

Minutes

Village Board of Trustees

September 24, 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>	
Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin Trustee Mark Cronin	Village Manager Nate Nagle Chief Tom Stickler Manager's Asst. Jessica Molter Attorney John Groff ZBA- Melanie Smith
<u>Others Present</u>	
Ron Swartz, Renwick Lane Suze Wallen, Lititz, PA Ryan Wheeler, Canal Street Don Ziegler	Kim Middaugh, Esq. Ashley Bailey Elliott Blauvelt

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of September 10, 2020 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Attorney Groff: LGS-1 is the new retention schedule that has been updated throughout the State, need to be used by 01/01/2021 and a resolution needs to be adopted saying that we will adhere to this schedule. Records retention disposal is done on a regular basis. Items have to pertained for specific periods of time depending on the type of record.

Resolution by Trustee Gross, seconded by Trustee Goodwin

RESOLVED, By the Village of Horseheads Board of Trustees that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless

records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Manager Nagle: Regarding the JCAP grant, the Court would like to purchase several items. We submit the invoices directly to the courts and then they pay the invoices. Have used this type of grant in prior years. The Village is responsible for 50% of the cost of the carpet because it is a shared room. Won't receive money until 4/1/2021 and we have until the end of the 2021 year to take care of it and therefore the carpet cost could be put in the 2022 budget. The application is due by 10/08/2020.

Resolution by Mayor Maloney, seconded by Trustee Goodwin

WHEREAS, the NYS Office of Court Administration periodically offers grants to local courts to enhance efficient and effective court administration, and

WHEREAS, OCA is offering a grant entitled Justice Court Assistance Program (JCAP), and

WHEREAS, Village Justice David Brockway and staff have reviewed the program and determined that aspects of the grant would enhance the Village of Horseheads Justice Court administration by providing office items such as a shredder, filing cabinets, carpet for the court room, and chairs for the Judge and staff, and

WHEREAS, the Village Justice Court has previously benefitted from various court grants, and

WHEREAS, the Village has a Grant Application and Administration Policy, and

WHEREAS, the grant does not require a local match only as to the carpet component of the application, which would require a local match of \$2,100.00, and

WHEREAS, Village Manager Nathan Nagle has reviewed the grant program and the proposed application which would amount to a potential grant in the amount of \$6,317.95 and has recommended the approval of submission of such grant application.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that Manager Nagle and the Village of Horseheads Justice Court are authorized to apply for a JCAP grant in the 2020-21 grant cycle for up to \$6,317.95.

BE IT FURTHER RESOLVED, that the court system and staff shall be responsible for compliance with the terms and conditions of said grant and Manager Nagle shall oversee such

compliance.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Mayor Maloney: Was approached by a local parent, Ashley, whose daughter has been dealing with childhood cancer and it was brought to my attention that September is National Childhood Cancer Awareness month.

PROCLAMATION

WHEREAS, childhood cancer is the leading cause of death by disease in children, and

WHEREAS, 1 in 285 children in the United States will be diagnosed by their twentieth birthday, and

WHEREAS, two-thirds of childhood cancer patients have chronic health conditions as a result of their treatment toxicity, and

WHEREAS, hundreds of not-for-profit organizations at local and national levels are helping children with cancer and their families to cope through educational, emotional, and financial support, and

WHEREAS, researchers and health care professionals work diligently dedicating their expertise to treat and cure children with cancer, and

WHEREAS, all children deserve the chance to dream, discover and realize their full potential and we extend our support to their fight for that opportunity and recognize all who commit themselves to advancing the journey toward a cancer-free world.

NOW THEREFORE I, Robert Maloney, Mayor of the Village of Horseheads do hereby proclaim September 2020 as Childhood Cancer Awareness Month in the Village of Horseheads. I encourage all Americans to support this because that so deeply affects families in every community across our nation.

Manager Nagle: Because of COVID-19, the questions arose regarding what do we do when there is a school closure, such as what happened in March. This is just for long-term closures like pandemics and natural disasters.

The school is currently on a hybrid system. This addendum allows us to make a determination what the SROs should do at the time that there are no students in the school.

Attorney Groff: Language was a compilation with the school district and modified by himself after meeting with the school, chief, SROs, Village Manager etc. Will not do wellness checks because of jurisdictional reasons, etc. If there is a situation like the shut-down that occurred in March, we will discuss the financial implications at that time.

Trustee Gross: What if he comes down with COVID who is responsible for payment?

Chief Stickler: We are under FMLA because he is a Village Employee.

Attorney Groff: We are required to provide a replacement or compensation adjustment

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads and the Horseheads Central School District entered into an Agreement for the provision of School Resource Officers to the District dated September 19, 2019, and

WHEREAS, COVID-19 has impacted the District's operations, and

WHEREAS, it has been determined that pandemics and other declared emergencies effecting the District may have a bearing on the District's need for School Resource Officers and the District has requested an Amendment to the Agreement to address that concern, and

WHEREAS, Village Manager Nathan Nagle and other Village staff have reviewed the impact of such declared emergencies on the Agreement and Village Police Department operations, including specifically the School Resource Officers and find that the proposed Amendment, modified per Village request is not averse to the Village interest.

NOW THEREFORE BE IS RESOLVED, that Village Manager Nagle is authorized to execute proposed Addendum #1 to the Agreement incorporating a provision relating to pandemics and other declared emergencies.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Mayor Maloney: Add-on for approval of new probationary fire member Taylor Sisson would like to approve tonight. He was interviewed and approved as a probationary member on Tuesday night.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Taylor Sisson has been recommended for admission to the Village of Horseheads Fire Company to be a member of the Village Fire Department, and

WHEREAS, Taylor has passed all background checks and other requirements associated for that position.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept and approve his membership in the Village of Horseheads Fire Company effective immediately.

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Public Hearing #1 - Subdivision Approval - Kennedy Drive Lot 102

Atty. Groff opened the public hearing, noting that the owner is seeking to have the current tax map parcel divided into two building lots. That is basis for the subdivision application.

Kim Middaugh, Esq.: Attorney representing the owner and here for final approval, the owner resides next to the lot. It was previously never recorded or approved to be divided. Here to receive approval to have an approved subdivision of the lot to eventually be sold and developed.

SEQR Review and Action: Kennedy Drive Lot - Subdivision Review

The Board answered the questions and completed Part 2 of the SEQR Form.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Shamim Chauhdry (“applicant”) is the owner of lands known as 252 Kennedy Drive Lot 101 of case map 2553 and an unapproved lot identified as Lot 102 (Tax Map Parcel #'s 58.07-2-1) which are located in a R1A Residential zone, and

WHEREAS, the applicant has applied for a subdivision, and

WHEREAS, such application requires review and approval by the Village of Horseheads Board of Trustees, and

WHEREAS, it has been preliminarily determined that the application is subject to the provisions of the NY State Environmental Quality Review Act which requires that a “lead agency” be established to review the Action pursuant to the Act and rules and regulations promulgated thereunder, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (SEAF) as part of its Application, and

WHEREAS, the Board of Trustees has reviewed and considered Parts 1 and 2 of the SEAF.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations 6 NYCRR Part 617 Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed subdivision (“Action”):

1. The Action is subject to SEQR
2. The Action does not involve a federal or state agency.
3. The Action is preliminarily classified as an Unlisted Action.
4. The Board of Trustees is and will be the Lead Agency with respect to adoption of, and approval of, the Action.
5. The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and

c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.

- 6. The Village Board, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action, and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Kennedy Drive Lots- Subdivision Review (CONT'D)

Resolution by Cronin, seconded by Trustee Gross

WHEREAS, Shamim Chauhdry applied to the Village of Horseheads for a Subdivision Approval (“application”) regarding the premises known as 252 Kennedy Drive, to create two building lots located on Kennedy, said lots are shown on the Weiler Assoc. survey noted below, and

WHEREAS, it has been determined that the Application is subject to consideration of the Village Board under Village Code Chapters 245, Zoning, and 175 Planning Procedures and NYS Village Law Article 7, and

WHEREAS, all necessary reports, recommendations and comments regarding the Application have been filed with this Board, and

WHEREAS, the Village Clerk-Treasurer has caused publication of a Notice of Public Hearing scheduled for, September 24, 2020 pursuant to a resolution of this Board, and

WHEREAS, notice of the public hearing was sent to the effected property owners within 200 feet of the subject property, and

WHEREAS, the Village of Horseheads Planning Board has carefully considered the Application and relevant reports, recommendations and comments, and has recommended granting the Application, and

WHEREAS, the Application is subject to SEQRA, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding no significant environmental impacts, and

WHEREAS, this Board has carefully considered the Application, reports, findings and recommendations of all other boards and agencies which have considered the Application, the testimony and other relevant evidence presented at the public hearing and afforded all interested parties the opportunity to be heard, and finds that granting the application is in the public good and best interests of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby finds that the property subject to the application is unique in that it is located on an existing and dedicated public street with sewer, water, electric, gas and other utilities available and further finds that the subject lands were not included in heretofore approved subdivisions lying immediately easterly, southerly, westerly and northerly of same, and be it further

RESOLVED, that this Board has received, reviewed and does hereby approve of the survey prepared by Weiler Associates Job #16434 dated May 18, 2020 as a Final Plat and waives the requirements of a Preliminary Plat, noting that said Final Plat creates the heretofore unrecorded parcels designated on the Final Plat as Lots 101, 102 and 102R, and be it further

RESOLVED, that given the considerations of the application and the uniqueness of the circumstances this Board does waive the requirements of Village Law Article 7 pertaining to reservation of parkland, payment of a parkland trust fund, supply of a performance bond, and/or other security and corresponding provisions of Village Code Chapter 175, specifically Sections 175-10 and 175-11 A, C, D, E, and F, and be it further

RESOLVED, that applicant shall supply the Village with sufficient copies of the Final Plat for filing in the County Clerk's Office by the applicant after approval of such subdivision is noted thereon by the Village Manager pursuant to this resolution, and be it further

RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Public Hearing #2: Proposed Law - Security Breaches of Information

Updating an existing law, it requires that in the event that any personal/private information that is hacked the Village needs to notify the Attorney General and affected individuals.
Returned the meeting to Mayor Maloney.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, the Village is considering a local law regarding Security Breaches of Information, repealing Local Law #4 of 2012, and

WHEREAS, this proposed local law was presented to this Board on September 10, 2020, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on September 24, 2020, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Addressing Security Breaches of Information and Notification to Effectuated Consumers is hereby adopted as Local Law #3 of 2020 (repealing Local Law #4 of 2012), and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Mayor Maloney	Aye
Trustee Goodwin	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Public Comment:

Suze Wallen, Lititz, PA: September 24, 1779 General Sullivan rode that horse.

Ron Swartz, Renwick Lane: Heard through Facebook that it is National Thank a Police Officer Day. Would like to relay gratitude to the police department. Ron was an auxiliary officer in Horseheads when he was young- directed traffic and Memorial Day parade.

Ryan Wheeler, Canal Street: Facebook Page, reach out to regarding the Facebook page and will give it over to the Village.

Chief Stickler: SRO Program the school expressed that they are very interested in keeping it going at all costs.

Live Scan unit, used for mugging and submitting fingerprints to NYS, the old one has died. NYS paid for half the replacement with a grant previously submitted and the equipment will be installed next Wednesday. The other half was covered by a citizen

Police Reform: Collaboration established to combine all Chemung County agencies to meet the goals and objectives. Each municipality is supposed to adopt individually, and they are organizing it collectively. What was submitted: use of force, management, training conducted, arrest statistics etc. and was reviewed on 09/3/2020. Standardizing policies, diversity and de-escalation training, data collection, universal use of force form, chokehold policies, the County is to add a diversity officer. Establish a diverse committee. Goal to submit by 2/1/21. On 09/23 had a meeting with local police executives and discussed policies and how to approach uniformity and inclusiveness. Discussed issues faced by law enforcement now: confrontation by citizens and refusal to provide information and people coming out and videotaping and yelling at officers. Attempting to establish a checklist to meet requirements. A survey was discussed to go out to committee members and potentially issuing to public to go online and answer. Brainstormed public information methods, ride-a-longs, citizen police academy, etc. Next meeting 09/29/2020 with new committee members included.

Cronin: Lighthouse Baptist Church ideas:

Chief Stickler: Asked to check establishments in coordination with the health department and officials and things pending with those that are not in compliance.

Mayor Maloney: How are we to take action?

Chief Stickler: Contact health department and they determine action to be taken. Would assist if there is any action that needs to be taken.

Manager Report:

Jake breaks: Looked into decibel meters, free apps on the phone and up to over \$4,000 and

unsure what the state would require and require training for. Would like to know if there should be further discussion / review of this.

Water Bills: Executive order to not late collect late fees or disconnect through the State of Emergency and 180 days after it has ended. How do we certify that they are under financial hardship? Currently taking the individuals word on it. We should create a state of emergency policy regarding payment plans and that type of thing.

Attorney Groff: This is regarding delay in the payment and late charges. We are required to offer a payment plan. We have offered payment plans informally before. Only relevant to residential water customers, not commercial. We need to develop a uniform payment plan as opposed to informal and overseen by the Manager. If they are not affected by the virus, should there be a uniform plan for those impacted by COVID-19 and others?

Trustee Cronin: Should be one uniform thing so there is no confusion on parameters.

Trustee Gross: Agreed that it should be uniform. We should make a decision and soon before the next set of bills go out.

Attorney Groff: Template offered by the state for a payment plan. Some communities did not allow for payment plans at all and others had informal arrangements. We can develop the template and present for review and hopeful approval.

Holly Days: The Village of Horseheads has had 21 positive tests since our last board meeting (the last 14 days). Town increased more than we have. The last 3 days (M, T, W,) tested over 800 people in drive thru testing. Anticipated that those numbers are going to increase, and pockets of outbreaks are occurring. Starting to see some businesses close down voluntarily and go back to curbside service. Feel like it is unlikely to have a safe event at the end of November. Recommending that we do not have Holly Days in 2020. We invite people in, and it is in tight quarters and violates everything regarding social distancing. Open to any feedback and options

Mayor Maloney, Trustee Gross, Trustee Goodwin, Trustee Cronin: Agree to cancel Holly Days this year.

NYCOM Conference: Thanks for authorizing attendance. Virtual and purchased 3 attendees were signed up. Were able to put through 12 employees through at least one session over the last three days and many attended more than one. Attendees learned something in all sessions.

Proclamation regarding Child Cancer- we have received several requests for different organizations, activities and causes and should think about a policy as to how we want to address them when they come to us. Cause brought to us for October- hang purple ribbons on poles on S. Main Street, businesses dressed in purple, would like Village Hall to have purple on the railings and purple lights. Looking for direction on how to move forward and cannot pick and choose which causes to support and not support. Should we have proclamations, decorate, etc. Need guidance from the Board.

Attorney Groff: Multitude of legal issues within this. Implications of if the government does it, it opens it up to others. Once you allow one, it becomes more challenging to not allow another. Similar with the poles in the Grand Central Blvd and make sure they are HHDS Village property and what policy would be included to regulate what is hung on them. Hometown hero is a money-making operation- company compensated for putting the banners on municipal property.

Hometown Hero Banner Program: Passed April 2017, there is no policy yet. If this is to continue,

we need to become owners of the poles. Should we charge rent for pole in rights-of-way if we do not own them. Should we say yes to putting other items on those poles. Policy could isolate to locations in the Village. Banners go up the week prior to Memorial and stay up through Veterans day.

Pandemic Operation Plan: Due April 1, needs to get to the Union 150 days from September 1. Pandemic Operation Plan Checklist provided by NYCOM. Created some guidelines discussed in a department head meeting. Need to put some things that have done into document format. We need to look at it as a policy now. Will our policy be to have employees use their own sick time or waive it during this situation? If COVID related, waiving the use of sick time in some communities.

Bank Reconciliation: Up through 08/31/2020 for all bank accounts. As of 08/31/2020 cash on hand: \$6,957,000. Still has to last us the last 9 months of the budget year.

Halloween: Saturday, October 31, 2020. Will create a resolution for 10/8 regarding Halloween. Governor is allowing Halloween, Chemung County is allowing participation, but they are leaving it up to the local municipality on what they wish to do. Currently coordinating with other municipalities to see what they will be doing. Southport- working on drive-thru trunk-or-treat. Town of Horseheads- cancelling trunk-or-treat. Considering doing the activities at the same time as other municipalities to prevent people going back and forth. Reach out to PDs and FDs and DPW and have their vehicles in the parking lot so the kids can see them as driven by and our staff go to the car to hand out candy. Village traditionally sets hours for when it is taken place. Can set hours during daytime hours because it is a Saturday. Maybe easier to not walk in groups during the day and to see facemasks are worn. Need to make a decision at the next Board meeting.

Neighborhood Watch, Friday October 23, 2020 at 7:00pm. The last meeting was well attended.

Village Newsletter: Asking for input with Capital Improvement. What was listed was just some ideas. Would like to hear from Trustees for ideas and how the residents mesh with the Trustees.

Mayor Maloney: Veteran's banners, there was a delay in getting the poles. Will it be ready for next year?

Manager Nagle: More banners sold than locations for. None were put up because of this. They have poles to install. Poles would be permanent installations.

Trustee Goodwin: Attended Neighborhood watch meeting, very informative. Halloween- if you don't want people to come to your house don't turn on your light.

Trustee Cronin: Mentioned our website being ADA compliant. Town of Horseheads just updated theirs. Called the Town's web designer to look into it. Town paid approximately \$490/year for new website. NYCOM conference ran well and worth sitting in on.

Chief Stickler: If we are considering poles on GC there is already obstructions. Would recommend not putting them in the median.

Attorney Groff: Thank you for NYCOM participation, was instructional and educational.

Trustee Gross: Thanks for the good job Jess. Halloween- the sooner we make the decision the better. Like the idea of starting out earlier in the day for trick-or-treating.

Mayor Maloney: Was able to attend a NYCOM session on Reserve Funds. Thank the police officers. Fire Department has a new light duty vehicle and the next step is going to local vendor to put a small cabinet for emergency equipment, probably 4 to 6 weeks.

As there was nothing further to come before the Board, the meeting was adjourned at 8:42pm