

**REGULAR MEETING OF THE NORTH HORSELL VILLAGE BOARD
SEPTEMBER 10, 2007 7 P.M.**

ATTENDANCE: Mayor John Falci
Trustees: Deputy Mayor William McNelis, Glenn Thomas
Joseph Dick & Frank Libordi
DPW Supervisor & Fire Chief Phil D'Amato
Police Chief Marcus Smith
CEO Jim Scheider
Planning Board Chair Tim McDaniel
ZBA Chair Doug Dunn
Zoning Officer Mark Norfolk
Fire committee member Walt Rutski
Evening Tribune Rob Montana
WLEA Brian O'Neil

MINUTES

Minutes were approved on a motion by Glenn Thomas, second by William McNelis and carried.

TREASURERS REPORT

Treasurer's report was approved on a motion by Glenn Thomas, second by Joseph Dick and carried. Trustee Glenn Thomas noted that approval was not received for a first aid kit purchased by the fire dept and it should be deducted from the fire department account A3410.2. Clerk so noted.

POLICE REPORT

Chief Smith reported the following for the month of August:

Criminal Complaints	1
General Complaints	5
Animal	1
Tagged Cars	2
Vehicle & Traffic arrests	2
Assist other agencies	2
Total Hours worked	80 ½

There were extra hours worked on Saturday to monitor traffic on Cleveland Ave. going to the North Hornell school soccer game.

Trustee Libordi asked Chief Smith if he patrolled Rt. 36 recently for a night event. Trustee Joseph Dick said he used the police car when they shut down Rt. 36 for Rock & Roar. The Fire department was asked by the sheriff's department and with the Mayors permission he took the car & blocked off the intersection by Dunkin Donut. Mayor Falci was asked by the Fire chief to put the car on the corner. He also talked to Sherriff Tweddell and the DA on the legality of this. In an emergency situation the Mayor has the authority to move the car.

Police report was approved on a motion by William McNelis, second by Mayor Falci and carried.

MAINTENANCE REPORT

Supervisor D'Amato reported:

- Finished the wall & land drainage for Third St. & Elmwood Ave
- Installed drainage in alley at Marick Park
- Cleaned graffiti on Village properties
- Installed drainage pipe Third St.
- Numerous mark outs in Village

Maintenance on pump station
Paint wall on firehouse as well as install downspouts
Cleaned storm drains
Checked low water pressure at 373 Cleveland Ave
Hauled gravel in for stock piles
Cleaned lot on Elmwood Ave. and installed "No Dumping" signs
Repaired emergency light at pump station
Dropped off 3 ton and 1 ton trucks for maintenance
Serviced plows and salt spreader for winter
Replaced shut off valve on hot water heater in fire hall
Lawn maintenance

Leaf clean up October 22 – 26th. Will only be picking up leaves and they must be in biodegradable bags.
Heat bills at the DPW have been increasing. Supervisor would like to replace the three windows in the DPW offices. They are insulated and the cost would be \$540 (DoItBest) with the DPW doing the installation.

Trustee Libordi asked if the Supervisor received the list of products to repair the back Fire department wall and if sacrete was used. The Supervisor did have the list but painted on dry lock @ \$202.

Trustee McNelis asked if there was equipment in the garage was damaged from the recent vandalism. Supervisor D'Amato said the salt spreader was painted but they were able to clean it. He gave the Village Clerk a list of all damages and costs plus the hours spent by the Supervisor and assistant to clean up graffiti. Mr. Bob Rink asked where to buy the bags for the pick up. Those can be purchased at Do It Best.

Mayor Falci read two thank you letters. The first letter was to the fire department from Canisteo Mayor McGee acknowledging the time and effort to assist his village during their recent catastrophe. The other was from village resident Mrs. Nobilski thanking the DPW for their work on the water line in front of her yard.

Motion was made by William McNelis to accept the DPW report. Second by Glenn Thomas and carried.

FIRE REPORT

Incidents reported for the month of August:

Village	2
Town	10
Mutual A	7
Total of	19

There will be an open house, fire prevention and membership drive on October 27th open to the public. The Department would like to rent a tent from Testani's and put it on the grass.

Trustee Libordi asked for the inventory of the fire department. Supervisor D'Amato will have it available this week.

Motion to accept the fire report made by William McNelis, second by Glenn Thomas and carried.

OLD BUSINESS

GARBAGE CONTRACT

Public hearing was previously held on the garbage contract with the City of Hornell. Contract is for \$70/year with a maximum of 6 bags and pick up once per week. This contract can start at any time and will be prorated. CEO Jim Schieder asked about multiple dwellings in one building.

Mayor responded that each dwelling would pay \$70. If 5 families in a building then each pays \$70. Glenn Thomas made a motion for the Mayor to meet with the city to determine what it will cost and when it will start. Second by Frank Libordi and carried.

This will be presented at the next board meeting.

THIRD ST.

Still working on the cost of a water main that would run from Elmwood to the end of Third St (newly developed area). It would be in next year's budget if voted on. Supervisor D'Amato stated that three lengths of drainage pipes were installed up to the Libordi property and until a driveway

is put in or other options are known there will be no other DI's on that Street. Also paving will not be done. Only patching by the end of fall.

NEWLETTER

The Mayor would like all information for the newsletter handed in to the Clerk by September 20.

ORDWAY UPDATE

Mayor Falci reported that he received a letter from the City of Hornell stating they have no objection to a lateral connection of existing sanitary sewer on Dennis Ave. Ext. This sewer extension was originally constructed to alleviate a problem in a town resident's septic system. Any lateral connection to this system must be performed by a licensed plumber, inspected by the City of Hornell and subject to fees and charges.

The Mayor has talked to all three resident and they agree to pay all costs together. (Mr. Dugo, Mr. Ordway and Mr. Hogan.) Trustee McNelis asked if all three have been notified that it is OK to proceed. Mayor Falci said no they were only notified that it is totally their expense - possibly \$2000 – \$3000.

ZONING LOWES UPDATE

Lowes did apply for a sign thru a zoning variance. However they do not own the land and have to go thru a permit process.

Many of our codes are outdated. The Mayor asked the ZBA and Mr. Scheider to note laws that our outdated or laws that are weak and need to be updated.

CRIMINAL INVESTIGATION

Mayor Falci reported that it appears the investigation on the recent graffiti vandalism is about to come to an end. The Mayor wanted to thank the Village Police and State Police for the work performed to apprehend the perpetrators.

NELSON HOUSE – LETTER

Mayor Falci received a letter from a resident regarding the condition of the Nelson property. The house may have to be condemned and the property is not large enough to build a new home.

Mayor would like anyone interested in purchasing the property to be aware of the building codes. Trustee Libordi asked Supervisor D'Amato if the water was shut off to the Nelson house and would that have been done by the city or the Village. He said by the City. Mayor Falci was told that the water was not shut off but there was probably something wrong with the plumbing.

RESOLUTION - PLANNING AND ZBA BOARDS

Trustees have a sample resolution. At next months meeting changes to the sample resolution should be complete. The Mayor would like to have board members turn into the clerk changes or additions to this form.

FIRE HALL UPDATE

Chairman Glenn Thomas and the fire hall committee have recommended building a Fire Hall next to the existing building. Estimated cost is \$300,000. The building is a Morton building 60 X 14 X 60 and the company is out of Warsaw NY. The price includes the concrete, interior walls, doors, dry wall, suspended ceilings, electrical, plumbing, bathrooms, kitchenette, security and fire alarms, sprinkler, site prep and brick façade. With renovations to existing building and to bring it up to code, the cost would increase to \$425,000.

The committee is looking at grants to help offset costs. By October of 2008 the Village's existing debt will be paid off. With bonds and grants, the plan is not to raise taxes. The question is do we do this in two phases or one phase.

The new hall will house 4 trucks. The police department will have an office and garage space for the police car. There will be a records room for the clerk. Homeland Security grants can be applied for if we have a shelter available to the community in the event of a disaster. An architect will have to work with the committee on the design. Trustee Thomas recognized Walt Rutski for all his work on the committee. The Elsenheimer garage was ruled out after the committee was given

information by Mr. Rutski that the Elsenheimer garage flooded during the '72 flood. The site next to the DPW was ruled out due to safety issues with emergency vehicles using the Cleveland Ave. & Bethesda Dr. intersection. If Lowes goes thru and with the school buses using the intersection it could present a problem.

Trustee Dick noted that the board will have to hire an architect at some time to go thru the existing building and draw up plans. Two architects mentioned were John Lusk and Rex Simpson. A start date is expected no earlier than October 2008.

Mayor Falci stated that by next month he will draw up preliminary figures (sitting down with the committee) and talk to Hunt engineers or the two above mentioned architects. There should be a vote (referendum) by the end of the year.

OCTOBER WALK FOR HUNGER

The Hornell Ministerial Pastors contacted the Mayor and would like to use the Village Hall between the hours of 1:30 – 3:30 on October 14. They will set up a station with a nurse on duty. A motion was made by Joseph Dick, second by Frank Libordi to allow the Village hall to be used for the October Walk for Hunger during the hours of 1:30 – 3:30 on October 14th. Motion was carried.

OUTDOOR FURNACE

The Village needs to update the codes regarding outdoor furnaces. The Mayor gave the Trustees a copy from the Town of Hornellsville of "Regulations and Operation of Exterior Furnaces". Trustees are to read and advise for next months meeting.

HEATHER HEIGHTS SEWER & WATER

The Village received a petition from Heather Heights residents to be annexed into the Village. Last month it was presented to the Town. The Mayor is getting information on costs (sewer) for those residents to be annexed into the Village. Hopefully he will have these figures by the end of next week and he would like Ron Lockwood to see him at that time. According to the petition all residents of Heather Heights have signed it. Mr. Lockwood asked the direction of the sewer. Supervisor D'Amato said there are two ways: one going from Elmwood to the right away by Flints to Laurel lane up and around. Second option is to go up the hill on Elmwood to Heather Heights. An engineer would give two different estimates on direction. The Town will look into costs for starting a sewer district.

MARICK PARK UPDATE

The village attorney and Mr. & Mrs. Giles' attorney are working together to get all issues resolved. Still waiting from Army Corp of Engineers and Health Department for permits.

RESIDENT COMPLAINTS

Resident complaining of rocks being thrown in his in ground pool and also the cats in their yard. This resident would also like to see the alley closed. Supervisor D'Amato did not feel that closing the alley would eliminate problems with vandalism in the alley.

A village resident is maintaining a bee hive on his property. Neighbors are complaining that the bees are bothersome. Trustee Libordi reported that

NYCOM said there is a common law called a nuisance clause and he will furnish the Mayor that information. CEO Jim Schieder said in village law 140-19 and NYS law 302.5 this is addressed.

FIREFIGHTERS OPEN HOUSE

October 27th is the Firefighter's open house from 10AM to 2PM. They will be offering fire prevention presentation; blood pressure screening & the Red Cross will be here. The firefighters will have a picnic on this day.

Motion was made by Mayor Falci for the Fire Dept to rent a tent at \$150. The motion was second by Glenn Thomas and carried. Trustee Dick abstained.

NEW BUSINESS

Mrs. Giles reported that a child around 5 or 7 years old was running through the village naked. Her friend followed the child in his car but did not try to pick the child up. They called 911 and were not given any assistance. She said the police were not on call and they did not know what to do.

The mayor suggested that they should have called 911 and ask for the fire department.

If she gives the time and date, Trustee Dick will contact the County Public Safety Committee in regards to this incident.

Mrs. Mary Barnes asked that something be done with her neighbor's shrubs bordering her property. She would like to know who owns the piece of property between the road and the property owner's survey stake. Does it belong to her neighbor or the village? Her neighbor wants 8 – 10" of her driveway apron removed.

CEO Jim Scheider showed pictures that the original driveway looks just like the present drive. No changes were made when the Barnes blacktopped their drive. He has marked the Barnes' property and the "order to remedy" has been drawn up and just needs a signature from the board. He stated that Cleveland Ave. has an 80' right away. If you take the survey tax information it will show her neighbor is not being taxed for that area.

Mayor Falci stated that the front of your home it is your responsibility, but the Village has the right to dig it up for various reasons as needed. Mr. Scheider noted that NYSEG has a utility pole in the center of the bushes and they have a 15' legal right away on all sides of the pole.

Mr. Scheider said the pictures show how far back the shrubs should be removed.

Mayor Falci asked if it is clear that her neighbor is violation of the codes. Mr. Scheider said 100%. He recommended that the neighbor be sent a certified letter stating he has a certain amount of time to come into compliance. Mayor Falci said we will send a letter and asked that Mr. Scheider work with the Clerk to complete the letter.

Mayor Falci will talk to our attorney and have him contact Mrs. Barnes' neighbor's attorney in regards to having the apron of the drive removed.

It was also noted that when the Village resurfaces roads, they go up to the residents' driveway and flare the apron. This is a common practice.

Mr. Scheider addressed the availability of building permits. Mrs. Giles had requested at last month's meeting that building permits be available for residents to see what work is going on in the village. Mayor Falci said that all permits are at the town and she can go to the town and look at any permit.

MOTION TO PAY BILLS

Motion to pay bills made by Glenn Thomas, second by Joseph Dick and carried.

Trustee Libordi questioned the water hydrant bill. Trustee Dick said it is a yearly rental fee. We own 7 hydrants. Trustee Dick asked at City Hall why we are being billed and no one knew.

Trustee Libordi asked that Trustee Dick contact Charlie Chick to have him authorize the Clerk to make changes on the Fire Departments Verizon cell phone bill. Trustee Dick will have Charlie see the clerk.

Trustee Libordi asked about the bill to Sonny's Service and was this for maintenance. Supervisor D'Amato said they do all maintenance in house except for the backhoe. The Sonny's bill was for repair.

The Clerk asked if the board wanted to give Tina Stutzman a reduction on the bill for sewer cleaning.

Supervisor D'Amato said Ms. Stutzman asked to have the sewer cleared and he was told by her plumber Mr. Shull to go ahead with the cleaning. The board agreed that Ms. Stutzman owes the \$100 fee.

The Clerk asked if Margie Terry has to pay a sewer & water hook up fee to reconnect the lines that were closed when she had a home demolished. The board said no. She just needs to have a certified plumber do the work and have the DPW Supervisor approve it.

The Clerk asked if the village would wave Deidre Levinson's sewer charges since her apartment building was closed by the Village. The board said no she has to pay sewer.

The clerk also noted that Village code states that vacant lots are to pay 1/3rd of a sewer tax. The Mayor would like to know how many vacant lots in the village should be paying taxes. The Steuben County Risk Management asked if they could use the village hall on September 18th at 9AM and will Trustees attend. Trustees and Mayor said they can use the hall.

A motion was made by Joseph Dick to spend up to \$600 on new windows for the DPW office and repair the window in the Clerks office. Motion second by Mayor Falci and carried.

EXECUTIVE SESSION

The board went into executive session at 9PM. Came out of executive at 9:35PM and the meeting was adjourned.

Village Clerk
Kristene Libordi