**Minutes
Village Board of Trustees**

**December 4, 2023**

An 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:

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| **Village Board and Staff** |
| Mayor Rob MaloneyTrustee Pat GrossTrustee Bill Goodwin Trustee Mike SkroskznikTrustee Mark CroninMayor Elect Kevin AdamsVillage Manager Nate NagleAttorney John GroffClerk-Treasurer Donna Dawson | Deputy Clerk Michelle ComstockDeputy Clerk Kelby BenedictFire Chief Arthur SullivanChief Mike SuheyCode Enforcement Bob YoungPlan. Bd. Chair Mike StenpeckVillage Justice David BrockwayPolice Chief Mike SuheyDPW Don GaylordCode Enf. Officer Bob Young |
| **Others Present** |
| Kelley MaloneyRachel BaerDave ReynoldsAl EdwardsSteve CroninKathy GoodwinDonald Fisher | Ryan WheelerRon FinefrockWhitney PalmerSteve WilberMarc TerpolilliSara Lattin |

Mayor Rob Maloney said a few words on his departure as Mayor.

Judge Brockway swore in newly elected Mayor Kevin Adams, and recognized Trustees Gross and Cronin on getting reelected.

Mayor Kevin Adams made a few opening remarks on his election as Mayor of the Village. He outlined goals for his term, some of which were changing the Village website to a “.gov”, posting a video of each Board Meeting within five days of the meeting, having monthly roundtable discussions with local business owners. Mayor Adams then presented some gifts to outgoing Mayor Rob Maloney and his wife Kelly.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, the members of the Board of Trustees have each been provided with a copy of the proposed resolutions a) through i) to be considered for adoption at this meeting in advance of the 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 a) through i) may be dispensed with.

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

1. BE IT Present, 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.

1. 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 or Village Manager determine from time to time.
2. 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

1. BE IT RESOLVED, that the 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.

1. 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 4, 2023 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 Kevin Adams 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 2023 monies not required for the immediate expenditures under conditions and with the limitations specifically set forth herein.

1. 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 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 2019, be reaffirmed. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

1. 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

1. 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.

1. 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.

Roll Call Vote on Items a) through i):

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Purchasing Policy**

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

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 December 2022, and

WHEREAS, Village Manager Nathan Nagle has reviewed same and has not recommended any changes.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Purchasing Policy last amended in December 2022 be reaffirmed. A copy of the amended policy shall be placed on file with the Village Clerk-Treasurer.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Communication from Mayor Adams to the Board of Trustees:**

Pursuant to Section 4-400 of the Village Law, I hereby appoint ***Trustee William Goodwin*** 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.

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

Resolution by Trustee Gross, seconded by Trustee Goodwin

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 Adams has recommended the following appointments

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

**PLANNING BOARD**

**– Mark Terpolilli,** 702 Sayre St., Horseheads, **as Planning Board Alternate**, for a term which will expire the first Monday in December **2025**.

**ZONING BOARD OF APPEALS**

- **Ronald Finefrock,** 540 Highland Ave., Hhds.**, as Zoning Board of Appeals Member,** for a term which will expire on the first Monday in December **2028**.

**- George Koliwasky,** 303 Eleanor St., Hhds., **as Zoning Board of Appeals *Chairperson*, to fill the unexpired term of Thomas Skebey ending on the first Monday in December 2025.**

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Communication from Village Manager Nate 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 as Fire Inspectors and Code Enforcement Officers;

 - Kelby Benedict, Michelle Comstock - Deputy Clerks

 - Nate Nagle – Budget Officer

each for terms which will expire on the first Monday in December 2024.

 **Appointment of Police Chief**

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, on March 7, 2022 this Board appointed Michael Suhey for one year to serve as part-time Police Chief of the Horseheads Police Department, and

WHEREAS, Chief Suhey 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 Suhey, and wishes to continue his employment in such capacity.

NOW THEREFORE BE IT RESOLVED, that pursuant to Village Law Section 8-800 Michael Suhey is hereby appointed as part-time Police Chief of the Village of Horseheads Police Department effective December 4, 2023, and be it further

RESOLVED, that Village Manager Nathan Nagle is authorized to enter into an employment agreement with Michael Suhey on behalf of the Village of Horseheads, effective immediately, at an annual salary of $34,999.00, for a term of one year, expiring on the first Monday in December, 2024. Except as noted herein, the terms, conditions, and requirements of said agreement shall remain the same as the expired agreement. A copy of said agreement shall be placed on file with the Village Clerk.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Public Utilities Resolution**

Resolution by Trustee Goodwin, seconded by 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, the Village has other similar regularly recurring claims such as Excellus Blue Cross Blue Shield, Greater Tompkins County Municipal Health Insurance Consortium and authorized Chemung Canal Credit Cards, and

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

WHEREAS, prompt payment of these claims in advance of presentation and audit may avoid incurring interest and penalties.

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, Excellus Blue Cross Blue Shield, Greater Tompkins County Municipal Health Insurance Consortium and authorized Chemung Canal Credit Cards. All such claims must be presented at the next regular meeting for audit and the claimant and the Officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows .

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Mileage Resolution**

Resolution by Trustee Cronin, seconded by Trustee Skroskznik

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 Internal Revenue Service establishes a “standard mileage rate” for computing the deductible costs of operating an automobile for business purposes and for determining the reimbursed amount of these expenses that is deemed substantiated, and

NOW THEREFORE BE IT RESOLVED, that the standard mileage rate should be the Internal Revenue Service rate prevailing at the time the expense is incurred by Village officers and employees who use their personal automobiles while performing their official Village duties, use of their personal vehicles for official business must have prior authorization by the Village Manager.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Set Date for Organizational Meeting 2024**

Resolution by Trustee Skroskznik, 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 2024 Village of Horseheads organizational meeting to be held at Village Hall on Monday, December 2, 2024 at 7:00pm.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

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

Resolution by Trustee Skroskznik, seconded by Trustee Gross

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, the Parks and Recreation Department, is promoting a public event called Holiday in the Square 2023, with the assistance of Christina Jackson and Kelly Sullivan, 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 15, 2023 for the purpose of a special event.

NOW THEREFORE BE IT RESOLVED, that the application of Horseheads Parks and Recreation Department 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 measurers, 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 Chapter 76 of the Village Code 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.
* This waiver is conditioned upon **Horseheads Brewing** submitted a plan to Village Manager Nagle for security, crowd control, etc. for the sites of waiver to assure that all New York State Alcoholic Beverage Control Laws are adhered to.
* **Horseheads Brewing** 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 **Horseheads Brewing** 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 Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

**Set Public Hearing: Special Use Permit, 3312 S. Main Street, Cannabis Cultivation**

From Manager Nagle - a Public Hearing is hereby scheduled for Monday, January 8th, 2024 at 7:05 p.m. regarding the application of UpState Craft Cannabis, LLC, 3312 S. Main St., Horseheads, for a Special Use Permit to operate a cannabis cultivation site at said location.

Discussion:

Location – old moose lodge across from Spectrum building.

Trustee Skroskznik: We need further discussion on this. We are just inundated with all these sticker shops, now we will have a grow site. So how did this all happen.

Village Manager Nagle – Owner of property owner is utilizing front half, and back half is for

cultivation, which will be licensed through New York State. It has gone to the Village Planning Board, who recommended approval. The County and Town planning Board will also be meeting regarding this. It will all be done indoors.

Planning Board Chair Mike Stenpeck – saw sticker shop sign in that location.

Trustee Goodwin – public can’t do anything though since it’s a state license. With sticker shops, we don’t get any tax revenue. Once the state puts dispensaries in, the Village would be making 3%. This is a grow operation. Do we get any money from this?

Manager Nagle – I do not believe cultivations have this. We would get sales tax just like any other.

Trustee Goodwin – why do they want to be in town, and not out on a farm, etc.

Mike Stenpeck – we asked these questions, we looked at everything. We found nothing negative about this application.

Trustee Gross- are neighbors notified of public hearing. Nate – yes, within 500 feet gets a letter.

 ***Trustee Skroskznik – does Code know what business is occupying the store front.***

 ***Code Enf – It is a bracelet store.***

***Trustee Skroskznik – Is it same owner of sticker shop there?***

Nate – I believe owner is leasing to both businesses.

Code Enf. Officer Bob Young – yes, and they don’t have anything to do with each other.

**Audience Participation**

Don Fischer, 306 Bentley Place – on behalf of Town of Horseheads, congratulations to Mayor Adams, we look forward to working with you.

As there was nothing further to come before the Board, on a motion by Trustee Skroskznik, seconded by Trustee Cronin, the meeting was adjourned at 7:30 p.m.

/rmb