

REGULAR MEETING OF THE NORTH HORNELL VILLAGE BOARD
JULY 14, 2008
7:30PM

ATTENDANCE: Mayor John Falci
Trustees: Deputy Mayor William McNelis, Glenn Thomas
Joseph Dick & Frank Libordi
Clerk Kristene Libordi
ZBA Chair Doug Dunn
Planning Board Chari Tim McDaniel
Historian Walter Rutski

Meeting was opened at 7:30 with the pledge of allegiance. The Mayor thanked everyone for attending the delayed meeting.

The minutes from May 26 and June 9th were tabled until the August 11th meeting.

TREASURERS REPORT

Treasurers' report was approved on a motion by Frank Libordi, second by Mayor Falci and carried.

POLICE REPORT

Mayor Falci read the June Police report:

General Complaints	5
Animal Complaints	2
Vehicle & Traffic arrests	5
Assisted – Other police	1
Assisted Fire Dept	1
Total hours worked	51

The Mayor reported that the requested radar trailer will be coming soon for Seneca Rd. Motion made by Trustee William McNelis to accept the Police report, second by Trustee Glenn Thomas and carried.

MAINTENANCE REPORT

Report given by DPW Supervisor Greg Zdanowski:

- Work continuing on First Street drainage project. Will continue for an additional 2 weeks.
- Built up catch basins on First St and Wightman Ave.
- Flushing sewer system
- Chambers St. area cleaned up to Army Corps specification.
- Catch Basins to be cleaned once per week
- Routine mowing in Village
- Checks pump station – regular maintenance

Trustee McNelis asked about work to be finished along Linwood Ave and Third St. Supervisor Zdanowski stated that there is pipe on Third St to put in and not sure if we will be ready to do Linwood this year. Additional drainage between the Harris and Mattie property is being done now. Nothing is being done by the Coleman property. Mr. Coleman is satisfied with the way it is now. Mrs. Giles reported that there are trees by the Church in the alley that need to be trimmed. The Mayor & Supervisor Zdanowski will look the situation over tomorrow. Trustee Libordi asked about the storm drain on Jones St. that has been deteriorating. According to the Supervisor - that is planned for repair this summer. The Mayor also asked about the Sean Gaffney problem and Supervisor Zdanowski is looking into it.

FIRE REPORT

Mayor Falci read the Fire report:

Calls in the Village	4
Calls to Town	9
Calls Mutual aid	0
Total Calls	13

Mayor Falci let the Fire Chief take the brush truck over the weekend when his truck broke down. He talked with Trustees Thomas, Dick and the Clerk to let them know Phil had the truck. It was an emergency situation - for him to be able to respond to an emergency situation he was allowed to use the truck. The board needs to make a policy regarding who can drive the truck. The mayor noted that since this incident, he feels we should have a policy that would not allow village equipment or trucks to be used for personal use. The Fire Chief will be asking the board at next months meeting for some assistance to pay for the gas he uses when his vehicle goes out on calls. Trustee McNelis noted that this came up last year and it was stated that it is not legal for the village to give money to a volunteer fire fighter. Trustee Libordi asked about who paid for the gas used over the weekend. Mayor Falci said it would be discussed under "Other" on the Agenda.

It was noted that if the Fire Chief is not available for a call the next assistant chief will take his place for calls.

OLD BUSINESS

FIRE CONTRACT – TOWN OF HORNELLSVILLE

A five year contract with the Town of Hornellsville will reflect a 5% raise each year. We serve half the town of Hornellsville.

2009 - \$35,700

2010 - \$37,485

2011 - \$39,359

2012 - \$41,327

2013 - \$43,393

The Mayor had a stipulation in the contract (#9)– The Mayor of the Village of North Hornell may reopen negotiations at any time during contract due to unanticipated fire company expenses.

Trustee Dick would like to see that we get the money as soon as the Town Collects it. There are three months that the Town is drawing interest on our money. It should be put in a separate account for the fire dept district. Trustee Thomas noted that they would not be making that much on the interest. Questions the board wants the Mayor to ask the Town - when does the town receive the money, how long is the turn over and is it put into a separate fund? Trustee Dick will give the Mayor the section of the law that refers to how the money is to be handled before the Village receives its share.

Mayor Falci asked that the contract be placed on next months agenda.

FIRE BUILDING UPDATE

Still getting information from the Sweeney agency regarding the old Elsenheimer building behind Kwik Fill. Some contractors have stated that it may be more costly to renovate that build than to build a new one.

The Mayor has been approached by the owner of Silk Road who also owns the old K-Mart plaza. She would be interested in selling some property at the K-Mart location.

Morton Builders is also trying to work with the Village on a new building such as putting it at the Plaza.

Morton does not like the idea of an addition to the current Village & Fire hall.

The Mayor would like the DPW and the Fire hall located in the same building.

He would like ideas to be presented at a public hearing in September.

Trustee McNelis is interested in remodeling the existing building. He is concerned that the Town will eventually back out of the fire contract and go to a fire district. This would leave the Village with a larger building and a tanker that we don't need. The Mayor was told by Supervisor Ken Isaman that it would be 10 – 12 years before they would be self sufficient. Trustee McNelis would like to have an engineer look at the building and give suggestions.

Marion Giles would like to get the fire siren out of the middle of the village.
The Mayor will have by September two firm ideas:

- 1) Costs to remodel the existing building & how much space needed.
- 2) K-Mart property - will it be feasible

RESOLUTION ON ANNEXATION

Trustee Libordi proposes a resolution that all other areas between Bethesda Dr., Route 36 and County Rt 70 A will be off limits as far as annexation to the City. This would not preclude that we can continue to expand but the bulk of the benefit should go to the Village. Trustee Libordi would like the Village attorney's input on the resolution. The Mayor will make sure Eric Shults has it, and will put it on the August agenda. The Mayor is not aware of any interest in the property behind the school. Right now the only activity going on is at Mercy Care. They are making a 3 floor out patient clinic. Resident Rich Scavo noted that the land owned by the school was deeded to them by the Wells family and it can only be used for educational purposes. Mayor would like the clerk to look into that deed.

RESOLUTION – EASEMENT ON THE RAO PROPERTY

Mrs. Rao has enlarged a garage on her property on Pittsburg St. Upon surveying the property 12' of her garage is on the Village right of way since 1935. She added more to her existing garage and now 15' is on to the right of way. This easement will allow her to continue with the work. This is a permanent easement giving the village the right of way if necessary.

RESOLUTION OF THE VILLAGE OF NORTH HORSELL BOARD

AT A REGULAR MEETING OF THE NORTH HORSELL VILLAGE BOARD, held in the Village Hall on the 14th day of July, 2008, at 7:30 pm, the following Resolution was made, seconded and approved.

WHEREAS, Gladys M. Rao is the owner of Property located at 4 Pittsburg Street, Hornell Steuben County, NY and has had her property surveyed by Kenneth William Larson, NYSLS 050322 Dated April 12, 2008 and

WHEREAS, said survey indicates that her garage and concrete drive is basically encroaching on Cleveland Avenue, and

WHEREAS, THE ENCROACHMENT ON Pittsburg Street is on that portion of the street dedicated to the Village but not presently improved as the street and,

WHEREAS, Rao is requesting that the Village grant a permanent easement over that portion of Pittsburg Street to her and,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Village shall grant a permanent easement to Rao for them to continue to occupy the property consisting of approximately 20 feet of Cleveland Avenue with the restriction that said property shall be continued to be used solely for the purpose of the location of a garage and concrete drive and no further structures shall be placed upon said easement.

Village of North Hornell Board Secretary

Motion made by Trustee McNelis to accept the resolution, second by Trustee Thomas and carried.

Mayor Falci – Aye
Trustee Libordi – Aye
Trustee Dick – Aye

Resident Joel Poplawski asked what happens when the property is sold. The Mayor stated that the easement continues.

DENNIS AVE. WATER PROJECT

Residents Tom Hogan and Ron Ordway are requesting hook up to water. The city will do the work by putting in a water extension pipe on the Town side. The village will give them the right to hook up. The cost will be split between the town and village. Original cost \$3500 each. The Dept of Health has since become involved and wants an engineering study. The towns engineer will do it at a cost of \$4500 and the Village will pay half. The Mayor would like Hunt engineer to look at this and give a cost.

MOTION ON TENNEY PROPERTY

Mr. & Mrs. Vern Tenney had a fire at their home on Maplewood Ave. with water and smoke damage. Their insurance company brought a trailer onto the property for Mr. and Mrs. Tenney to live for the next few months while the home is being repaired. Village code 135.4 states that the resident would need to get 75% of all adults living around him to approve the trailer on the property. Mr. Tenney received 100% approval from his neighbors.

Mayor Falci made a motion to allow Verne Tenney to live in a house trailer on his property for an estimated time of 4 months. We have evoked code 135.4 and 135.2 to waive the public hearing. Motion second by Trustee Thomas and carried.

Mr. Tenney wanted to thank the Board and the Fire Dept & all persons who offered words of encouragement & money. He believed the fire was started by an old lamp that was not turned on but plugged in. Flames started on the bed nest to the lamp. Thankfully there were no casualties.

The Mayor encouraged Mr. Tenney to call anyone on the board if he needs any assistance. CEO Scheider thanked the Mayor, the Trustees and planning board for all the quick team work to get the trailer onto the property so quickly.

MULCH FROM CITY

Trustee Libordi noted that there is some confusion on the City mulch. There was an agreement with the City that mulch would be available to Village residents. What is available is more like compost. It hasn't been treated: no dye, pesticide, herbicide or disinfectant.

It is full of bugs and smells. The Mayor asked if compost is mulch. Supervisor Zdanowski said no. The Mayor will call Mr. Oakes regarding this issue.

Mrs Giles asked who did the landscaping in front of the Village hall. The Mayor noted it was done by resident Sal Wachter from Greenway. The DPW did the mulch.

OTHER

HISTORIAN

The Mayor thanked Historian Walt Rutski for the historic pictures and data he has on display in the new cabinet. Mr Rutski has many pictures and documents to scan so information and photos will be available to residents on the Village web site. He noted that the first village meeting was held in a garage at 367 Seneca Rd. He has over 300 documents on the Village Fire department and when it was started.

COMPLAINT

Resident Mrs. Giles stated that a Trustee stopped the work on her property on the corner of Seneca and W Maplewood. She did not feel he had the right to come onto her property since they had already been in touch with the Village CEO. The Trustee was concerned with the removal of asbestos siding on the house. Mr. Schieder CEO gave the phone # out (to the Trustee) of the DEC representative, who classified the asbestos on the Giles house as non hazardous. Trustee McNelis explained that he was courteous to the Giles contractor and asked him to hold off until he could make some phone calls regarding his concerns over the asbestos. Within 15 minutes Trustee McNelis returned and apologized to the contractor and told him to continue – the DEC said all was OK. Trustee McNelis said he would do it again for the safety of the people in the neighborhood.

ANIMAL COMPLAINTS

Resident Dorothy Graham complained that a dog in her neighborhood is continually loose and defecating on hers and other neighbor's lawns. The owner of the dog was approached and asked to leash his animal and clean up after it. He has not complied.

The Mayor said that Officer Smith is aware of the situation and will handle it.

Resident Mary Helmer has an issue with cats. There is a village code regarding licensing of cats. This code deals with rules and regulations regarding cats in the village.

Mrs. Helmer read from the code 36-3. She noted that when she had a dog they carried a bag and a scoop. She respected others properties and would expect owners of cats to do the same. If we have an animal control officer she would like know who he is and how he enforces this law. She wants to know how to file a complaint. She has gone to the cat's owner with the complaint and the cats are still visiting her property. Can she trap the cats in a heart friendly box and then call the owner. She wants people to respect her property by keeping their cats off her property. She also stated that there is a penalty for the first offense of \$100 according to Village code. There are also strays in the Village in addition to her neighbor's cats. Trustee Thomas said she has to make a written complaint, give to the clerk and then to the police. CEO Scheider will then issue an order to remedy which is 10 days. Then the \$100 fine is issued. If it is not remedied the cats can be caught and euthanized and charged to the home owner.

Mrs. Dorothy Graham also noted problems with the neighbor's cat on Cleveland Ave.

LOREE SHRUBS

Mary Barnes asked the Mayor if he had talked to Mr. Loree about cutting the hedges being to comply with code. The Mayor is waiting to talk to him face to face and give him a chance to take care of the problem. The Mayor is also waiting to see pictures from Gary Scwackhamer showing the hedges at a previous date.

FIREFIGHTER SALI MENLENBACHER

Sali Mehlenbacher a member of the fire department and resident of the Village addressed the board to make a complaint against the Fire Department.

She was also a member of the South Hornell fire dept. She held several positions while serving in that department. Such as Officer, Truck Captain, Treasurer, Secretary and Equipment Officer in charge. Three of those positions were in the first year and a half.

She was also firefighter of the year. When she joined the North Hornell Fire department in '82 she was the first female firefighter in the department. She has never in the 27 years of firefighting been so disrespected by a department as this past year. Sexual harassment and disrespect by her fellow firefighters to the point that she is walking away from a job that she truly loves. She has been turned down from being requalified on trucks that she was qualified on 20 years ago. She lives around the corner from the fire hall and she can be here in seconds. She has been here fully geared up, truck bays open, trucks running and standing waiting for a driver when there is no reason at all for her not to be allowed to drive the trucks. She has taken every class available except for becoming an officer. She wants to know why she is not allowed to drive the trucks and why she is being treated so disrespectfully. Rumors and lies are ongoing regarding her. One of the members of the Fire Department was talking about her to other firefighters saying she had slept with

every guy in the Fire Department – slandering her. Unknown to this Firefighter, Sali’s husband was standing by listening to this. She said other members from other departments in the County have asked Sali if she knew what her Department members were saying about her. She said there is not a guy in that department that she would not pull out of a burning building if she had to. But she wonders now if rolls were reversed would they do the same for her. At the monthly meetings they (firefighters)are constantly fighting amongst themselves. It’s not a brotherhood anymore. I want this fire Department to stay together but she feels sorry for the next female that comes into this department. She doesn’t want to walk away but she doesn’t see another choice after being degraded and disrespected. Tonight is the Fire Departments monthly meeting and they have her letter of resignation. She said she does not feel appreciated by Joe Dick and the rest of the guys she works with. She told Trustee Dick that she has heard he has made comments about her behind her back. If he has a problem with her she would appreciate it if he would say it to her face. Trustee Dick said the only thing he said was regarding clearance from her doctor to be in the fire hall. Mayor Falci stated that he tried to call her but did not have her phone number.

The Mayor asked if she wrote down her accusations. She said she only wrote down the first part about her time in the Fire department. The Mayor asked if there was a procedure in the fire department. She said she spoke to the Fire Chief and he told the guys enough is enough (regarding Sali) and that was it. No suspensions were given. The Mayor asked that she put it in writing with dates. The board will get a copy and talk to those men. Sali said no one with this many years of service, male or female should be disrespected the way she has been.

The Mayor asked why she left two previous times and did it have to do with the same issues. She said no it had to do with her family and she had moved away.

Trustee Libordi asked if she was qualified to drive 6 and 10 wheel. She said yes. He said this has become a public safety issue since she is the first one at the fire hall and she is not allowed to drive a truck. This means a truck does not go out as soon as it could. She replied that she has had the trucks running and has to wait for a qualified driver to get there before a truck can go out. Mayor Falci asked who makes the decision regarding who is qualified to drive the trucks. Sali said there is an assistant chief who qualifies them. She has a list of dates she had set up with him since May to take her out. But all times he had cancelled or didn’t show up.

In closing the discussion the Mayor again asked for her information as soon as possible and the board will get back to her.

STACEY SCHIEDER – LOWES

Trustee Libordi recognized Stacey Scheider from Real Inc. and publicly thank her for all her work in getting Lowes to Hornell. CEO Jim Schieder said she had worked over 4 years to bring them here.

CD \$10,000

Trustee Thomas made a motion for the clerk to move \$10,000 into a CD that pays the highest. Motion second by Trustee Dick and carried.

PERMIT FEE SCHEDULE

CEO Scheider gave the clerk a copy of fee schedules from the City of Hornell and Bath to use as a guide in making one for the Village. The Clerk will give copies to the Trustees, Mayor and ZBA Chair.

PAY BILLS

Trustee Dick asked what account was being debited for Greg Zdanowski mileage. The Clerk said it comes out of the DPW Supervisors contractual account A1490.4. He also asked that she call the IRS and validate that mileage is or is not considered income.

Trustee Libordi asked if the decals were for the first truck or the second truck. The clerk said it was for the second truck and we never received one for the first. Trustee Dick was not aware of another bill.

Motion to pay bills was made by Trustee Thomas, second by Trustee McNelis and carried.

EXECUTIVE SESSION

The board went into executive session to discuss personal. Out of executive session at 10:45 and adjourned the meeting.

Kristene Libordi
Village Clerk