

Minutes

Village Board of Trustees

November 15th,2012

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

Village Board and Staff

Deputy Mayor Ronald Swartz
Trustee Larry Clark
Trustee George Koliwasky
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
DPW Matt Mustico
Village Justice Bill Driscoll
Code Enf. Bob Young
Manager's Asst. Rachel Baer

Absent

Mayor Donald Zeigler
Trustee Suzanne Peters
Village Atty. John Groff

Others Present

Dave Padgett, W. Franklin St.
Elton Shaw, Liberty St.
Pat Gross, W. Broad St.
Arlene Roy, Johnson Road
Wayne Brubaker, Gardner Rd.
Steve Cardamone, Hillview Rd.
Scott Cardamone, Royal Crest Rd.
Scott McGrain, Gardner Rd.

Dan West, South Ave.
Dot Gebhart, Biltmore Dr.
Jean Quinn, 555 Gardner Rd.
Mike Swasta, Watkins Rd.
Bill & Kathy Goodwin, Sunset Dr.
Ken Leath, Colonial Dr.
Stephen Lewis, W. Mill St.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 25, 2012 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

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

General - \$167,164.69
Water - \$67,463.44
T/A - \$819.42

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye

Financial Report - General Fund up in receipts about \$125K. Expenses up \$80K but those are due in part for a couple of pay outs in retirement we did not have during the same period last year. Also considerable expenses on Lynhurst Avenue. Water Fund revenues up \$2,500, expenses down about \$28K.

7:05 p.m. - Public Hearing: Proposed Local Law on Property Registration

Manager Herbst gave a quick overview of the law. The reason for this is due to the Comprehensive Plan. A large majority of residents listed property maintenance as a priority. This law helps people protect their investment. Throughout the country this kind of law is helpful. Some landlords are neglectful. Then some of those are even further complicated by being absentee. There are also reports of people coming in from out of town to rent and not taking care of the property. The state law was raised at our last meeting as far as covering these issues already. In point of fact it does not. It does not carry a registration provision. However, it does require where there are maintenance issues the owner be personally served. We are not going to go all over the US finding people. This legislation requires a local agent if the owner lives outside this county. It was also raised why not include other counties. We are not going to chase down landlords who in the first place have neglected their property. That is why we chose to keep the agent within Chemung county. Fees: what we are talking about and proposing for this law is for 3 years. However, for the first 3 months - January through March 2013 - will be free. Thereafter if someone registers from April 1 on the fee is \$1.00 per unit, \$10.00 minimum, which covers all three years. Once you pay or register then you won't hear from us again unless there is a property maintenance issue. The process then begins with a courtesy notice, then a letter, then citations. In order to move on and find yourself in difficulty you would have to have issues you didn't correct, appear in court, or have police problems. Then we inspect property and we could rescind the Certif. of Occupancy. But you have many opportunities to correct the problem. Also there is a provision for habitual offenders.

Ken Leath, 203 Colonial Dr. - how many complaints on single family rentals do you receive.

Manager Herbst - 25-30 a year.

Mr. Leath - if you have an agent that must live in Chemung County. Licensed realtor should be

exempt.

Scott Cardamone - what about homeowners, not rentals. When Code Enforcement goes out there it takes forever to do something about homeowners. You are taking our rights away. Tenants have a lot of rights already. And what happens in 3 years?

Manager Herbst - if there is an issue, and if your taking action that is what we are interested in. We are asking you to be accountable. We will consider any action you are taking.

Ken Leath - So a notice has to be given when changing tenants. City of Elmira allows a 60 day window. Also if there are any violations and the owner doesn't pay fees can attach to property.

Scott McGrain - I think this law has possible violations of constitution of US. Under the constitution I cannot as a police officer enter a property. Also cannot define a family in these codes. There is case law on that.

Bill Goodwin, Sunset Dr. - some of these landlords that are out of town, could say their tenants are family members. You cant prove something is a rental unit. Your going to cause a problem with this. People will sell out and then you'll get second rate people and second rate landlords. I will get fed up and bail out. They will bail out too. I have no code violations on my properties. If I get a call from a tenant I'm right there. Your picking on the wrong people.

Mike Swasta, Watkins Road - I'm in favor of this law. There are other municipalities in NY state that adopt these standards. However you have weakened this law. Sections have been deleted. Mr. Swasta submitted his list of comments in writing.

Manager Herbst - if you have no problems, or if you do and you correct them, you won't hear from us. This addresses the problem property owners.

Scott McGrain - people are getting upset. We don't care about filling out a form. Its everything else. City of Elmira law does not force us to open door to Code Enf. Officer.

Arlene Roy - is this for extra revenue? We will abide by laws. Some other landowners who have issues, we shouldn't be liable for their problems.

Steve Cardamone - I pay taxes to have Code Enf. Officers there. This law says they aren't doing their job. Your law is too long for the small number of bad properties you said you have.

Public hrg. closed at 7:47 p.m.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the Justice Reports for October 2012 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye

Trustee Koliwasky - Regarding our financial reports, what scares me is our County Exec saying on the news that he will start looking at sales tax tying to shared svces. Also, for Veterans Day there were a lot of ceremonies. But we didn't have any ceremonies in Veterans Park

As there was nothing further to come before the Board, the meeting was adjourned at 7:55 p.m.

/rmb