bedrooms have been eliminated). If Board wants to add conditions to the permit, they will need to be identified at the upcoming meeting.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, the Village is in receipt of an application for a special permit (special use permit) amendment for a building located at 2300 Grand Central Avenue in the Village of Horseheads, and

WHEREAS, applications of this nature are subject to the review and approval of the Board of

Trustees after a public hearing.

NOW THEREFORE BE IT RESOLVED, that a public hearing regarding said application is hereby scheduled for Thursday, November 12, 2020 at 7:00 p.m.

Roll Call Vote:

Mayor Maloney: Aye
Trustee Gross: Aye
Trustee Goodwin: Aye

Telework Policy

Manager Nagle: A telework policy is needed to provide guidance on any work-at-home situation. This spring showed us that this is necessary.

Attorney Groff: It doesn't make it so that someone can work at home for perpetuity, this gives the option at the discretion of the Manager and department head.

Resolution by Trustee Goodwin, seconded by Mayor Maloney

WHEREAS, the COVID-19 Pandemic State of Emergency has made the Village administration acutely aware of the potential need for Village staff and personnel to be able to perform their customary duties from home, or not at their customary work site, to protect the health, safety and welfare of staff and others, and also to allow for the continuation of the necessary work of the Village, and

WHEREAS, Village Manager Nathan Nagle has presented to this Board a proposed Telework / Work At Home Policy and Employee Telework Commuter Agreement, and

WHEREAS, this Board has reviewed the proposed policy and discussed the merit of same, and

WHEREAS, the Board finds that such a policy is warranted in the event of states of emergency and other circumstances to allow the critical work of the Village to continue to be performed.

NOW THEREFORE BE IT RESOLVED, that the Telework/Work At Home Policy is adopted effective immediately.

Roll Call Vote:

Mayor Maloney: Aye
Trustee Gross: Aye
Trustee Goodwin: Aye

Municipal Health Insurance Consortium

Manager Nagle: This does not add additional people. This is an annual process requirement. To allow for rate changes. Village is part of large group that allows for insurance at a better rate. This allows the consortium to adjust the rates as needed. We utilize the consortium to obtain insurance instead of directly through the insurance company. This resolution is a requirement to have this passed and then sent on to the Consortium.

Resolution by Mayor Maloney, seconded by Trustee Goodwin

WHEREAS, the Village of Horseheads is a Participant in the Greater Tompkins County

Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010) and the 2020 and 2021 Amendments that provide for the operation and governance of the Consortium, and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review on the fifth (5th) anniversary date and upon acceptance of any new Participant hereafter, and

WHEREAS, by motion nos. 005-2020 and 008 of 2020 the Consortium's Board of Directors recommends approval of the 2020 and 2021 amended agreements based on review of the document by the Governance Structure/MCA Review Committee, the New York State Department of Financial Services, and the Consortium's legal counsel, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Village of Horseheads is in receipt of the proposed amended Agreement(s) and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2020 and 2021 Amended Municipal Cooperative Agreements, now therefore be it

RESOLVED, that the Village of Horseheads approves and authorizes the Village Manager to sign the 2020 and 2021 Amendments to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Village of Horseheads is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Roll Call Vote:

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| Mayor Maloney: | Aye |
| Trustee Gross: | Aye |
| Trustee Goodwin: | Aye |

Police Department Gift Acceptance

Mayor Maloney: Would like to make it known these are significant donations from the Phyllis Read Living Trust and the Village is very appreciative.

Resolution by Mayor Maloney, seconded by Trustee Goodwin

WHEREAS, Phyllis L. Read through the Phyllis L. Read Living Trust ('Trust') has offered to give

to the Village of Horseheads \$32,320.18, and

WHEREAS, the Trust has prescribed that the gift shall be used for the following purposes:

K-9 Corps or if none, its general fund, and

WHEREAS, Village Law Section 1-102 authorizes a village to take by gift, bequest or devise, and hold real and personal property upon such terms or conditions as may be prescribed by the donor and accepted by said village, and

WHEREAS, the Village is desirous of indicating its acceptance of the above gift.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the gift of above-noted property from the Trust, with the following conditions:

The Village of Horseheads General Fund
and be it further

RESOLVED, that Village Manager Nathan Nagle or Police Chief Thomas Stickler are authorized and directed to communicate to the Trust its acceptance of the gift and acknowledge its appreciation for same, and be it further

RESOLVED, that Police Chief Thomas Stickler is authorized to sign a Receipt and Release accepting the gift in the above amount, and be it further

RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

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| Mayor Maloney: | Aye |
| Trustee Gross: | Aye |
| Trustee Goodwin: | Aye |

Fire Department Gift Acceptance

Resolution by Trustee Gross, seconded by Mayor Maloney

WHEREAS, Phyllis L. Read through the Phyllis L. Read Living Trust ('Trust') has offered to give to the Village of Horseheads \$32,320.18, and

WHEREAS, the Trust has prescribed that the gift shall be used for the following purposes:

Village of Horseheads Volunteer Fire Department, and

WHEREAS, Village Law Section 1-102 authorizes a village to take by gift, bequest or devise, and hold real and personal property upon such terms or conditions as may be prescribed by the donor and accepted by said village, and

WHEREAS, the Village is desirous of indicating its acceptance of the above gift.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees as Fire Commissioners of the Village of Horseheads Fire Department does hereby accept the gift of above-noted property from the Trust, and be it further

RESOLVED, that Village Manager Nathan Nagle or Fire Chief Arthur Sullivan are authorized

and directed to communicate to the Trust its acceptance of the gift and acknowledge its appreciation for same, and be it further

RESOLVED, that Fire Chief Arthur Sullivan is authorized to sign a Receipt and Release accepting the gift in the above amount, and be it further

RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

COVID-19 Deferred Water Payment Agreement

Manager Nagle: State has enacted that utilities cannot collect late fees, shut-off or fees to turn back on. This lasts through the pandemic and for 180 days afterward.

Attorney Groff: Only qualified are residents that certify they have been impacted by the COVID-19 pandemic. Residential customers only not commercial. Need to sign a certification form to prove financial difficulty.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, certain residential customers of the Village of Horseheads Water Department are experiencing a change in financial circumstance due to the COVID-19 public health crisis, and

WHEREAS, the Public Service Law has been amended to require municipalities to offer certain customers a no down payment, deferred payment agreement without late payment charges or penalties, and

WHEREAS, Village Manager Nathan Nagle and Village staff have developed a COVID-19 penalty forbearance and deferred payment program, COVID-19 payment agreement and related documents, and

WHEREAS, this Board has reviewed those documents.

NOW THEREFORE BE IT RESOLVED, that Manager Nagle and staff are directed to implement the program effective immediately and to maintain same throughout the COVID-19 public health crisis and for 180 days following the termination of such crisis.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

PROCLAMATION

WHEREAS, domestic violence consists of intimidation, physical assault, battery, sexual assault, rape, violence and other abusive behavior carried out by one intimate partner against another, and

WHEREAS, domestic violence poisons relationships, destroys lives and shatters the bedrock of

our society, the family, and

WHEREAS, domestic violence affects Americans regardless of income, race, gender, or socioeconomic status affecting families and the entire community, and

WHEREAS, as a community we must resolve to have zero tolerance for acts of domestic violence and each of us has a duty to speak out against these acts and to make every effort to prevent such tragedies from occurring, and

WHEREAS, awareness and education can prevent violence before it starts and there are resources available for such awareness and education in our community.

NOW THEREFORE, I, Robert Maloney, Mayor of the Village of Horseheads do hereby proclaim October 2020 as Domestic Violence Awareness Month in the Village of Horseheads and call upon our citizens to stand firm in condemning domestic violence and supporting survivors of these crimes and finding the safety and recovery they need and also call upon all citizens to support and recognize the efforts of law enforcement and public health and social service providers to hold offenders accountable and protect victims of crimes.

KFC Stormwater Agreement Resolution

Attorney Groff: KFC project has stormwater mgmt. system as part of development. Also deals with water from Rite Aid site next door. Through Code and Stormwater Coalition developed plan and it was reviewed and approved by Jimmie Jo. Agreement with owner for them to maintain for perpetuity and in it also requires to be mowed from time to time. Negotiated agreement with them to maintain it. Maintain at expense of owner if they do not maintain. Similar to Schlumberger development agreement.

This resolution authorizes the Village Manager to enter into agreement on the Village's behalf.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, Plaza Street Fund 51, LLC is the owner of premises commonly known as 2138 Grand Central Avenue, Horseheads, NY and received all necessary permits and approval for construction, on said premises, of a commercial building known as a "new restaurant for KFC", and

WHEREAS, the development of such improvements necessitated the design and construction of stormwater control facilities, and

WHEREAS, such facilities require a maintenance agreement to assure that the facilities are maintained in an operating condition and accomplishing the purposes for which they are designed, and

WHEREAS, the owner and Village have agreed upon the terms and conditions of a Stormwater Control Facility Maintenance Agreement and Village Manager Nathan Nagle and Village Attorney John Groff have recommended to this Board its acceptance and approval of same after review and input by Jimmie Joe Carl, Professional Engineer of Chemung County Stormwater Coalition.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to execute the Agreement on behalf of the Village of Horseheads and to execute any and all further documents necessary to implement the goals and objectives of the Agreement on behalf of the Village of Horseheads.

BE IT FURTHER RESOLVED, that this resolution is retroactive to September 24, 2020.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Lynhurst Ave Extension, Royal Court Acceptance

Attorney Groff: This is the Art Ambrose extension on Lynhurst and the project has been ongoing for several years. Developer wants to dedicate ownership to the Village. Water Systems/Streets/Stormwater management have been reviewed and approved for acceptance by Village departments. Will receive proposed deeds and paperwork, haven't received yet and anticipate will receive soon as 2 residences have been constructed and 1 is under contract.

Mayor Maloney: Are there streetlights?

Manager Nagle: I don't believe so.

Resolution by Trustee Goodwin, seconded by Mayor Maloney

WHEREAS, Barrington Associates, owner and developer of a housing development known as "Villas at Gardner Road" located at the northern terminus of Lynhurst Avenue in the Village of Horseheads, having completed the installation of approved infrastructure has proposed and offered to dedicate the ownership, use and control of a street, rights of way, water distribution system and surface water drainage system comprised part of Phase 1 of Villas at Gardner Road, as shown on plans and specifications for the project entitled "Site Plan Drawings for Villas at Gardner Road", last revised April 16, 2018 prepared by Fagan Engineers and Land Surveyors, PC Project #2017.084, and

WHEREAS, Highway Superintendent Matthew Mustico has reviewed the construction of the proposed street, the surface water drainage system and storm water retention basin and has found the same to be in order and recommends the acceptance of same, and

WHEREAS, Water Operator in Charge Donald Gaylord has reviewed the construction of the public water distribution system within the project, disinfection records and pressure tests of same, and has found the same to be in order and has recommended the acceptance of same, and

WHEREAS, Village Manager Nathan Nagle has recommended acceptance of the above noted street and improvements for dedication for highway, water distribution and surface water drainage control purposes upon the basis of having received reports from various staff and representatives of the developer that the same have been constructed in accordance with Village approved plans and specifications, and

WHEREAS, Village Attorney John Groff has reviewed the abstract of title to the premises and has confirmed the developer's ownership of same and the status of such premises being free and clear of liens of encumbrances excepting those usual to a subdivision, and

WHEREAS, the owner/developer of the above street, rights of way, water distribution system and surface water drainage system has executed, or will in the immediate future execute, a warranty deed conveying ownership of same to the Village.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees accepts the dedication of the owner's right, title and interest in and to the street, right of ways, water distribution systems, surface water drainage system comprising part of Phase 1 of the development commonly known as Villas at Gardner Road, free and clear of liens and encumbrances, excepting those usual to a subdivision, subject to the condition that the street shall be known as and named "Royal Court" and also subject to other conditions noted herein, and

BE IT FURTHER RESOLVED, that the owner shall cause the Village to be presented with "as-built" plans for the infrastructure certified by the project engineers and that the owner shall present the Village with a performance bond or a letter of credit in a form and amount approved by the Village Manager guaranteeing payment of any maintenance and repairs required to be performed on, to or for said infrastructure for a period of two years from this acceptance, and

BE IT FURTHER RESOLVED, specifically excluded from the terms of this resolution are any sanitary sewer, electric, natural gas, CATV, internet and telephone or the like improvements located within said street, rights of way, and surface water drainage system, and

BE IT FURTHER RESOLVED, that this resolution shall not be interpreted in any way to relieve the owner/developer, insurance company or other person of his individual or several obligations under any law, policy or contract or to otherwise reduce or eliminate the rights of the Village, its agents and employees against any other party connected with or in any way related to the development of the street, rights of way, water distribution system and surface water drainage system or the installation, operation or maintenance of same. This resolution shall not be interpreted as a waiver of any defenses or immunities which the Village, its agents or employees may assert or have been entitled to. All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods and services shall be assigned by the owner/developer to the Village and any and all benefits derived there from shall inured to the Village, its agents and employees. Acceptance is conditioned upon the owner/developer covenanting and warranting that they are lawfully seized and possessed of all of the property dedicated to the Village, that they have good and lawful authority to dedicate the same to the Village, that the property is free and clear of liens and encumbrances and that said dedicators for their heirs, successors and assigns covenant that they have warranted to defend the dedication of such facilities against any and all claims and demands whatsoever. Acceptance of dedication does not obligate the Village to construct, install, maintain, repair or replace any public facilities or utilities that are not in existence as of the date of adoption of this resolution, and

BE IT FURTHER RESOLVED, that this acceptance is conditioned upon the approval by Village Manager Nagle and Village Attorney Groff as to the form and sufficiency of the warranty deed and any and all other transfer and title documents prior to the recording or filing thereof.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Halloween

Manager Nagle: Several calls in for Halloween- it is not a basis of Yellow or Orange. We are not recognizing Halloween this year or setting hours. Will have drive thru trick or treat on October 31 at Thorne Street Park from 12pm to 2pm. All events in County will take place at the same time to

prevent overcrowding. Take registrations through parks and rec website. If not registered will register on site.

Managers Report:

Neighborhood watch October 23, 2020 at 7:00pm at Village Hall

Pandemic Operations Plan: Required per New York state and something we are working on.

COVID-19: Yesterday Village put into Orange classification and other municipalities in the county and there is a yellow buffer band around the Orange. Goes into effect at 11:59pm today, 10/22/2020. (*put in restrictions from sheet*) Code enforcement and police are required to check twice per day and log visits, issue citation and go to Chemung County Health Dept if violations exist. Zero tolerance activity at this time. Minimum 14 days. Need % at 2 to 3% County shows we are at 4 to 4.5. States shows 6% (includes prison) once we leave Orange we go to yellow for a period and then green. DOES NOT restrict travel, it restricts businesses and gatherings. Trying to determine if it regarding proximity to the PA border. Color and number is strictly from the governor's office. School is closed except remote learning only starting Sunday night at 11:59pm

Increase activity at hotels from Police Department. Had a situation last night at hotel that involved Elmira and Binghamton SWAT- great agency cooperation and no injuries.

DPW- leaf pickup is starting (leaves are falling earlier this year)

Water- received both contracts for the WIIA grant and Attorney Groff is reviewing

Fire Dept. application for breathing apparatus has not been approved/awarded as per Congressman Reed's office and the Village will need to finance those items.

Work is beginning at the hotel again.

Shredding truck coming in tomorrow to finish the work from last week.

Around the Table:

Trustee Goodwin: Street lighting- we should request for developers to put in streetlights as part of their plan.

Thank the Phyllis Read Trust as the money is very appreciated.

Trustee Gross: Heroes Banners- question about the poles. Where do we stand?

Manager Nagle: We have to determine where will allow the poles to be put in place. Those that want to donate will be donating to the village and the donation of poles and place will have to be accepted.

Mayor Maloney: Thank you for attendance. First time via zoom, may continue based on what color the county is in. Thank the Village employees as well.

As there was nothing further to come before the Board, the meeting was adjourned at 8:16pm