

# Minutes

## Village Board of Trustees

### December 14, 2021

The organizational meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. virtually via the Zoom platform and in-person at Horseheads Village Hall, 202 S. Main Street, Horseheads, NY.

Present were:

<u>Village Board and Staff</u>	
Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin Trustee Mike Skrosznik- absent Trustee Mark Cronin	Village Manager Nate Nagle Manager's Assistant Jessica Molter Attorney John Groff Michael Stenpeck- Planning Board
<u>Others Present</u>	
Bryson Clark Christina Jackson	Trevor Davis Donald J. Fischer

#### **Approval of Board of Trustees Minutes for 10/12/2021- revised, 11/08/2021 and 11/23/2021**

Resolution by Trustee Cronin, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 12, 2021- as revised, November 8, 2021, and November 23, 2021, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call:

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

#### **BOARD OF TRUSTEES ORGANIZATIONAL MEETING RESOLUTIONS 12/6/2021**

Resolution by Trustee Gross, seconded by Trustee Cronin

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 Trustee has reviewed each of the proposed resolutions and copies of the proposed resolutions are available at this meeting and have been posted on the Village's website, and

WHEREAS, due to the foregoing it has been suggested that the reading of the resolutions may be

dispensed with.

NOW THEREFORE BE IT RESOLVED, that the reading of the resolutions for agenda items '2a' through '2j' as set forth below is hereby waived, and the same are adopted as submitted and as follows:

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 Monday of the month, at the Village Hall, 202 S. Main St., Horseheads, New York. Special meetings may be called as provided in the Village of Horseheads of Procedures for Meetings.

**Mayor Maloney:** Confirmed that there was no opposition or requested changes to keeping the meetings as the 2<sup>nd</sup> Monday of each month.

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:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Columbus Day
Presidents Day	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving Day
Independence Day	Christmas Day

d) BE IT RESOLVED, that the Elmira Star-Gazette 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 Chemung Canal Trust Company, M&T Bank, and Five Star Bank, all of Horseheads, New York, and The JP Morgan Chase Bank of Syracuse, New York, and New York CLASS, 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 6, 2021 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 Robert Maloney 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 2022 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 has adopted Rules of Procedure governing the conduct of its various board and committee meetings, and

WHEREAS, such policy is to be reviewed annually, the last changes being made in December 2019, and

WHEREAS, this Board has not been presented with certain recommended changes, and has reviewed the policy finding that there are no recommended changes at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Rules of Procedure, as amended through December 6, 2021, be reaffirmed. A copy of the policy shall be placed on file with the Village

Clerk-Treasurer.

g) 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

h) 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.

i) 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.

j) WHEREAS, the Town of Horseheads has employed and may hereafter from time to time employ or appoint individuals or agencies 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 or agencies as are employed or appointed by

the Town of Horseheads as Dog Control Officers 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., and the power to enforce Chapter 80 of the Village Code. 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.

Roll Call:

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

#### **Purchasing Policy**

**Village Manager Nagle:** Every year, we are required to adopt the purchasing policy. It hasn't been adjusted this year, it is our current policy being presented to the Board.

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads Board of Trustees has adopted a Purchasing Policy governing the acquisition of goods and services and

WHEREAS, such policy is to be reviewed annually and was last revised in April 2020, and

WHEREAS, Village Manager Nathan Nagle 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 last amended in April 2020 be reaffirmed. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

Roll Call:

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

#### **Communication from Mayor Maloney to the Board of Trustees:**

Pursuant to Section 4-400 of the Village Law, I hereby appoint **Trustee William Goodwin, Sr.** as Deputy Mayor, to act as such in my place and stead during my absence or inability to act and is vested with all powers and may perform all duties of the Mayor.

(Mayor's appointment - no vote)

#### **Appointment of Planning Board and Zoning Board Members**

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Village Law Section 7-712 provides that the Mayor shall appoint members to the Zoning Board of Appeals subject to the approval of the Board of Trustees, and, Village Law Section 7-718

provides that the Mayor shall appoint all members to the Planning Board subject to the approval of the Board of Trustees, and

WHEREAS, from time to time the term of members of such Board expire, and

WHEREAS, such laws further provide that the Board of Trustees may designate a Chairperson of such Boards, and

WHEREAS, Mayor Maloney has recommended the following appointments

NOW THEREFORE BE IT RESOLVED, that the following appointments by Mayor Maloney be approved:

#### **PLANNING BOARD**

**Chairperson- Michael Stenpeck**

**Erich Herzig - Planning Board Alternate**, for a term which will expire the first Monday in December, 2023.

#### **ZONING BOARD OF APPEALS**

**Chairperson- Thomas Skebey**

**Jenifer Driscoll- Zoning Board of Appeals Member**, for a term which will expire the first Monday in December, 2026.

Roll Call:

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

#### **Communication from Village Manager Nathan Nagle to the Board of Trustees:**

Pursuant to Village Code Chapter 40, as Village Manager I hereby make the following appointments:

Arthur Sullivan - Master Mechanic of the Horseheads Fire Department;  
 Jamie Burgess, Bob Young - Fire Inspectors and Code Enforcement Officers;  
 Kelby Hollenbeck - Deputy Clerk

each for terms which will expire on the first Monday in December, 2022

(Village Manager appointments - no vote)

#### **Appointment of Police Chief**

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, on December 2, 2019, this Board appointed Thomas Stickler for one year to serve as part-time Police Chief of the Horseheads Police Department, and

WHEREAS, Chief Stickler has proven to be a valuable asset to the Police Department, and to the Village as a whole, providing strong leadership, management and training, and maintaining consistently high

standards of performance, and

WHEREAS, this Board has determined that the Village of Horseheads Police Department has been very adequately supervised, managed and administered by Chief Stickler, and wishes to continue his employment in such capacity, however he has notified this Board of his intention to retire from this position and is allowing the Board time to pursue his replacement so his actual date of last employment is uncertain.

NOW THEREFORE BE IT RESOLVED, that pursuant to Village Law Section 8-800 Thomas J. Stickler is hereby appointed as part-time Police Chief of the Village of Horseheads Police Department effective December 6, 2021, and be it further

RESOLVED, that Village Manager Nathan Nagle is authorized to enter into an addendum amending the current employment agreement with Thomas J. Stickler on behalf of the Village of Horseheads, effective immediately, at an annual salary of \$34,999.00, for a term of uncertain duration and expiring on a date to be mutually determined. Except as noted herein, the terms, conditions, and requirements of said agreement shall remain the same as the expired agreement. A copy of said amended agreement shall be placed on file with the Village Clerk.

Roll Call:

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

#### **Public Utilities Resolution**

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, Village Law Section 5-524(6) permits the Board of Trustees to authorize claims for public utility services, postage, freight and express charges to be paid in advance of an audit of claims, and

WHEREAS, all such claims must be presented at the next meeting of the Board for audit, and

WHEREAS, prompt payment of these claims may avoid incurring interest and penalties, and

WHEREAS, the claimant and the Officer approving the claim are jointly and severally liable for any amount the Board of Trustees disallows.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit.

Roll Call:

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

**Mileage Resolution**

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, Village Law Section 5-525(7) permits the Board of Trustees, in lieu of auditing, to pay a reasonable mileage allowance for use of personal automobiles in performance of official duties, and

WHEREAS, the IRS issued a standard mileage rate for 2021 for the use of an automobile as \$0.56 per mile driven for business use.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees establishes a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties at the current IRS rate per mile driven for business use.

Roll Call:

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

**Set Date for Organizational Meeting 2022 Resolution**

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, the Board of Trustees is permitted to designate the date, time and place of the organizational meeting for the following year.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees hereby designates the 2022 Village of Horseheads organizational meeting to be held at Village Hall on December 5, 2022 at 7:00pm.

Roll Call:

Mayor Maloney:
Trustee Gross:
Trustee Goodwin:
Trustee Skroskznik:
Trustee Cronin:

**Public Hearing: Local Law to Opt Out of On-site Cannabis Consumption Establishments**

Attorney Groff opened the public hearing regarding the Local Law- Opt Out of On-Site Cannabis Consumption Establishments.

**Bryson Clark of Hanover Square:** Asked questions of the Board regarding their understanding of the functionality of a cannabis lounge. Would like to know why the Board wants to opt out of the lounges.

**Attorney Groff:** Not a question-and-answer period. This is to hear the opinions of the residents.

**Bryson Clark:** In favor of having both dispensaries and lounges.

Attorney Groff closed the Public Hearing.



**Adopt Local Law #2 of 2021- Opt Out of On-site Cannabis Consumption Establishments**

**Trustee Gross:** Would like more education on it all.

**Attorney Groff:** Window of opportunity closes December 31<sup>st</sup> if no action is taken before that, it would be permitted. If you fail to opt out by that date your opportunity is gone.

**Village Manager Nagle:** We have had discussions since mid-June. In October we wanted to accept dispensaries and opt-out of on-site consumption. Since no action on dispensaries, we will by default accept them.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, the Village is considering a local law regarding Opt Out of On-site Cannabis Consumption Establishments, and

WHEREAS, this proposed local law was presented to this Board on November 8, 2021, 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 December 14, 2021, and

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

NOW THEREFORE BE IT RESOLVED, that said Local Law Addressing Opt Out of On-site Cannabis Consumption Establishments is hereby adopted as Local Law #2 of 2021, and the Village Clerk-Treasurer is directed to file same with the Secretary of State and the NYS Office of Cannabis Management as required by law.

Roll Call:

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

**Authorize Memorandum of Agreement with the Town: Cannabis Tax**

**Village Manager Nagle:** This action is allowing the Village Manager to continue conversation with the Town of Horseheads regarding the Cannabis Tax for the sale of cannabis within the Village of Horseheads. The law currently is written as the Town and Village will split the tax profits evenly at 1.5 each unless an agreement is put into place. Any sales that take place within the Town are not shared. An agreement has been drafted and presented to the Town for review for the Village to keep the full 3%. The next Town meeting is the morning of the 2<sup>nd</sup> and they will take action then. This authorizes to enter into the agreement prior to the 31<sup>st</sup> of December.

**Trustee Goodwin** Does this have anything to do with the Town opting in or out?

**Village Manager Nagle:** No, it does not.

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, in 2021 New York State adopted the Marijuana Regulation and Taxation Act (MRTA) creating a regulated and taxed cannabis industry in New York State, and

WHEREAS, the MRTA added a new Article 20-C to the NYS Tax Law entitled "Tax on Adult-Use Cannabis Products", and

WHEREAS, Tax Law Section 493(c) imposed a tax on the sale or transfer of adult-use cannabis products to a retail customer by a person who sells adult-use cannabis products at retail at the rate of 4% of the amount charged by such person for such adult-use cannabis product which shall initially be paid to the commissioner and then to the County, and

WHEREAS, Tax Law Section 496-b (b)(2) provides in pertinent part that 75% of all taxes, interests, and penalties collected or received under Tax Law Section 493(c) shall be distributed by the County to the towns and villages in which a retail dispensary is located, and

WHEREAS, Tax Law Section 496-b (b)(2) further provides that where a retail dispensary is located in a village within a town that both permit cannabis retail sales then the County shall distribute the monies attributable to such retail dispensary to such town and village in such portion as may be agreed upon by the elective governing body of such town and of such village, and

WHEREAS, the Village is a village within the Town and the Town Board of the Town and the Village Board of the Village have discussed the distribution of the monies attributable to the sale adult-use cannabis products and retail dispensaries within the Village.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized to enter into an intermunicipal agreement with the Town which would provide in pertinent part that the entirety of the tax, interest and penalties imposed by Tax Law §493(c) to be distributed by the County pursuant to Tax Law §496-b(b) (2) attributable to a retail dispensary within the Village shall be distributed to the Village. No portion of such tax, interest and penalties shall be distributed to the Town.

Roll Call:

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

#### **American Legion Post #442 Gift Acceptance Resolution**

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, American Legion Post #442 has offered to give to the Village of Horseheads \$250.00, and

WHEREAS, American Legion Post #442 has prescribed that the gift shall be used for the following purposes:

Parks and Recreation Inspire Cheer Program, 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 American Legion Post #442, with the following conditions:

The gift shall be placed in the General Fund and shall be used for the Parks and Recreation Inspire Cheer Program

BE IT FURTHER RESOLVED, that Village Manager Nathan Nagle is authorized and directed to communicate to American Legion Post #442 its acceptance of the gift and acknowledge its appreciation for same, and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call:

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

**American Legion Auxiliary Bentley-Trumble Unit #442 Gift Acceptance Resolution**

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, American Legion Auxiliary Bentley-Trumble Unit #442 has offered to give to the Village of Horseheads \$250.00, and

WHEREAS, American Legion Auxiliary Bentley-Trumble Unit #442 has prescribed that the gift shall be used for the following purposes:

Parks and Recreation Inspire Cheer Program

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 American Legion Auxiliary Bentley-Trumble Unit #442, with the following conditions:

The gift shall be placed in the General Fund and shall be used for the Parks and Recreation Inspire Cheer Program, and

BE IT FURTHER RESOLVED, that Village Manager Nathan Nagle is authorized and directed to communicate to American Legion Auxiliary Bentley-Trumble Unit #442 its acceptance of the gift and acknowledge its appreciation for same, and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call:

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

**Catherine Along Gift Acceptance Resolution**

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Catherine Along has offered to give to the Village of Horseheads \$100.00, and

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

Village of Horseheads Police 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 does hereby accept the gift of above-noted property from Catherine Along, with the following conditions:

The gift shall be placed in the General Fund and shall be used for the Police Department

BE IT FURTHER RESOLVED, that Village Manager Nathan Nagle is authorized and directed to communicate to Catherine Along its acceptance of the gift and acknowledge its appreciation for same, and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call:

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

**Holiday in the Square County Community Development Grant Resolution**

**Village Manager Nagle:** We have a policy with our grant writing that grants should be presented to trustees prior to applying for the grant. Due to the time constraints for the deadline for this grant and meeting schedule. Applied for this grant, this is to be retroactive. We did receive word that the grant was awarded to the Village for \$5,000 but need confirmation.

**Trustee Goodwin:** Legislature Brennan said that it was approved.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, the Chemung County Legislature allocates Community Development Funds which it makes

available to municipal corporations within the County for enhancement of the community in areas of education, tourism, the arts, recreation, health, social services, et cetera, and

WHEREAS, Village Manager Nathan Nagle has presented a grant opportunity to this Board whereby a non-matching fund grant from the Chemung County Community Development Fund could provide for funding for the Holiday in the Square presently scheduled for December 17, 2021 and other events which would provide a source of recreation and arts for the community, and Village Manager Nagle submitted an application for such grant on November 30, 2021 due to the deadline for receipt of such applications, and

WHEREAS, the Village has a Grant Application and Administration Policy and Village Manager Nathan Nagle has researched the merit of the grant, benefits to the Village and grant administration requirements; and based upon same has recommended to this Board that the application for the grant be approved, retroactively due to the circumstances.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle's submission of the above noted grant application is ratified and approved.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

**Village Manager Nagle:** We did previously apply for \$5,000 for the same type of grant for thermal imaging cameras for the fire department and believe that grant was awarded as well.

**Authorize Agreement with Fireworks Provider:**

**Village Manager Nagle:** This is for Young Explosives to be the pyrotechnicians for Family Days. Increased it to \$4,500 from \$4,000 that was the amount for the last several shows based on inflation etc.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Horseheads Family Day is an event sponsored by the Village of Horseheads Recreation Department, and

WHEREAS, this event is scheduled to take place in Sullivan Park, Thorne Street on July 9, 2022, and

WHEREAS, permits for public displays of fireworks are governed by NYS Penal Law Article §405, and

WHEREAS, the Recreation Department has requested to sponsor a fireworks display in the evening at Thorne Street Park as part of the event.

NOW THEREFORE BE IT RESOLVED, that 1) the Recreation Department is authorized to apply for a Permit for Public Display of Fireworks, and 2) Village Manager Nathan Nagle and other Village personnel are authorized to execute the Permit and to enter into an agreement with Young Explosives Corp. providing for a fireworks display in Sullivan Park on July 9, 2022, subject to the following conditions:

1. Village Manager Nagle may change the date of the display in the event of inclement weather

conditions.

2. Young Explosives Corporation shall comply with all of the requirements of NYS Penal Law Article §405.00 including but not limited to certificates of competency as pyrotechnicians and other Application requirements.
3. Young Explosives Corporation shall, not less than twenty (20) days prior to the event, file with the Village a bond or indemnity insurance policy with liability coverage and indemnity protection in favor of the Village of Horseheads in the amount of at least \$2,000,000.00 conditioned for the payment of all damages which may arise to a person or persons or to property, by reason of the display and arising from acts of Young Explosives Corporation, its agents, employees, contractors or subcontractors.
4. The sum to be paid to Young Explosives Corporation shall not exceed an amount of \$4,500.00.

Roll Call:

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

#### **ESTABLISHING ENERGY BECHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**Village Manager Nagle:** Goes along with NYSEDA Clean Energy program. We discussed where we were with point accumulation at the last meeting and what to do to increase our points. Code has gone through training and we received credits for converting decorative light to LED and this will give us more. We will need 100 additional points for the 3,000 point threshold. This is recording our utilities for electric and gas using a platform through NYSEDA going back 2 years and moving forward.

Benchmarking against ourselves.

**Attorney Groff:** The resolution is lengthy, dispense with the reading of the entire resolution through the phrase for adoption of the resolution.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings-for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village Board desires to use Building Energy Benchmarking- a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings- to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village; and

WHEREAS, the Village Board desires to establish procedure or guideline for Village staff to conduct such

Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

## **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

### **§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the Village Manager.

(D) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village that is 1,000 square feet or larger in size.

(E) "Department" shall mean the Village Clerk-Treasurer Department.

(F) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(G) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(H) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(I) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(J) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(K) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(L) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

### **§2. APPLICABILITY**

(A) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(B) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

### **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(A) No later than May 1, 2020, and no later than December 1 every year thereafter, the Commissioner or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(B) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee shall begin inputting data in the following year.

### **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(A) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than May 1, 2022 and by December 1 of each year thereafter for Covered Municipal Buildings; and

(B) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

### **§6. ENFORCEMENT AND ADMINISTRATION**

(A) The Commissioner or his or her designee shall be the Chief Enforcement Officer of this Policy.

(B) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(C) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village Board including but not limited to summary



statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

#### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

#### **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Roll Call:

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

#### **Authorize Raybern Contract Extension:**

**Village Manager Nagle:** Raybern is helping the Village with unaccountable water use. This is to move forward with another phase of the project. This is for up to \$10,000 for a series of smaller contract extensions not to exceed \$10,000 in total. At each stage we will review where we are regarding the unaccounted water. Phase I was \$7,400 and everyone seemed please with the information provided.

**Trustee Goodwin:** This is a good move, and Raybern is very sharp.

**Trustee Cronin:** Need to fix it and get it right.

**Village Manager Nagle:** Want to be able to measure the return on our investment. There may be only a couple of items that need to be amended. This is \$10,000 on top of the initial \$7,400.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the Village entered into an agreement with Raybern Utility Solutions, LLC on or about August 30, 2021 whereby Raybern furnished labor, materials, tools and equipment to assess the Village's AMI system data and operations in conjunction with the Village's billing system to outline gaps, to improve tracking of water consumption and water loss, and

WHEREAS, Raybern has completed the performance of its duties under said agreement and has reported to Village staff and the Village Board regarding unaccounted water losses attributing same to a number of potential factors including but not limited to meter configuration, billing system inaccuracies, mismatched data, and other factors, and

WHEREAS, this Board and Village staff have considered Raybern's report and have concluded that additional consulting services from Raybern are warranted to further investigate and determine the source of water losses and the means rectifying same, and

WHEREAS, Village Manager Nathan Nagle has recommended to this Board that Raybern continue to be retained for such consulting services and further that the consulting services be rendered to the Village on an incremental basis in a series of independent phases at a combined total cost not to exceed \$10,000.00.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nagle is authorized to negotiate and enter into incremental agreements or phases with Raybern for the above-noted water loss detection and remediation procedures in such increments as he may determine appropriate which collectively shall not exceed the sum of \$10,000.00.

Roll Call:

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

**Discussion/Action Holiday in the Square Event and On-Site Beer Garden:**

**Village Manager Nagle:** Horseheads Brewing submitted an application to serve alcohol at the event. They are pending on-site consumption of alcohol certification from NYS. If NYS does not provide the approval in time, they are willing and would like to provide tastings through their marketing permit. A distillery will be doing tastings as well. Need to create a deadline for beer garden or tasting. Our law says if we have alcohol we need a contained area with a definitive entrance and exit. Propose 4:00pm Thursday.

**Discussion further ensued regarding the beer garden or tasting.**

**Trustee Goodwin:** I am sympathetic to the businesses in the square. Not saying no, but sympathetic to those in the square.

**Trustee Gross:** This is a children and family event.

**Christina Jackson:** The decision was made because were only allowed 1 alcohol vendor and didn't want to favor a business in the Square and instead having an outside vendor in the Square. All restaurants and businesses have been given an application to have a free spot for their businesses in front of their places of business to serve food or advertise their business but no one has responded.. The adult and children's activities will be separated within the Square.

**Mayor Maloney and Trustee Cronin:** Would like to try it this year and see how it goes.

**Discussion further ensued.**

Deadline extended to 10:00am Friday for the information from the State liquor authority for Horseheads Brewing. Will have a containment area regardless of tasting or serving.

Resolution by Trustee Cronin, seconded by Trustee Gross

Holiday in the Square- Authorization for the Event and On-Site Alcohol Consumption:

WHEREAS, the Village of Horseheads Parks and Recreation Department conducts and/or assists third

parties in areas of tourism, arts, recreation, public events and the like, and WHEREAS, Christina Jackson, with the assistance of the Parks and Recreation Department, is promoting a public event called Holiday in the Square, 2021 and has submitted an application for a special event whereby Hanover Square and/or certain streets in the vicinity of Hanover Square would be closed to traffic on December 17, 2021 for the purpose of a special event, and

WHEREAS, this is the inaugural event and is in its embryotic stages with vendors and others to be determined and accordingly the scale of the event and the necessary closure of streets et cetera has yet to be fully determined.

NOW THEREFORE BE IT RESOLVED, that the application of Christina Jackson is approved with the following conditions:

1. The actual streets to be closed off and the hours to be closed off will be determined by Village Manager Nagle in his sole discretion based upon the then known number of vendors and number of anticipated attendees et cetera.
2. The Village Manager shall consult with and arrange for the various Village departments, including but not limited to DPW, Police and Fire, to develop appropriate pre-planning and public safety measures. The applicant shall be required to implement such measures, which may include private security, waste containment, collection and disposal measures, crowd/traffic control, et cetera.
3. Given that the event is conducted under the auspices of the Parks and Recreation Department the usual insurance and indemnification requirements are waived.

BE IT FURTHER RESOLVED that the applicability of Chapter 76 of the Village Code which regulates and prohibits possession and consumption of alcoholic beverages on public lands, including municipally owned streets, sidewalks, and parking lots in the Village. The prohibition is waived for this event as noted as follows. The specific sites and hours of this waiver shall be determined by Village Manager Nagle. A vendor has sought permission for a “beer tent” or, alternatively, a “tasting” style operation. Another vendor has sought permission for a “spirits tasting and containerize beverage sale style operation”. This waiver is conditioned upon the applicants submitting a plan to Village Manager Nagle for security, crowd control, et cetera for the sites to assure that all New York State Alcoholic Beverage Control Laws are adhered to. The Applicants shall provide plans determined to be suitable by Village Manager Nagle for refuse and debris control. The waiver is further conditioned upon receipt of satisfactory insurance and indemnification from the vendors of the alcoholic beverages as well as proof of possession of all necessary Chemung County Health Department and New York State Alcohol Beverage and Control Board permits for on an off-premises sale and consumption of such beverages.

Roll Call:

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

#### **Manager's Report:**

Holiday in the Square: Have 22 to 24 vendors. We will have to close the entire Square to accommodate. It is a wintery Christmas theme and Christina has done a great job with that. Hanover Square closing at 4:30. Stage company coming in at 3:00pm.

Sunday the Fire Department begins Satna sighting 12/19 – 12/22 from 5:30 to 7:00pm and routes are

listed. Stops will be as soon as available.

December 23<sup>rd</sup> the Village will be closed 12-4 and closed the 24<sup>th</sup> to celebrate Christmas

Thank the PBA for the Christmas dinner last week at Ruby Tuesdays.

Received 20-22 applications for the position of Recreation Leader- it is an entry level position. Would report to Nate and would coordinate day to day parks and rec activities.

Continue conversation regarding either full-time or part-time Police Chief. A decision wasn't made at the last meeting. Would like to determine where to go. Recommendation is there is enough work for a full-time position; however, could select the proper person and interview and could have an opportunity to continue part-time. If we don't like part-time applicants could open to full-time. Part-time would be a quicker process.

Discussion further ensued regarding part-time vs. full-time police chief.

Consensus to look for a part-time Police Chief if no one is found then advertise for full-time

**Trustee Gross:** Would also like Chief Stickler to keep track of his actual hours worked.

#### **Around the Table:**

**Trustee Cronin:** Thank everyone for their hard work, appreciate the PBA and the dinner. Appreciate all the employees. Merry Christmas

**Trustee Goodwin:** Thank Christina for all her work on Holiday in the Square. Thank Supervisor Fischer for the conversation with the Village. PBA dinner was nice. Attended neighborhood watch. Need more resident involvement in the Village for neighborhood watch. Take moments of silence for those in KY and TN for the losses they have suffered. Merry Christmas and safe holidays.

**Trustee Gross:** Can we work on Hanover Square and the truck traffic? Merry Christmas

**Mayor Maloney:** Thanks to the employees for all they did this year and the trustees. Wounded Warrior Action foundation had an event at Mill Street Pond with a nice letter of thanks and a photo- would like to display somewhere in the Village. Looking into forming a Fire District in the Town encompassing the Village. Would like to meet with the Town Board with a joint meeting to discuss the matter.

**Village Manager Nagle:** Would like to do it in January, not at a regular meeting as this will just be discussion not action to be taken.

**Mayor Maloney:** All meetings are open to the public. Much to discuss and will take a long time to accomplish if this is the way we want to go.

**Trustee Goodwin:** Would like a simple cost analysis and pros and cons of entering into a fire district.

As there was nothing further to come before the Board, motion to close by Mayor Maloney, seconded by Trustee Gross and the meeting adjourned at 8:54pm.