

Minutes

Village Board of Trustees

December 1, 2008

An **Organizational Meeting** of the Village of Horseheads Board of Trustees was held on the above date at 6:00 p.m.

Present were:

Village Board and Staff:

Mayor Donald Zeigler
Deputy Mayor Ronald Swartz
Trustee Walt Herbst
Trustee George Koliwasky
Trustee Suzanne Peters

Village Manager Marc Whitney
Village Attorney John Groff

DPW Chris Lawrick
Clerk-Treasurer Sharron Cunningham
Parks Dir. Nate Nagle
Fire Chief Arthur Sullivan
Justice Bill Driscoll
Court Clerk Jan Zeigler
Manager's Assistant Rachel Baer

Others:

Louise McIntosh, 121 Renwick Lane

Resolution by Trustee Swartz, 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 "l" is waived, and the same are approved and set forth herein below:

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 **6:00 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:

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	Presidents Day

d) 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.

e) 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, and Five Star 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 official year commencing **December 1, 2008** 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, 2009** 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 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 July 2006, 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 July 2006, 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 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 was last revised in April 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 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.

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 Code enforcement services, and

WHEREAS, the Town of Horseheads has employed Thomas Skebey, Donald Coats, and Mike Brown, 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.

l) 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.

Discussion:

Trustee Peters asked if we are obligated to buy things under state contract. Atty. Groff noted that it is an option, but we are not required.

Trustee Peters asked why the Board meetings were moved up to 6:00 p.m. Mayor Zeigler stated that the reason was to make more time for workshops to follow the meetings.

Roll Call Vote on items "a" through "l":

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

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, **2009**.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

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, **2012**.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

BE IT RESOLVED, that **Doug Baker**, 920 W. Broad St., be appointed as an **Alternate Member** of the **Village Planning Board** for a term which will expire the first Monday in December **2010**, and be it further

RESOLVED, that **Larry Clark**, 115 Sayre Street, be appointed as a **Member of the Zoning Board of Appeals** for a term which will expire on the first Monday in December **2013**, and be it further

RESOLVED, that **Louise McIntosh**, 121 Renwick Lane, be appointed as an **Alternate Member to the Zoning Board of Appeals** for a term which will expire the first Monday in December **2009**.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Communication from Village Manager Marc Whitney to the Board of Trustees:

I hereby make the following appointments:

Arthur Sullivan, Miller Street, Horseheads, as **Master Mechanic** of the Horseheads Fire Department;
Tom Skebey, W. Franklin St., Horseheads as **Fire Inspector**;
John Groff, Esq., 53 Silver Oak Drive, Horseheads as **Village Attorney**;
Marc Whitney, of Cayuta, NY as **Budget Officer**;
Donna Hartsock, Greenridge Drive, Horseheads, as Deputy Clerk; and
Michele Accavallo, Easterbrook Drive, Horseheads, as Deputy Treasurer

each for terms which will expire on the first Monday in December, **2009**.

Cemetery Commissioners Meeting

D&A: Cemetery Rate Increase-

Village Manager Whitney: You've received the proposed rate schedule increase. Sharron and Chris have reviewed these rates and recommend increasing and modifying rates to a single rate for all interments.

Trustee Swartz - I remember when we switched it to different rates for residents and non-residents. Don't recall why we did that, so why are we going back.

Sharron - past management wanted separate rates, felt Village residents should have first choice - higher rates for non residents might deter them. However, it created problems. For example, people who have lived here forever, move to Florida and a spouse dies. Many complaints about having to pay higher rate. This has come up more than once. Funeral directors have complained to our Sexton on confusion with billing. They would like to see just one rate.

Chris - our rates are just about the same as most others. Back when we changed rates, I was against having a split cost. I understand wanting to give our residents a break, however I believe the cemetery should be marketed. We have people from all over Horseheads who are buried there. It is a very large cemetery. We do have many problems now with people moving away, etc. Elmira cemetery is also a municipal cemetery. Owned by the city. Their rates are slightly higher, but are not split.

Trustee Peters - I have some experience with this when I lived in Florida. All their rates were same. I think our rates are fair.

Sharron - the intention was to put these new rates into effect January 1, 2009. This would give funeral directors about 30 days notice.

Mayor Zeigler - what portion of these rates go back into general budget.

Sharon - just grave openings and actual sale of lot.

Chris - we use Trust and Agency Fund for equipment and land for cemetery.

Village Manager Whitney - perpetual care we charge now will have to pay for care 50 yrs. down the road. Who knows what labor rate will be then.

Trustee Herbst - how does all this tie together with the columbarium, Sherman house, etc.

Village Manager - I've sent you info on columbarium, have some more for future discussion. At the moment, the national avg. for a slot in a columbarium is \$1000-\$2000. Big enough to accommodate two urns and other mementos. 35-40% of people are opting for cremation. This could be a good option.

Mayor Zeigler - Columbarium is just a thought - an idea for the Sherman house. Is that a wise investment? We aren't sure yet. But we need to adjust these other rates or we will slide back.

Trustee Swartz - I think we should move forward on the rate increase. When we decide on a columbarium, we can just add that in.

Village Manager Whitney suggested visiting a cemetery that has one.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads is the owner and operator of a cemetery situate in the Village of Horseheads commonly known as Maple Grove Cemetery, and

WHEREAS, the Village of Horseheads Board of Trustees, acting as Cemetery Commissioners, has heretofore established a schedule of fees associated with the operation and management of said cemetery together with establishment of rules and regulations relative to said cemetery, the same having been heretofore modified from time to time, and

WHEREAS, Village staff have proposed increases to the current rate of charges for :

- grave openings outside normal cemetery hours
- lot prices including perpetual care
- marker foundation charges

same being contained on a memorandum and document entitled "Proposed Cemetery Rate Increases" dated November 19, 2008, and

WHEREAS, this Board acting as Cemetery Commissioners has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that the revised schedule of Cemetery Rates and Fees be adopted and same be effective January 1, 2009, and be it further

RESOLVED, that a copy of said revised schedule, attached hereto and made a part of these minutes, shall be placed on file with the Clerk-Treasurer.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

PODS Law

Atty. Groff - we need further input on this proposed law. A question has come up on whether we should we be dealing with these subjects separately - dumpsters vs. pods. Is there a need to deal with garbage cans that aren't dumpsters or pods. What is the board looking for in terms of dealing with these subjects.

Trustee Herbst - Suzanne's comments were good. POD storage should be distinguished from garbage storage.

Trustee Koliwasky - I think Code Enforcement gets complaints on bags of garbage in garage, etc.. What if people use Pods for garbage? I think we should separate, but no matter what people will abuse it.

Atty. Groff - PODS are intended for temporary use. But everyone's idea of temporary is not the same. Part of the drafting of the law is trying to envision what we are trying to accomplish. Naive to think you don't have a need for these temporary pods, these things are being marketed. Haven't heard of a lot of situations where someone has a dumpster for 6 months, etc. Doesn't mean it doesn't happen.

Trustee Koliwasky - that house that burned on Bowers Dr., they had a dumpster and pod for months while they rebuilt their house. That should be an exception.

Discussion ensued on having two separate laws.....the Board agreed to have two laws - one to deal with temporary storage, and one to deal with dumpsters collecting refuse. Atty. Groff to modify and resubmit.

Other

Village Manager Whitney - will be starting the budget process within next two weeks. We just received the redline comprehensive plan from LaBerge. I've emailed it to everyone - please review.

As there was nothing further to come before the Board, the meeting was adjourned at 6:50 p.m.
/rmb

VILLAGE OF HORSEHEADS
MAPLE GROVE CEMETERY
CEMETERY RATES & FEES EFFECTIVE January 1, 2009
Established Pursuant to Village Code Section 113-2(A),113-2(J)

NORMAL CEMETERY HOURS: Monday – Friday, 8:30 AM – 4:30 PM, Excluding Holidays

NORMAL CEMETERY HOURS:

GRAVE OPENING

ADULT	\$500.00
INFANT	\$300.00
CREMATED REMAINS	\$300.00

OUTSIDE NORMAL CEMETERY HOURS:

GRAVE OPENING

ADULT	\$770.00
INFANT	\$550.00
CREMATED REMAINS	\$550.00

DISINTERMENT FEES: Minimum cost is twice the cost of a corresponding burial (see above fees)

LOT INCLUDING PERPETUAL CARE

SINGLE	\$600.00
TWO	\$1200.00
THREE	\$1800.00
FOUR	\$2400.00
FIVE	\$3000.00
SIX	\$3600.00

MARKER FOUNDATIONS

PER SQUARE FOOT CHARGE	\$75.00
MINIMUM CHARGE	\$125.00

<u>LOT TRANSFER FEE</u>	\$25.00
-------------------------	---------