

**REGULAR MEETING OF THE NORTH HORSELL VILLAGE BOARD
AUGUST 11, 2008**

ATTENDANCE: Mayor John Falci
Trustees: Deputy Mayor William McNelis, Glenn Thomas
Joseph Dick & Frank Libordi
Clerk Kristene Libordi
ZBA Chair Doug Dunn
ZBA Pete DiRaimondo
Historian Walt Rutski
Fire Dept Asst Chief Mike Robbins
Fire Dept President Jeremy Smith
Evening Tribune Justin Head
WLEA Brian O'Neil
Humane Society Kathy Dessena

The meeting was opened with the pledge of allegiance at 7PM.

MAYORS OPENING REMARKS

Mayor Falci introduced evening tribune reporter Justin Head who will be taking Rob Montana's place during board meetings.

MINUTES

Minutes from June '08 were approved on a motion by Glenn Thomas, second by William McNelis and carried.

Minutes from July '08 were approved on a motion by Mayor Falci, second by Joseph Dick and carried.

TREASURERS REPORT

Treasurers' report was approved on a motion by Trustee McNelis, Second by Mayor Falci and carried. Trustee Dick asked if the Fire Department brush truck was taken out of A3410.2. Clerk said yes. He asked where the money was spent. The clerk printed off debits from the above account showing a balance of \$2818.57. Additional money will be needed for that account.

Money will have to be moved into the A8410.4 which is now (-\$485).

Trustee Dick asked why a pair of fire boots was more expensive than a pair purchased previously. Assistant Chief Robbins stated that one was leather and one was rubber.

POLICE REPORT

N/A

MAINTENANCE REPORT

N/A

Mayor Falci read a letter from Mr. Mattie Linwood Ave. expressing his appreciation for the good work done by the DPW on the First St. drainage project.

Trustee McNelis noted that Third St. and Linwood Ave should be the next to receive new drainage pipe.

FIRE REPORT

Fire report for the month of July was given by Assistant Chief Mike Robbins:

Village	2 calls
Town	7
Mutual Aid	7
Total Calls	16

Assist Chief Robbins reported that the lights on E85 are not working. He has received two quotes: Churchville \$1000 and Speed Tech \$300. Prices do not include installation.

A boot drive will be held in September with the money collected to be used for safety equipment. The department is approaching 35 members and any additional applicants will be put on a waiting list. The department is in need of 4 more pagers. The assistance of the Village in the purchase of new would be appreciated. Trustee McNelis would like to split the cost between the Village & the Fire Dept. Trustee Dick noted that the boot drive usually nets between \$700 & \$1500. Approval of pager purchases will be placed on the September agenda.

Walt Rutski is now on the active roster. He needs to be approved by the Board of Trustees.

E58 has a water leak. The department will know more when it goes for a pump test. It is not critical at this time and will only be used for Village calls.

The Mayor noted that the hose to be used by the firefighters to wash vehicles will be in working condition soon.

President Jeremy Smith presented information on the Jr. Firefighters. The department has drawn up qualifications for Jr. Firefighters. Jr. Fire fighters will have a senior firefighter as a mentor. He listed duties, qualifications and exclusions. Mayor Falci noted that we would check with our insurance department to see what our liability would be. These new qualifications will be part of the by laws. The membership has approved them. The Trustees and Mayor were given copies of the qualifications for Board approval. Trustee Libordi asked if the board could take the next month to look at this. President Smith said yes. Motion was made to purchase the lights for E85 made by Trustee McNelis, second by Mayor Falci and carried.

Motion to approve Walt Rutski as an active member in the fire department was made by Trustee Libordi, second by Trustee Thomas and carried.

Motion for a boot drive to be held in September made by Trustee Thomas, second by Trustee Libordi and carried. (Monies collected are to be used for safety equipment.)

Motion to accept the fire report made by Trustee McNelis, second by Mayor Falci and carried.

OLD BUSINESS

FIRE CONTRACT - HORNELLSVILLE

Mayor Falci asked Trustee Dick if he had time to look over the fire contract with the Town. Trustee Dick said he had talked to Supervisor Isaman and he was in agreement with the contract.

Mayor Falci made a motion to have the Mayor to sign the 5 year fire contract with the Town of Hornellsville, Trustee Thomas second and carried.

The contract will be for:

2009	\$35700
2010	\$37485
2011	\$39359
2012	\$41327
2013	\$43393

The contract will be signed by the Mayor the Fire Chief and the President of the Fire Company.

FIRE DEPT BUILDING UPDATE

Mayor Falci received approval from the board to acquire quotes from engineering firms to refurbish the existing fire and village hall.

There was mention of building a new fire & village hall where the present parking lot is and removing the old building for parking.
September's board meeting will bring more information regarding various project sites.

RESOLUTION – NO ADDITIONAL ANNEXATION

Mayor Falci has given Trustee Libordi's resolution to Attorney Shults for review. The attorney said it is fine but it should be noted that any resolution can be changed at a later date.

Annexation Limitation Resolution: F. Libordi

**Proposed 10 March 2008
Ratified 11 August 2008**

WHEREAS the Village Board of North Hornell, New York has voted to allow the annexation of 34.644± acres of private property located in the Village of North Hornell and owned by Dr. Robbins into the City of Hornell for the purpose of, among other things, the construction of a Lowes retail center and

WHEREAS, the term of the “water agreement between the Village of North Hornell and the City of Hornell shall be for a period of 99 years” and “that should there be any future hook ups to the water system of a commercial nature within the village the Village shall first secure the approval of the city and this shall not unreasonably be withheld.” And

WHEREAS, reasonable is legally understood to mean, under the circumstances; the conduct was taken with subjective good faith and objectively is without bias or prejudice and

WHEREAS, in the agreement between the Village of North Hornell and the City of Hornell, “the term commercial shall be used and defined according to its ordinary dictionary definition as ‘that which is business and businesslike, economic, financial, fiscal, in the market, industrial, jobbing,, manufactured for sale, mercantile, manufacturing, monetary, pecuniary, pertaining to business, merchants, trade, or prepared for sale, skilled in commerce, supplying, trade, and trading.’ “ And

WHEREAS, in the agreement between the Village of North Hornell and the City of Hornell, “Future hook-ups of a residential nature, which are located within the corporate limits as they exist at the time of this agreement, shall be approved (by the) village only.” And

WHEREAS, the Village Board of North Hornell acknowledges that the current sewer agreement scheduled to expire in 2016 will be extended for 15 years to 2031 and “when the “peak flows in such line reach 1,250,000 gallons per day. When such peak flow is reached, the parties hereto agree that no additional flows be permitted to enter the intercepting sewer from sources outside the Village of North Hornell.” Now therefore, be it

RESOLVED, that the Village Board of North Hornell hereby finds and determines that the area located within Bethesda Drive, NY State Route 36, Steuben County Route 70A, and the Eastern boundary of the Village of North Hornell located between the Village of North Hornell and the Town of Hornellsville is to be protected from any further annexation, that no land within the said area is to be considered for future annexation, and that any future annexation within the said area in the future is prohibited.

Trustee Thomas made a motion to accept the resolution, Trustee Dick second and it was carried.

Mayor Falci	Aye
Trustee McNelis	Aye
Trustee Thomas	Aye
Trustee Dick	Aye
Trustee Libordi	Aye

NEW BUSINESS

ANIMAL SHELTER

Kathy Dessena from the Hornell Animal Shelter gave the Mayor and Trustees a handout on maintenance for cats at the shelter. This is in regards to a family in the village with excessive cats. These figures would relate to that specific home and the estimated 30 to 40 cats. If the Humane Society would step in, the following would be an approximation of costs.

Hornell Area Humane Society Cost Estimate per Cat:	
FELV/FIV TEST	\$20
VACCINES (PRC&FELV) X2	\$20
RABIES	\$3
DONTAL DEWORMER X2	\$6
ADVANTAGE	\$12
FECAL TEST	\$5
SYRINGES	\$3
IVOMEK (EAR MITES) X2	\$3
Total for basic cat care – 40 cats	\$2880
Additional costs:	
Cages	\$60/per cage
Litter Boxes	\$3/ea
Litter/25# bag	\$3/bag
Food dishes	\$2
Cat food 8#bag	\$12
Kitten food	\$8/per bag
2 hours of cleaning/care per day	\$?
5 hours of 1 st exam care X2 people	\$?
Vet care if needed	\$?
Euthanasia cost if needed	\$40 - \$45 per animal

The Society is a “no kill” society. They at present could not take in this amount of cats even with financial assistance. They could start with 5 cats to quarantine and observe to make sure there are no illness & disease. If some were tested and have feline leukemia, it could indicate that the rest of the population is infected. That would make it difficult to adopt cats. After the first 5 they would take additional cats as they have room. Right now they need a time frame on removing cats. The shelter is completely full at this time. The society realizes this is some urgency and they will work with the Village as space opens up. CEO Jim Scheider stated that the board is susceptible to a lawsuit from a property owner trying to sell their home across the street. He also noted that the expense for the cats would be incurred by the property owner. The Village would pay for all costs and that fee would go onto the owner’s property tax bill. The owner was given “an order” to remedy. But he has not complied as yet. Ms Dessena asked if the village code gives the landlord the right to dispose of the tenants cats. Mr. Scheider said yes after 10 days he has the right to euthanize. Kathy Dessena is concerned that the landlord will do something with the cats. Mayor Falci asked what type of contract the Society has with the City. Ms. Dessena stated it is a dog control contract. They do take in some of their cats – sick or injured. The society is also contracted with the Town of Hornellsville.

Cindy Herbut is a relative and has been in the home observing the cats. She stated that her aunt wants to remove all but one of the cats but does not want the others euthanized.

RESOLUTION – CEO DESIGNATED AS “OTHER”

8/11/08
Resolution to Village code 36-5 Enforcement - Cats

RESOLUTION:

WHEREAS: Village code states that any Police officer of the village, or “Other “ person or agency designated by the village be authorized to enforce the provisions of the codes including service of a summons or an appearance ticket and the service and execution of any other court process.

NOW, IT IS HEREBY RESOLVED AS FOLLOWS:

The Village designates “Other” as stated in Village code to include the Police Officer, Code Enforcement Officer or any person or agency designated by the Village or authorized by law to enforce the provisions of the village codes including service of a summons or an appearance ticket and the service and execution of any other court process.

Motion made by Trustee Frank Libordi, second by Trustee William McNelis and carried.

Mayor Falci	Aye
Trustee McNelis	Aye
Trustee Thomas	Aye
Trustee Dick	Aye
Trustee Libordi	Aye

Mayor Falci told CEO Scheider that he can issue an order of remedy and after 10 days if not remedied, he can now issue an appearance ticket. Then the person goes before the town judge for a hearing.

OTHER

BOX ELDER

Clerk has a number that residents can call if they need a name to call to spray for the bugs.

TRUCK GRANT

Fire Co. president Jeremy Smith noted that a grant was applied for to purchase a tanker. If we get the grant it should be noted that the truck will be 35’ long, tandem axels & GBW in excess of 50,000#’s. We should keep this in mind when planning for the new fire hall.

Resident Joel Poplawski asked about the speed trailer and if it would be in use soon. The Mayor has spoken with Officer Smith and we should have it soon.

Historian Walt Rutski asked to be put on the monthly agenda and put his email and phone on the village web site. He reported on various pictures he has on display. Each month he will try to display various historical pictures and items. He is looking for pictures of the old railroad spurs and the Hornell Canisteo trolley. If any residents have any photos please contact him.

Resident Mary Barnes asked about Mr. Loree and the issues with the hedge between two properties. CEO Schieder would like to talk in executive session because of possible litigation.

Trustee Libordi asked about the mulch we are to be supplied from the City. Mayor Falci noted that the mulch is compost. If you get it in the spring it is good mulch. If you get it now it may smell and have bugs. That is what the City gives out as mulch. Trustee Libordi said then we are getting compost not mulch.

Trustee Libordi asked about the hose in the fire department. The fire fighters used to be able to roll out a hose in the back to wash their trucks. What happened to it? Trustee Dick said 2 years ago Mr. Kuhn was fixing a water leak & never ran it back. He cut it back and eliminated it. Mayor Falci has talked to Supervisor Zdanowski and it will be fixed for the firefighters.

CEO Jim Schieder asked about giving code infractions and speeding tickets. Officer Smith will take care of it. With these tickets in place, Mr. Schieder noted if someone is cited for an infraction and given a ticket it will be noted in the local paper or a town crier.

Officer Schieder reported:

Real Inc building broken into at the Loohn's Dry Cleaning operation.

His son was working thereon Sat. and his son is suspect

If any one has any information, please call. Time of robbery would be between 7PM Friday to 6AM Saturday. Aug 8 thru 7.

Trustee Dick has received complaints from residents concerning Bethesda Dr. Backhoe left in lane with no lights. Dirty water problems from hydrants being flushed. He is concerned that the Fire Dept cannot The Lowes trailers are in the Village right away. Mayor Falci noted that it is not Village property any more. Trustee Dick noted that residents are burning openly. Mayor Falci said to call CEO Schieder or the Fire department.

PAY BILLS

Trustee Dick noted that bills for the fire dept are making them over in their budget. Also one of the vouchers has no signature. Trustee Libordi does not believe that the village should pay for the decals on a fire truck. These were put on the original truck that went back to Simmons and Rockwell. It did not belong to the village. He submitted a form that will be made part of these minutes showing that he did not give consent for bill to be paid.

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

EXECUTIVE SESSION

Board went into executive session at 9:30 PM for possible litigations and an employee situation.

Board out of executive and directed the Clerk to transfer funds on a motion by Trustee Dick, second by Trustee McNelis and carried.

Debit A1990.4 contingency	\$1000
Credit A 3410.4 fire contractual	\$1000
Debit A1990.4 contingency	\$2000
Credit A8140.4 storm sewers	\$2000

Meeting adjourned at 10:45 PM

Village Clerk
Kristene Libordi