

Minutes

Village Board of Trustees

October 12, 2021

A 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 Attorney John Groff Donna Dawson- Clerk/Treasurer Kelby Hollenbeck- Deputy Clerk Elliott Blauvelt- ZBA Chief Thomas Stickler- PD Chief Arthur Sullivan- FD Tom Palmer
<u>Others Present</u>	
Mark Terpolilli Don Zeigler Sue Benjamin Tyrone Bennett Colleen McGurgan Terry Oakley	Josh Baker Ben Marrengale Jeff Lovette Louise Audinwood Harry Audinwood

Started the meeting with a ceremony for newly appointed Police Sergeants- Sergeant Patrick Audinwood and Sergeant Cory Rose

Approval of Board of Trustees Minutes for 09/13/2021

Resolution by Trustee Cronin, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 13, 2021, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Receipt of Planning Board Minutes for 09/27/2021

Resolution by Trustee Cronin, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Planning Board Meeting of September 27, 2021, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

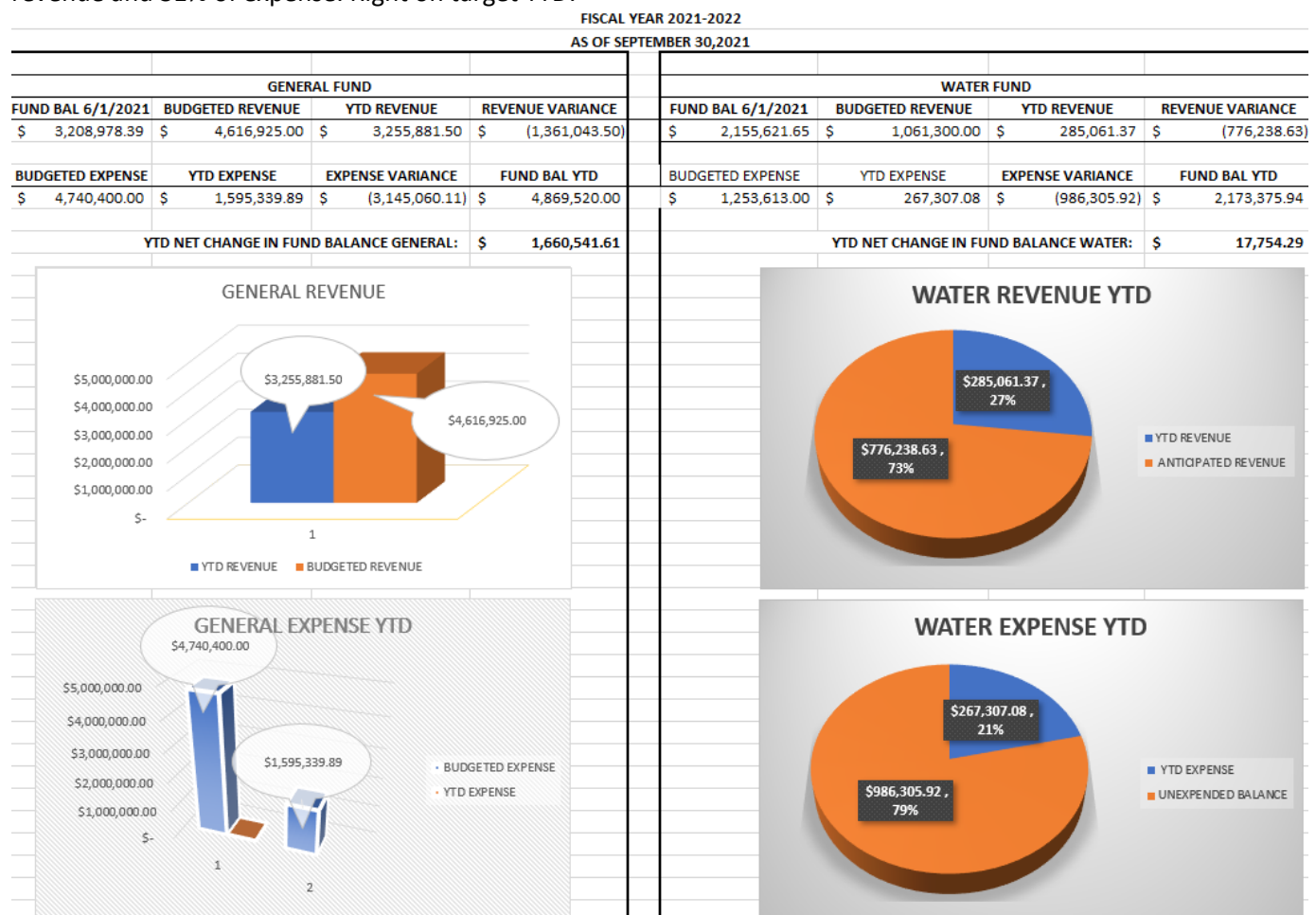
Mayor Maloney: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Financial Update Report

Donna Dawson: On the general side we are at 71% of revenue, and 33% of expense and water 62% revenue and 31% of expense. Right on target YTD.



Rescind Village Manager Approval of New Firefighters

Attorney Groff: At a previous meeting the Board gave Village Manager the authorization to approve firefighters for the fire department to accelerate the process. This could not be done as per Section 10-1010 of Village Law and this is to delegate authority back to the Board as Fire Commissioners.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, on January 28, 2021 the Village of Horseheads Board of Trustees adopted a resolution delegating the authority of the Board of Trustees, acting as the Board of Fire Commissioners, to approve the membership of individuals to the Horseheads Fire and Rescue Company, Inc. in accordance with Village Law Section 10-1000(5) and Section 10-1006(2) to shorten the period of time as much as practical between such individual's application for membership and approval of such membership, and

WHEREAS, upon further review of Village Law Section 10-1006(14) provides in pertinent part that a Village may not adopt a Local Law changing, amending, or superseding this section.

NOW THEREFORE BE IT RESOLVED, that effective immediately the delegation of approval of the application for membership of an individual to the Horseheads Fire and Rescue Company, Inc. is rescinded and the prior practice of approval of such membership applications by the Board of Trustees acting as Fire Commissioners is reinstituted.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Authorization to Execute PBA Contract

Village Manager Nagle: There is nothing new from discussions in September. Have not heard from anyone regarding Executive Session either. We are at the point of executing or initiating the Memorandum of Agreement.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, the collective bargaining agreement between the Village of Horseheads ("Village") and the Horseheads Police Benevolent Association, Inc. ("PBA") expired May 31, 2021, and

WHEREAS, negotiating committees for the Village and the PBA have, in good faith, engaged in negotiations to arrive at a successor collective bargaining agreement, and

WHEREAS, Village Manager Nathan Nagle has reported to this Board periodically regarding the progress of the negotiations and recently reported that the negotiating committees for the parties have reached an understanding in concept as to the Terms and Conditions of a successive collective bargaining agreement which would cover the period June 1, 2021 through May 31, 2025, and

WHEREAS, Village Manager Nagle has informed this Board of the details of the conceptual understanding and the negotiators for the PBA were to have similarly informed the members of the union, all for their respective review and consideration, and

WHEREAS, this Board finds that the best interests of the Village are served by entering into a successive collective bargaining agreement with the PBA on the basis of the conceptual understanding.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that Village Manager Nathan Nagle is hereby authorized and directed to conclude the contract negotiations, to cause the elements, terms and conditions of the understanding to be reduced to contract language and compiled into a successor collective bargaining agreement and is further authorized and directed to execute same when such agreement is in a form satisfactory to Village Manager Nagle and the Village's legal consultant Roemer Wallens Gold & Mineaux LLP.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Amendment to JCAP Grant Application Approval

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, the Village of Horseheads Board of Trustees adopted a resolution, at its September 13, 2021 meeting, approving the submission of a grant application for the JCAP Program, and

WHEREAS, subsequent to the adoption of the resolution the Board learned that the application required specific verbiage in the resolution approving the application as there was a deadline for the submission of such application.

NOW THEREFORE BE IT RESOLVED, that the JCAP resolution adopted September 13, 2021 is amended as follows, such amendment to be retroactive to September 13, 2021:

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

WHEREAS, OCA is offering a grant entitled Justice Court Assistance Program (JCAP) which for the 2021-2022 grant cycle is up to \$30,000.00, and

WHEREAS, Village Justice David Brockway and staff have reviewed the program and determined that aspects of the grant would enhance the Village of Horseheads Justice Court administration by providing office items such as a shredder, filing cabinets, podium, benches, clerk's desk chair, and conference chairs, and

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

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

WHEREAS, the grant does not require a local match, and

WHEREAS, Village Manager Nathan Nagle has reviewed the grant program and the proposed application and has recommended the approval of submission of such grant application.

NOW THEREFORE BE IT RESOLVED, the Board of the Village of Horseheads authorizes the Horseheads

Village Court to apply for a JCAP grant in the 2021-2022 grant cycle up to \$30,000.00.

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

Roll Call Vote:

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

Set Halloween Times for 2021

Trustee Goodwin: Did any municipalities in the County move to Saturday?

Village Manager Nagle: Not to my knowledge, nor has anyone in the county cancelled their Halloween festivities.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

BE IT RESOLVED, that the date and times for Halloween in the Village will be Sunday, October 31st, between the hours of 5:30pm – 8:00pm.

Roll Call Vote:

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

Authorization to Hire a Full-Time Department of Public Works Employee

Village Manager Nagle: We have been on a hiring freeze and in order to hire a full-time employee we have to go through the thawing process. This resolution allows the Village to go forward with hiring a full-time DPW employee.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, on December 13, 2018 the Village of Horseheads Board of Trustees established a hiring freeze as to all full-time employee positions in the Village of Horseheads, and

WHEREAS, such freeze may be lifted and rescinded at the discretion of this Board, and

WHEREAS, Village Manager Nathan Nagle has reported to this Board that the department of public works has the need to hire an additional full-time department of public works employee to fill a vacancy of an employee that resigned their position effective October 7, 2021.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to take any and all reasonable steps necessary to hire a full-time department of public works employee.

Roll Call Vote:

Mayor Maloney: Aye
Trustee Goodwin: Aye

Trustee Cronin: Aye

Donna Dawson: Would like to introduce our new water service operator, Tom Palmer.

American Legion Riders Post #442 Gift Acceptance Resolution

Resolution by Trustee Cronin, seconded by Trustee Goodwin

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

WHEREAS, American Legion Riders Post #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 Riders 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 Riders 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 Vote:

Mayor Maloney: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Trustee Gross joined the meeting at 7:25pm

Authorization to Attend PERMA Training Conference

Village Manager Nagle: This is a fall conference with PERMA, the agenda is in the packet. This is for 10/28-10/29. There is no fee for the classes, just the overnight and the session is based on marijuana and risk management, expelling myths, and fiscal consequences and other information regarding the new marijuana law.

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads is a member of Public Employer Risk Management Association, Inc

(PERMA) and PERMA conducts multiple virtually and in-person trainings and education programs for municipal officials throughout the year,

WHEREAS, the Village has a long-standing history of sending Village officials and staff to the training school, benefitting immensely from the various trainings such officials and staff receive at the school and bring back to the Village, and

WHEREAS, the PERMA 2021 Fall Education Conference shall be conducted as an in-person event at the Turning Stone Casino in Verona, New York with a registration fee of \$0.00 per official who attends with meals provided, and hotel accommodations of \$119.00 per night for a total of two (2) nights, and

WHEREAS, Village Manager Nathan Nagle has requested authorization to attend this training, and

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized to attend the PERMA 2021 Fall Education Conference October 28 – October 29, 2021 in Verona, New York with all expenses paid as are allowable under Section 77-B of the General Municipal Law.

Roll Call Vote:

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

Village Manager Nagle: If any trustees would like to attend, you are more than welcome.

Approval of the 2022 Amendment to the Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium

Donna Dawson: The amendment is regarding adding 4 new municipalities and the law states that the contract changes that take place need to be accepted by resolution.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads is a Participant in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010),

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans, and

WHEREAS, the Agreement sets forth in Section Q2 that continuation of the Consortium under the terms and conditions of the Agreement, or any amendments or restatements thereto, shall be subject to Board review and upon acceptance of any new Participant hereafter, and

WHEREAS, by motion 001-2021 the Consortium's Board of Directors recommends approval of the 2022 Amended Agreement, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by its municipal board,

WHEREAS, the Village of Horseheads is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the attached 2022 Amended Municipal Cooperative Agreements, now therefore be it

RESOLVED, that the Village of Horseheads approves and authorizes Village Manager Nathan Nagle to sign the 2022 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium, and

RESOLVED, further, that the Clerk of the Village of Horseheads is hereby authorized to execute this Resolution to indicate its approval, transmit a copy thereof to the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, and take any other such actions as may be required by law.

Roll Call Vote:

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

Schedule a Public Hearing- Special Use Permit 607-609 S Main Street

Village Manager Nagle: I don't believe we have the correct address in the resolution, 111 is the applicant and 607-609 S Main is the address this is in regard to.

Attorney Groff:

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, St John's Building Corp. ("Applicant") recently purchased 607-609 South Main Street, Horseheads, NY (Tax Map Parcel 59.10-3-60), and

WHEREAS, the Applicant would like to use this site for its purposes as a fraternal organization which is not a permitted use in a C-2 zone, and

WHEREAS, the Applicant has applied for a Special Use Permit to use this site as a fraternal organization, and

WHEREAS, Special Use Permits are subject to the approval of the Village of Horseheads Board of Trustees after a Public Hearing thereon.

NOW THEREFORE BE IT RESOLVED, that a Public Hearing regarding this application is hereby scheduled for Monday, November 8, 2021 at 7:10 p.m. at 202 S. Main Street, Horseheads, NY.

BE IT FURTHER RESOLVED, that Clerk/Treasurer Donna Dawson shall cause notice of the Public Hearing to be published and posted as required by Law.

Trustee Gross: Is the neighborhood considered a business neighborhood?

Attorney Groff: Yes, it is a C2 Zone

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Schedule a Public Hearing for PUD Amendment- 2977 Westinghouse Road

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, AJD Properties of Horseheads, LLC ("Applicant") is the owner of real property commonly known as 2977 Westinghouse Road, Horseheads, NY (Tax Map Parcel 48.16-1-1.53), and

WHEREAS, the property is a portion of an approved Planned Unit Development ("PUD"), and

WHEREAS, the Applicant has applied to the Village of Horseheads Board of Trustees for an amendment to the PUD to allow for construction and installation of a sign to be located on Watkins Road (NYS Route 14) approximately 180' northerly of its intersection with Westinghouse Road and approximately 30' the westerly line of Watkins Road, and also seeks to convert a concrete island located at the northerly driveway on the site providing ingress and egress to Watkins Road, to a brick flower bed, and

WHEREAS, approval of such changes would necessitate an amendment to the PUD, and

WHEREAS, amendments to the PUD are subject to review and approval of the Village of Horseheads Board of Trustees after a Public Hearing.

NOW THEREFORE BE IT RESOLVED, that a Public Hearing regarding said application is hereby scheduled for Monday, November 8, 2021 at 7:05 p.m. at Village Hall, and further, that Clerk/Treasurer Donna Dawson shall cause posting and publication of a notice of such hearing as required by law.

Roll Call Vote:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Cronin: Aye

Donna Dawson: We had a request for an add-on from the fire department to admit new members.

Add-on Resolution: Approval of New Fire Department Members

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Thomas Margeson, David Zinck, and Tony Zulkosky have applied for and received admission to the Horseheads Fire and Rescue Company Inc., and

WHEREAS, associated with their membership in the Fire Department requires approval of same by the Village of Horseheads Board of Trustees acting as Fire Commissioners.

NOW THEREFORE BE IT RESOLVED, that the above named individuals are accepted as members in the Village of Horseheads Fire Department and will be subject to a one year probationary period as such.

Roll Call Vote:

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

Audience Participation

Don Zeigler: Member of the Masonic Lodge, aware this is not a public hearing but would like to give opportunity to the Board to ask the President of the Lodge questions if necessary as he will be out of town at the Pubic Hearing. It is the former Napa Auto Parts building. Provided a background of Mason's history and discussed what changes would be done within the building.

Mark Terpolilli: Thank you to everyone that got the no parking signs up by the park.

Elliott Blauvelt: Thank the Board and Planning Board for forwarding the request for the Masonic Lodge.

Manager's Report

Next water billing cycle we will start the late fee charges again, we are beyond the end of the pandemic, and we are going to start them again.

In November, we are going to have the water commissions meeting. Would like to consider the expansion of the water system up into the Oak Hill area. It is in the Town and the Town would have to create the funds for the expansion. We will have maintenance once it is put in. 17 residents in the area that would be added to the system.

Mutual Aid with Fire Department with the Airport, , this is acknowledging that we would like to continue with the mutual aid to the airport which is out of our service area.

Chief Arthur Sullivan: We would have to supply mutual aid regardless per our NYS training classes and we have been working with the airport for years.

Everyone is in agreement to continue with the mutual aid to the airport.

Attorney Groff: We needed approval from the Board as fire commissioners that they are in favor of

moving forward with this. A resolution will follow at a later date.

Information from NYCOM conference in packets for Board review. Participated in several sections of the conference that were very informational.

Regarding Marijuana- there are dispensaries everywhere in Colorado but very few to no lounges in communities. Most people purchase at dispensaries and take home to consume.

Around the Table

Chief Arthur Sullivan: Hosted an extrication class for vehicles, was very successful. Thank you to the local businesses that donated time and materials- Pick-A-Part, Dave's Towing, Recycling by Green Leaf, Terps, Matt Mustico and the DPW.

Chief Thomas Stickler: Congratulations to Sergeant Rose and Sergeant Audinwood. Announced intent to retire and will stay through the transition to the next chief. Would like for the Board to look into reinstating the Chief of Police position to a full-time position. Appreciate the support received during his years of service.

Attorney Groff: Congratulations to Chief Stickler on upcoming retirement and good luck.

Trustee Cronin: Congratulations to the new Sergeants. Thank you to the local businesses that donated to the Fire Department. Thank you to the Masonic Lodge for staying in the Village. Congratulations to Chief Stickler on his future retirement. Have met twice in regard to the Farmland and have been talking about it. The general consensus is we need to move the land forward, but also need to take care of existing facilities as well and not duplicate facilities.

Trustee Goodwin: Great job tonight, Kelby. Congrats to new Sergeants. Congrats to Chief Stickler on your impending retirement. Brainstorming for the park committee.

Mayor Maloney: Please let the Board know when the next Farmland committee meeting is.

Trustee Gross: Congratulations to Chief Stickler, thank you for everything you've done with all of your years of service. For Code Enforcement- complaints about pigeons. Thank you all for your help with Carl.

Mayor Maloney: Congratulations and thank you to Chief Stickler. Congratulations to Sergeant Audinwood and Sergeant Rose. Earlier this month firefighter Mike Kartychak was proclaimed as the 2021 Kiwanis Firefighter of the Year. Had a phone meeting with Fire Districts within New York State and had Attorney Groff join it as well for further discussion on what the process is if one should wish to move forward.

Attorney Groff: Exploring if other areas would like to be included in it is better up front than later. The Village owns the building and equipment of the Horseheads fire department.

Village Manager Nagle: Our new police vehicle that was ordered in April was delivered today. The most recent police vehicle in an accident was totaled.

As nothing further came before the board, Trustee Gross motioned to close the meeting, seconded by Trustee Goodwin the meeting was adjourned at 8:15pm.

Minutes

Village Board of Trustees

November 8, 2021

A 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 Skroskznik Trustee Mark Cronin	Village Manager Nate Nagle Manager's Assistant Jessica Molter Attorney John Groff Donna Dawson- Clerk/Treasurer Kelby Hollenbeck- Deputy Clerk Chief Tom Stickler- Police Dept. Chief Artie Sullivan- Fire Dept. Dona Gaylord-Water Dept Ben Howe- Police Dept. Steve Smith- Water Dept. Tom Palmer- Water Dept. Melanie Smith- ZBA Mike Stenpeck- Planning Board Elliott Blauvelt- ZBA
<u>Others Present</u>	
Kristyn Geiser Dr. Tom Douglas Marc Terpolilli Brad Davies	Anne Marie Ronan Drue Hontz Jeff Smith Jamie Genzel

Chief Stickler introduced the newest Police Officer, Ben Howe

Approval of Board of Trustees Minutes for 10/12/2021

Resolution by Trustee Gross, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 12, 2021, be dispensed with and the same stand approved as amended adding that Trustee Skroskznik was in attendance.

Roll Call Vote:

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

Trustee Skrosznik: Aye
Trustee Cronin: Aye

Public Hearing: PUD Amendment: 2977 Westinghouse Road SEQR

Attorney Groff opened the public hearing.

No comments were made regarding the proposed PUD Amendment at 2977 Westinghouse Road.

Attorney Groff closed the public hearing.

Reschedule Public Hearing for 607-609 South Main Street

Attorney Groff: This public hearing has to be rescheduled as the application was incomplete and missing required information for the Special Use permit for the Mason's. This requires a site plan and site [plan review by the Planning Board. Once received, they will be reviewed and then sent to the Board of Trustees if the Planning Board approves.

Water Commissioners Report

WIIA Update:

Jamie Genzel: We are currently awaiting EFC approvals, all documents have been submitted once we get approvals will send Phase I out to bid and hope to have Phase I construction started in March (Ridge Road, Center St, and Holding Point). There is currently a long lead time on product. Phase II (numbered streets, dead end water and gate valve replacements) bid requests will be sent as soon as Phase I is back.

Discussion ensued regarding next steps.

Village Manager Nagle will need to be given authorization to go out to bid once we have received approval from EFC. Can provide further approvals at the next meeting.

Raybern Utility Update:

Drue Hontz and Ann Marie Ronan gave a presentation on what Raybern does as a company. They have been working with Village staff to determine where the unaccounted water was coming from as the Village is losing/missing a large amount of water and they are hopeful that their data analysis will help to greatly reduce the quantity of unaccounted water.

Discussion further ensued regarding Raybern and what they are attempting to do to help the Village.

SRBC Renewal Update:

Village Manager Nagle: We have been working on the renewal for 5+ years, SRBC is currently reviewing the application, they have a portion that needs to be completed before moving forward. Moody's did the test in July 2020 on the filter plant and well 5 and information was submitted at that time. Data is missing, we have to redo the test. We are able to perform the test without Moody's back on site. We will shut down the filter plant for 24 hours at a date to be determined, ran for 72 hours and then shut down for another 24 hours. Once that section of application is approved, then SRBC will move to the next portion. Once this is completed, we will have a 15-year permit.

Oak Hill Water District:

Village Manager Nagle: There is interest in the Oak Hill area with the residents to create a water district. They have filed a petition with the Town to put in infrastructure, there is talk with the Town of Horseheads to apply for the WIIA grant to put in the infrastructure. There hasn't been much

conversation between the Village and Town regarding this. Once the installation is done, it would have to be dedicated to the Village to be put into the water system, then the residents or Town will be billed for the infrastructure upkeep. Do we wish to expand our water system? This would include additional hydrants as well as water services and 17 new bills to be paid. Are you prepared for the maintenance? Would need a pump station too.

Discussion ensued regarding the merits of expanding the Village's water to Oak Hill.

The applicants wouldn't be interested if they do not get a grant, they do not want to move forward if there is not a grant.

Water Shut-offs

Village Manager Nagle: We send out a lot of letters and they are not responded to, appointments are not kept. We are looking at what our next step is. Per our rules and regulations the next step is shut off and charge to shut off and turn back on. We just need access to the meters to confirm they are working properly. Certified mail versus regular mail is a possibility.

Donna Dawson: We need access to meters. Meters cannot be moved to the outside, they will freeze. The meters are inside the houses.

Village Manager Nagle: This is regarding access, not delinquent accounts, that is another category.

Kelby Hollenbeck: We need to make sure the meters are programmed correctly and are working correctly.

Attorney Groff: They are looking for the Board's support for this. Recognize that it is emotionally and politically challenging.

Don Gaylord: There are probably 35 right now we need to get into.

Trustee Skroskznik: Send a certified letter that is like what was sent previously and strongly word access is needed and what the ramifications will be if access is not granted.

Steve Smith: This is not the only problem that will be faced regarding needed access, this will be going forward as well.

Attorney Groff: Have the ability to shut off once all procedures are followed.

Donna Dawson: Certified mail is \$8 a letter, what about posting on the door?

Village Manager Nagle: The thought of certified mail, is that there is proof that it was received.

Discussion further ensued.

The Board is in favor of this as long as we follow the proper steps.

Proclamation: Mr. Joe Along:

WHEREAS, the Village of Horseheads, and the Southern Tier of New York, have had the good fortune of having Joseph Along as one of its residents for many years, and

WHEREAS, Joe is well known for his knowledge, dedication to family, commitment to the community, instrumental involvement with CCSD Credit Union, and educating the youth at Horseheads High School from 1955 to 1977, and

WHEREAS, on the occasion of Joe's 100th birthday, the Village of Horseheads would like to take this opportunity to wish him many more years of health and happiness, and to thank him for his dedication to our community.

IT IS WITH GREAT PRIDE, that I, Robert Maloney, Mayor of the Village of Horseheads, do hereby wish a heartfelt Happy 100th Birthday to Joseph Along, and I ask all members of this community to join me in wishing him a very happy birthday.

Fire Department Gift Acceptance from Fire Company

Chief Sullivan: This is in addition to our existing equipment and will help to support that and the Fire Departments efforts to keep the residents safe.

Resolution by Trustee Skrosznik, seconded by Trustee Goodwin

WHEREAS, the Horseheads Fire and Rescue Company, Inc. wishes to donate equipment to the Horseheads Fire Department, and

WHEREAS, the equipment identified as a TNT Rescue STORM Series Battery Operated 40" Ram with 2 batteries and 1 charger valued at \$7,925.00 and a Zico Quic-Mount Multiple Extrication Tool Holder with Ram Bracket valued at \$1,965.00, 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 Fire Department has stated that the equipment will enhance the ability to perform its mission to fight fires, protect property, save lives, and provide emergency response, 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 as Fire Commissioners of the Village of Horseheads Fire Department does hereby accept the gift of above-noted property from the Horseheads Fire and Rescue Company, Inc ("Company"), and Village Manager Nathan Nagle shall extend to the Company the Village's appreciation for the generous gift, and be it further

RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

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

Fire Department County Community Development Grant Resolution

Village Manager Nagle: We did not receive the AFG grant we submitted early in the year, through the Chemung County Community Development, Legislature Sweet has \$5,000 we can apply for. This is for a thermal camera and accessories.

Resolution by Trustee Gross, seconded by Trustee Skrosznik

WHEREAS, Chemung County has 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, Chief Arthur Sullivan has presented a grant opportunity to this Board whereby a non-matching fund grant from the Chemung County Community Development Fund would provide for funding to purchase a Thermal Camera Kit and Truck Charger which would enhance the public health and safety function of the Horseheads Fire Department and the Village, 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 application for the grant be approved.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to oversee or proceed with the submission of the grant application and the subsequent administration of same should the application be approved.

Roll Call Vote:

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

Authorize Acceptance of the Settlement for NYSEG GRT

Village Manager Nagle: For several years, NYSEG did not submit the part of the gross receipt tax on the delivery of their services. Our Village and many other municipalities went through Computel to negotiated and work through the process, a settlement has been made. Our portion of the settlement is \$13,000 then Computel will receive 33% of that and going forward NYSEG will be giving the Village the 1% gross receipt tax on delivery services. We will not receive the settlement monies until all municipalities sign and send back the agreement to Computel.

Trustee Goodwin: What if we do not accept the settlement?

Village Manager Nagle: We could drop out or pursue them ourselves, but we have used Computel for years for items like this

Discussion further ensued.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads imposes a Gross Receipts Tax, also known as utility tax, pursuant to Chapter 226 of the Village Code, and

WHEREAS, pursuant to this Law a tax was imposed upon up to 1% of NYSEG's gross revenue from transactions originated or consummated within the Village's territorial limits, and

WHEREAS, NYSEG disputed whether the imposition of this tax was imposed on revenue it received from its customers taking delivery service from NYSEG but received commodity service from a third party provider, and

WHEREAS, the Village and other municipalities in New York State engaged Computel Consultants (Computel) as its agent for all matters relating to the tax and the dispute, and

WHEREAS, NYSEG and others have offered to settle the dispute with the Village and other municipalities prior to the date that NYSEG will begin collection of the tax on delivery service from NYSEG for commodity service from a third party provider due to a revised tariff with the Public Service Commission, and

WHEREAS, Village Manager Nathan Nagle and Village Attorney John Groff have reviewed a proposed global Settlement and Release Agreement relative to the dispute whereby an amount of the settlement is apportioned to the Village of \$13,000.00, and

WHEREAS, Village Manager Nagle and Attorney Groff have recommended acceptance of the Settlement and Release Agreement, and

WHEREAS, it appears to be in the best interests of the Village to settle the dispute as recommended without further attendant legal and other litigation expenses relating to the dispute.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees as follows:
Village Manager Nagle be and hereby is authorized to enter into the Settlement and Release Agreement on the terms set forth therein.
This resolution shall take effect immediately.

Roll Call Vote:

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

Extend Contract with Attorney John Groff

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads and Attorney John Groff entered into a Consulting Agreement for the provision of legal services to the Village effective August 1, 2018, and

WHEREAS, that agreement has been amended from time to time for a continuation of those legal services, and

WHEREAS, the parties wish to continue that agreement and the provision of such services.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized to execute Addendum #3 to such agreement effective June 1, 2021.

Roll Call Vote:

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

Discussion: Continuation of Discussions with Raybern with Possible Extension

Manager Nagle: We will be setting up a meeting with Raybern to determine if we would like to continue the contract based on their presentation tonight and their answer to some further questions that Village staff has for them. Once we have an idea what to do going forward, we will discuss it at the December 6th meeting and take action if needed at that time.

Discussion further ensued regarding Raybern

Mutual Aid Agreement with the Airport

Village Manager Nagle: We already have a fire mutual aid with the county, and one of the questions is why we have to have a separate agreement and it doesn't provide anything for the Village, so not mutual aid, just what the Village provides to the Airport.

Chief Sullivan: They could provide aid to the Village with their foam equipment if there was a major fuel leak/spill.

Attorney Groff: The agreement is directed toward aid provided not received. Inconsistent with the County mutual aid program. It needs to be further developed and the agreement should be more comprehensive. And why is this being required, as it appears duplicative of what is in place.

Mayor Maloney: Believe that the FAA is requiring it to show what each department will provide depending on the level of request.

Discussion further ensued; action delayed for further information.

Discussion and Action: Create Full-Time Recreation Leader Position

Village Manager Nagle: Creating a new position in the Village as a recreation leader. Proposing a full-time position with benefits. Salary range is typically between \$28,000 – \$31,000. From this position moving up to supervisor and then hopefully director as the position allows. Working with the Town of Horseheads as Parks and Recreation is restructured and how to work together with amenities and personnel. This would be step one. This is when we start planning for spring and summer activities. This would free up a fair amount of time for the Village Manager, the individual would be supervised by the Village Manager.

Resolution by Trustee Skrosznik, seconded by Trustee Gross

WHEREAS, the Board of Trustees of the Village of Horseheads believe that the functions of the Parks and Recreation Department can be enhanced and performed more economically and efficiently by creating a new position within the Department entitled "Recreation Leader, FT;" and

WHEREAS, the Village wishes to create a full time position entitled "Recreation Leader, FT" with the responsibilities and duties outlined in the Civil Service Job Description, attached hereto as Exhibit A, and

WHEREAS, the board has imposed a hiring freeze.

NOW, THEREFORE, BE IT RESOLVED the Board of Trustees of the Village of Horseheads hereby lifts the above noted hiring freeze and does create a position entitled "Recreation Leader, FT" with the responsibilities and duties outlined in the Job Description, Exhibit A. Village Manager Nathan Nagle is authorized to fill the position at his discretion. Further, the hiree shall report to the Recreation Director.

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

Roll Call Vote:

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

Audience Participation

Melanie Smith: Regarding the shut offs for non-answer, would send a certified letter and shut off if there is no response to it.

Dr. Tom Douglas: Feel updating the entire district will take 3 steps for renovation. The first phase will be complete end of next summer. The tax rate did not go up as much as anticipated initially. Taxes will increase in the future, the value of the district and opportunities are increasing. The information will be sent out with the information regarding tax increases and other updates within the school district. The next phase is a \$122,000,000 phase. Center Street Elementary School, at the end of the next phase, would be used in an adult based use building or district office, community center or recreation center.

Elliott Blauvelt: With the amount of water loss in October, do we still have water mains that need to be replaced?

Manager's Report

2 dates and times established for harassment training for those that haven't completed. Wednesday 11/10 at 10am and Tuesday 11/16 at 6:00pm. Both at Village Hall

PERMA Meeting: There was handouts to look through from each course.

Received approximately 20 applications for vacant DPW position and will be setting up interviews, hoping to have someone on board the first part of December.

Holly Days was cancelled, thought it was in the best interest of the Village. There are people in the community that would like to put together a winter activity and would like to have it Friday, December 17th from 6:00 to 9:00pm. Funding and liability is on the Village.

Discussion ensued regarding the holiday event.

Full-time/part-time police chief, Chief Stickler is retiring. Do we wish to replace with a full-time police chief or part-time. Seeking direction from the Board on how to proceed, full-time vs. part-time. Public meeting will be scheduled for discussion for this, along with other items in another meeting, will

send out dates to determine what dates are best.

Discussion with the Town regarding Cannabis Tax: In discussion with the Town working on if it will be split 50/50 or if we would get the full 3% cannabis tax.

Plow Truck Update: Nothing has changed, the truck has been delivered (chassis, plow, and controls) and there is no date as to when a body will be delivered. We haven't made any payments on it either.

Most likely at the December 6th meeting may be requesting approval to apply for the AFG grant for the fire department. Will need to look into it further.

NYSERDA update: There is a clean energy scorecard, we have been working on this. Earned 2200 points and 3 actions completed. With a 4th action means a \$5,000 grant for NYSERDA and 3,000 points we would qualify for a \$10,000 grant. The lights on the one list we have already converted lights to LED and turning in paperwork which provides for an opportunity for a \$5,000 grant. Code officers will be attending the energy code enforcement training. Benchmarking of buildings and reporting- this is information we have on hand that needs to be input into NYSERDA's preferred platform. This is benchmarking of our own self. Discussion ensued regarding NYSERDADA and how we can obtain the points for increased grant money.

Around the Table

Trustee Skroskznik: Thank for to those that attended and Happy Thanksgiving

Trustee Goodwin: Neighborhood watch meeting will be December 7th at Village Hall. Keep Gary in your thoughts.

Trustee Gross: Thank you for the proclamation for Mr. Along. Happy Thanksgiving

Attorney Groff: Provided the Board with the proposed Law for opting out of cannabis consumption establishments for their consideration, thanks for extending his contract and Happy Thanksgiving

Trustee Cronin: Thank you

As nothing further came before the board, Trustee Skroskznik motioned to close the meeting, seconded by Trustee Goodwin the meeting was adjourned at 10:03pm.

Minutes

Village Board of Trustees

November 23, 2021

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 6:00 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- absent Trustee Bill Goodwin Trustee Mike Skroszchnik- absent Trustee Mark Cronin	Village Manager Nate Nagle Manager's Assistant Jessica Molter Attorney John Groff Chief Tom Stickler Brian Eno Elliott Blauvelt- ZBA Mike Stenpeck- Planning Board
<u>Others Present</u>	
Don Zeigler	Howard Henry

Manager's Report:

Hired Brian Eno as the new DPW Laborer, he has worked in Parks and Rec department for approximately 2.5 years.

Tomorrow, 11/24/2021, Mayor Maloney, Trustee Cronin, Jessica and the Village Manager will be meeting with representatives from a company regarding Electric Vehicle charging stations and how it works through NYSERDA.

Traffic Commission minutes and festival application is in the packets. Traffic Commission discussed the flashing stop signs at Center Street and the one at Broad Street and that they seemed to be doing a good job. Most of the meeting was regarding Holiday in the Square on December 17, 2021, from 6:00pm to 9:00pm, closing Hanover Square from 4:00pm to 10:30pm. This will basically be replacing Holly Days for this year. The application needs more information, there is a lot missing. The group will be hosting this event on our behalf. We are taking full responsibility; the group will be coordinating everything. Need more information regarding location of things, as well as information regarding the beer tent.

Requested that all information regarding the beer garden vendor is in prior to the meeting of December 6th for possible approval. There is a concern with timeline for vendor application receipt and the date of the event. Looking into only shutting down S. Main from Broad Street to Franklin if the number of vendors doesn't warrant the shutdown of the entire Square with the stage at the intersection of Franklin and South Main facing south, it will need to be shut down at 3:00 if that is what will be shut down. Discussion ensued regarding the anticipated Holiday in the Square event and the logistics of it, focusing

on the beer garden.

December 6th the Board will be able to give approval or disapproval for the beer garden.

Attorney Groff joined the meeting at 6:14pm

Attorney groff offered a resolution to the Board

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, Christina Jackson, a volunteer, has applied on behalf of Village of Horseheads Parks and Recreation Department for approval of a special event known as Holiday in the Square 2021 to be conducted on December 17, 2021 between the hours of 6:00pm and 9:00pm, and

WHEREAS, this application has been reviewed by the Traffic Commission of the Village of Horseheads, in particular with reference to public and safety aspects relating to the application, and

WHEREAS, the application has been found to be incomplete in numerous respects that have been identified by the Traffic Commission, and

WHEREAS, this Board has considered the application based upon the information that it presently has at its disposal, and

WHEREAS, this Board feels that additional information is necessary for it to have its full and complete approval.

NOW THEREFORE BE IT RESOLVED, that the application as identified above Is approved subject to the following conditions:

1. The applicant will work diligently and aggressively with the Village Manager, keeping the Village Manager informed from the date hereof through December 10, 2021 with respect to the number of vendors enrolled or scheduled to be a part of the event.
2. The applicant will provide Village Manager Nagle with the necessary details as determined and required by Village Manager Nagle regarding the proposed beer garden including the size of same, and will provide adequate, as determined by Village Manager Nagle, security for such event which will include monitoring of the appropriate ages of the participants in the beer garden as well as issues regarding consumption, et cetera. The applicant will be required to provide indemnification and appropriate insurances as required by Manager Nagle at his discretion.
3. Be it further advised that the footprint of the event, which is presently described as the Hanover Square area, shall be subject to being reduced in size to an area comprised by South Main Street, bordered on the North by Franklin Street and on the south by Broad Street, at Village Manager Nagle's discretion based upon the anticipated number of attendees and the number of certified vendors at the event.

BE IT FURTHER RESOLVED, that as the event evolves in details, information will be provided to the Police Department, Fire Department, and Department of Public Works so that they can adjust their procedures for public health and safety concerns and identification of appropriate staffing and overtime issues related to the planning of the event.

BE IT FURTHER RESOLVED, that the beer garden is subject to the receipt of appropriate event licenses

from the New York State Alcohol Beverage Control Board together with insurances and indemnification as noted above, this information is required to be provided by December 6, 2021.

Roll Call Vote:

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

Public Hearing: Special Use Permit for 607-609 S. Main Street:

Attorney Groff opened the public hearing regarding the special use permit request for 607-609 S. Main Street, Horseheads, NY.

Don Zeigler spoke in favor of the move for the Mason's from Hanover Square to 607-609 S. Main Street. He provided history of the Mason's along with what interior renovations are expected to be completed through the renovation of the new location. Mr. Zeigler also provided the financials for the Mason's to show that they are able to financially take on a renovation of this magnitude that will cost more than \$100,000 to complete. Same to be kept on file.

Attorney Groff closed the public hearing.

Attorney Groff: The Board is going through the Special Use Permit procedure because the zone that Mason's are moving to is not an authorized zone for a fraternal organization. The building has been purchased, they are not doing any major changes to the outside structure, but need approval to have their location be at 607-609 S. Main Street. They could not get a use variance because it was a self-created hardship.

Special Use Permit: 607-609 S Main Street SEQR

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, St. John's Building Corp ("applicant") is the owner of lands known as 607-609 S Main Street, Horseheads, NY (Tax Map Parcel #59.10-3-60) which are located in an C1 Commercial zone, and

WHEREAS, the applicant has applied for a Special Use Permit, and

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations 6 NYCRR Part 617, Section 617.6, Initial

Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed Amendment to the Special Use Permit ("Action"):

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

Roll Call Vote:

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

Special Use Permit: 607-609 S Main Street Approval

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, St. John's Building Corp ("applicant") is the owner of lands known as 607-609 S Main Street, Horseheads, NY (Tax Map Parcel #59.10-3-60) which are located in an C1 Commercial zone, and

WHEREAS, the applicant has applied for a Special Use Permit, and

WHEREAS, it has been determined that the Application is subject to consideration of the Village Board under Village Code Chapter 245, Zoning, and

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

WHEREAS, the Village Clerk-Treasurer has caused publication of a Notice of Public Hearing scheduled for November 23, 2021 pursuant to a resolution of this Board, and

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

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

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

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

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby approve of the application for the Special Use Permit for the location at 607-609 S Main Street, Horseheads, NY as requested, with the following considerations and conditions:

Considerations:

1. North point on site plan be waived as all parties concerned are familiar with the site and its current condition.
2. Existing water courses be waived as not applicable.
3. Buffer areas and landscaping be waived and existing vegetation be waived as they are known, not applicable, and unnecessary due to the location of the site and existing adjacent uses.
4. General description of provision of other community facilities is not applicable due to the applicant merely relocating.
5. Evidence of mix of land uses meeting community needs is waived as applicant is merely relocating.
6. Compatibility with comprehensive plan waived as applicant is merely relocating.
7. Certified economic analysis of project, waived as applicant is merely relocating.
8. The project exceeds \$100,000.00 in construction costs, applicant has submitted documentary evidence of financial ability to undertake and successfully complete the project.
9. Applicant has confirmed in writing its method of sewage disposal is Chemung County Sewer District, its solid waste disposal via private hauler, and source of water is Village of Horseheads Water Department.

Conditions:

1. Applicant shall submit a written request that site plan prepared by Peter L. Morse and Associates entitled *Drawing C-1* dated October 13, 2021, reissued November 15, 2021, be treated as both preliminary site plan and final site plan.

2. Applicant shall provide in writing location, design and size of all signage and outdoor lighting facilities, which shall be subject to review and approval of Village of Horseheads Code Enforcement Department.
3. Applicant shall revise the site plan to depict thereon the location, on its property, for storage and accumulation of refuse which shall be containerized and buffered from view, if a dumpster or dumpster-like containment facilities are used.

Roll Call Vote:

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

PUD Amendment: 2977 Westinghouse Road SEQR

Attorney Groff: This is for a sign on Westinghouse Road.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, AJD Properties of Horseheads, LLC ("applicant") is the owner of lands known as 2977 Westinghouse Road, Horseheads, NY (Tax Map Parcel #48.16-1-1.53) which are located in a Planned Unit Development (PUD), and

WHEREAS, the applicant has applied for a PUD amendment, and

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

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

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

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

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

1. The Action is subject to SEQR
2. The Action does not involve a federal or state agency.
3. The Action is preliminarily classified as an Unlisted Action.

4. The Board of Trustees is and will be the Lead Agency with respect to adoption of, and approval of, the Action.
5. The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.
6. The Village Board, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action, and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call Vote:

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

PUD Amendment: 2977 Westinghouse Rd Authorization for the Erection of a Sign and Flower Bed

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, AJD Properties of Horseheads, LLC has applied to the Village of Horseheads for approval of an amendment to the Plan for development of a Planned Unit Development at premises located at 2977 Westinghouse Road, Horseheads, NY (Tax Map Parcel Number 48.16-1-1.53) to provide for the construction of a sign proposed as 12'4" wide by 9' high and a flower bed on the existing cement island and has supplied plans and drawing specifications for same .

WHEREAS, the application is subject to SEQR, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding that there will be no significant adverse environmental impacts from the project, and

WHEREAS, the project was referred to the Planning Board of the Village of Horseheads and the Chemung County Planning Board for their review and consideration and their recommendations have been received and considered, and

WHEREAS, Planned Unit Developments are regulated by Chapter 245 of the Village Code, Zoning, Article XIV which requires a public hearing and same was held on November 8, 2021 at which time all interested parties were afforded an opportunity to be heard, and

WHEREAS, this Board has reviewed the application and the applicant's supporting materials including but not limited to the above-noted plans and specifications, and has found same to be compliant with

the requirements of Village Code Sections, 245-106, and

WHEREAS, this Board has considered the reports, findings and recommendations of all other Boards and Agencies which have considered the application and finds that granting the application is in the public good and best interest of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby approve the application for amendment of the Plan for the PUD presented by AJD Properties of Horseheads, LLC to allow for the construction of the sign and flower bed at 2977 Westinghouse Road, Horseheads, NY.

Roll Call Vote:

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

Trustee Goodwin: What is the height of the flowerbed/flowerbox on the concrete island?

Mike Stenpeck: State DOT has to approve that as it is in the state right-of-way it will be either 2 or 3 feet high.

Schedule Public Hearing:

Village Manager: This a local law to opt out of the on-site consumption of cannabis.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

BE IT RESOLVED, that a public hearing is hereby scheduled for Monday, December 6, 2021 at 7:15 p.m. regarding the Proposed Local Law: Opt-Out of On-Site Cannabis Consumption Establishments.

Roll Call Vote:

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

Discussion: Full-time vs. Part-time Police Chief

Mayor Maloney: This is discussion of part-time vs. full-time police chief in light of Chief Stickler's retirement

Village Manager Nagle: Historically, there has always been a full-time police chief, for the last 6 years we have had a part-time police chief. We now need to determine if we want to remain with part-time or full-time police chief. For a full-time position in the Village, it is a tested position so we will need to request a civil service test for it, could hire provisionally and hire off the civil service list. For part-time, there is no civil service test. Trustee Gross wanted to let the Board know that she supports a full-time position as she knows that Chief Stickler has worked over 40 hours the entire time he has been in the position and there is a very young force without significant experience that needs guidance.

If a part-time chief is hired it needs to be the perfect person for the position, someone that would be willing to put in the time like Chief Stickler.

If part-time is our initial thought, we take the applicants and review, interview if warranted and can reconsider if we want to change to full-time.

Discussion ensued regarding the merits of full-time vs. part-time police chief.

Chief Stickler: Have put in more than full-time hours as a part-time chief, knew this would be the case going in. It is a full-time position, there are many things that would've like to be part of, but being part-time there wasn't time for it.

Discussion further ensued regarding full-time vs. part-time police chief and the financial and time aspects of both. Trustee Gross, Village Manager Nagle, Chief Stickler and Mayor Maloney are currently in favor of a full-time chief. Trustee Cronin is in favor of part-time and Trustee Goodwin needs to further review information. The Board was not ready to decide at this time and wanted to further review information before they committed to a decision.

Village Manager Nagle: Would like this conversation to also be thought of toward other departments like DPW, Parks and Rec and code. What do we want that to look like in the future? What level of service do we want for the Village?

There is money in the budget for the rest of the budget year, and we are heading into budget season in the next couple of months to factor the position into the budget.

Should probably decide at the December 6th meeting, we will draft a resolution to create and thaw a full-time chief position.

Audience Participation:

Elliott Blauvelt: Thank you on behalf of the mason's for approving the special use permit.

Around the Table:

Village Manager Nagle: Sticker stores, there is one that would like to be in Hanover Square. We were approached for a peddler's permit as have other municipalities for stickers and those have been denied. Through the new marijuana penal law, it makes it difficult to prosecute and the County DA will not be prosecuting. Chairperson of the Cannabis Board states that they are legal but there is no enforcement options in place. Once dispensaries are in place, believe the state will come to regulate it.

Discussion ensued regarding sticker stores.

Attorney Groff: Happy Thanksgiving

Trustee Cronin: Thanks to Chief for coming in, thanks to the Mason's for staying in the Village, happy Thanksgiving

Trustee Goodwin: Thanks to Chief for coming in, thanks to the Mason's for staying in the Village, happy Thanksgiving

Chief Stickler: Appreciate being asked to come in to discuss the chief position and happy Thanksgiving

Mayor Maloney: Excited to see what the Mason's are going to do, happy Thanksgiving.

As there was nothing further to come before the Board, motion to close by Trustee Cronin, seconded by Trustee Goodwin and the meeting adjourned at 8:08pm.

BOARD OF TRUSTEES ORGANIZATIONAL MEETING RESOLUTIONS 12/6/2021

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.

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
Martin Luther King, Jr. Day
Presidents Day
Good Friday
Memorial Day
Independence Day

Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Day After Thanksgiving 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 7, 2020 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 2021 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 7, 2020, 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.

Purchasing Policy

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.

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

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.

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

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.

Public Utilities Resolution

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.

Mileage Resolution

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 THEREFOR 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.

Set Date for Organizational Meeting 2021 Resolution

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.

DRAFT

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

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 6, 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.

Local Law No. ____ of the year 2021

Village of Horseheads, County of Chemung

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing on-site cannabis consumption establishments within the Village of Horseheads.

Section 1. Legislative Intent

It is the intent of this local law to opt the Village of Horseheads out of hosting on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis On-Site Consumption Opt-Out

The Board of Trustees of the Village of Horseheads, County of Chemung, hereby opts-out of allowing on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Horseheads.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

American Legion Post #442 Gift Acceptance Resolution

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.

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

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, 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 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

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.

Catherine Along Gift Acceptance Resolution

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.

Holiday in the Square County Community Development Grant Resolution

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 would provide for funding for the Holiday in the Square event in 2021 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.

GRANT AND PROJECT SUMMARY FORM

INFORMATION CAN TYPICALLY BE LOCATED IN THE N.O.F.A.
PLEASE NOTE IF INFORMATION COULD NOT BE LOCATED

Date: 12/1/2021

Department: Parks & Rec.

Email: nnagle@horseheads.org

Staff Contact: Nate Nagle

Phone: 607-739-5667

GRANT SUMMARY:

Grant Title (Include FY): Community Development Funds

Grantor: Chemung County Legislator Joseph Brennan

Type of Grant (State, Federal, Foundation): County

Application Due Date: 11/30/2021

Summary of Grant Description: used for projects that enhance the community

Summary of Grant Requirements: Municipal corporation and special district. Activities that will enhance the community arts, recreation, health, social services, public infrastructure, or conservation of historical & cultural resources.

Are there continuing requirements following Grant Close-Out, ex. Maintenance of project?

☐ Yes ☒ No. If Yes, specify in detail:

If applicable, please list amounts, dates and projects previously received from this Grantor/Grant:

Funds Available: \$5,000.00

Match Required? ☐ Yes ☒ No Match Amount (% or \$): _____

Are there any other provisions of the Grant that (may) require Village Board approval prior to award?

☐ Yes ☒ No

Type of match eligible: ☒ Cash ☐ In-Kind ☐ Equipment ☐ Land
☐ Other: _____

Grant funds may be used for: ☐ Capital (land, building, vehicles, etc.) ☒ Supplies

☐ Printing ☒ Program Expenses ☐ Personnel (current or additional)

☐ Contracted Services ☐ Other: _____

Anticipated Award Notification Date: 12/8/2021

Anticipated Grant Term: _____ to _____

Estimated direct/indirect costs associated with Grant: _____

Estimated direct/indirect revenue derived from Grant: _____

PROJECT/PROGRAM SUMMARY:

Type: ☒ Project ☒ Program

Title: Holiday in the Square

Description: Event to replace Holly Days for 2021. This money would be used for the cost of the performers stage, horse & carriage ride, cookie decorating and amores Kits, live reindeer (if available) and inflatable (weather depending)

Is this included in? ☒ Budget ☐ Business Plan ☐ Village Comprehensive Plan
☐ Other: _____

Amount Budgeted: \$9,000.00

Amount to be Requested: \$5,000.00 Match Amount: Ø

If grant is reimbursement, how will the project be funded initially? N/A

Grant funds may be used for: ☐ Capital (land, building, vehicles, etc.) ☒ Supplies
☐ Printing ☒ Program Expenses ☐ Personnel (current or additional)
☐ Contracted Services ☐ Other: _____

For programs, how will it be funded after the grant expires? _____

Once a portion of amount requested is received, how will the project/program be funded?

The Village will provide the additional \$4,000.00 in funding out of the Parks & Rec budget

Authorize Agreement with Young Explosions Corporation

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.

ESTABLISHING ENERGY BECHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

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.

DRAFT

Raybern Utility Solutions Contract Extension:

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.

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" 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.