

REGULAR MEETING OF THE NORTH HORNELL VILLAGE BOARD

MONDAY, DECMEBER 13, 2004

Mayor Stephen Terry called the meeting to order at 7:00 P.M.

Attendance: Mayor Terry

Trustees: William Coleman, Glenn Thomas and William McNelis

Village Clerk: M. Heers

The minutes of the November meeting and Public Hearing were approved on a motion by G. Thomas, second by W. McNelis and carried.

RESOLUTION

WHEREAS, Section 85 of the General Municipal Law authorizes municipalities to impose an appropriate fee, not to exceed \$20, to any account whereby tendered payment of such account was by check or other written order which was dishonored or returned for insufficient funds and to thereafter require future payment to be made in cash or by certified cashier's check, now, Therefore be it

RESOLVED, that the Board of Trustees of the Village of North Hornell does hereby adopt a service charge of \$20.00 for checks which are dishonored and returned for insufficient funds and to thereafter require future payments to be tendered in cash or by certified cashier's check, and be it further

RESOLVED, that such service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check was tendered, and be it, further

RESOLVED, that this Resolution shall take effect immediately.  
Resolution offered by W. Coleman, second by G. Thomas and carried.

SIGN

David Hanrahan from Dr. Chaudhiri's office asked if he could appeal the decision of the ZBA that had denied the request for an oversize sign that was denied by the ZBA.

He was told he could re-apply.

FIRE DEPT.

No report

POLICE REPORT

The police report was approved on a motion by W. McNelis, second by W. Coleman and carried.

DPW

No report

TREASURER'S REPORT

W. Coleman approved the report of the Treasurer on a motion, second by McNelis and carried.

CORNELL STUDY

Mayor Terry announced that the Board will set a date for a straw vote on the five issues of the Government study that was done by Cornell University.

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CORNELL STUDY

Mrs. Giles: Do you know how much this is going to cost, are you sending out copies of the study, it would be very expensive.

Has this Board considered the time involved and the money involved if this is done, it would take an out of Town attorney familiar with this process and the fees would be very high. I have a whole list of things here, and on the meeting on the 10<sup>th</sup> it was pretty well said that we would go with the city. The study shows there is no valid reason to go with the city.

Mrs. Giles cited various reasons why we should not join with the City; such as garbage collection you pay for whether you are home or not, the code enforcement and the quality of life among others.

After some discussion it was decided to hold the vote on January 11<sup>th</sup> from 8A.M. to 8 P.M. and you must be a registered voter to participate. If we have a vote of 50% or more for one option thats it and if we have no majority we select the top two and have a run off. We will also allow absentee voting.

The Village Board will hold a meeting at 8:00P.M to announce the count.

Clerk was instructed to run a week of lasar ads noting vote.

LOCAL LAW #2 CATS

Local Law # 2 regarding cats was approved on a motion by W. Coleman, second by W. McNelis and carried.

MARICK PARK

Mayor Terry stated that in the minutes from the last meeting that Mr. & Mrs. Giles said they are not going to do anything more with the drainage issue out there. Basically we need to take the land from the Giles so we can do the work. Out lawyer advised us is that we need motion from the Board to start the eminent domain process.

Mr. Giles: I do not believe that either one of us said were not going to do the drainage work.. What we said was that we need an agreement before we do it. Thus far we do not have a legal agreement. and that is all we are asking for.

Mayor Terry quoted from the minutes of the last meeting.

Trustee Thomas: You say you need to know how many fire hydrants and lights, isn't that in the subdivision code? We told you there would be no permits issued until the roads were blacktopped and you installed lighting and hydrants.

Mr. Giles: We submitted our idea of what it should be, but it has never been approved. All the code said is adequate.

Trustee Thomas: We had a letter form our engineer who said we should fill that hole out there and we should not issue any permits until all drainage out there is complete.

Mr. Giles: In the first place there was no way I could do my work out there because the village has not done their portion, there were three sections the engineer recommended. There was first and second you were suppose to do and third I was supposed to do

Mr. Giles Then read from the engineering study issued last year .He noted that the village did from Mary Street south, it was well worth doing but it is not even in here. I could not do mine until the village did their work because I don't have an elevation.

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MARICK PARK

Mr. Giles: It has to be okayed by the Corp of Engineers and they were here in August and talked to us about it, they are planning to remove the trees along the toe of the dike in the spring time because they couldn't do it this fall and that is where the pipe goes. Where it starts is at the el and gong south to where Greg has done and then I have an elevation that I can go from to finish.

Trustee Thomas: Are you saying that when the village does its share you are going to complete yours?

Mr. Giles: I need a contract and that it is not rocket science.

Thomas: Neither is the engineering study that says it has to be done, we had our engineer and your engineer work it out and this is the agreement and I am saying are you going to fulfill your agreement?

Thomas the read the letter from Hunt Engineers which stated that no further development be completed until this drainage project is completed per our recommendations.

Giles: I don't have a problem with that but why can't we have an agreement about what needs to be done to complete the development not just the drainage.

Thomas: Let get the drainage done first show us you are sincere about the drainage.

Giles: Show us you are sincere about issuing building permits.

Thomas: One step at a time.

Giles: I want to know what needs to be done to finish the project.

Joe Dick: I have a problem with my taxes being used for something else to alleviate a problem that should have been addressed right from the start.

Fran Libordi: What actual land are you considering taking?

Mayor Terry: What we have to do is start the motion here and the engineers figure out what they need to do the drainage right and then we approach the courts and tell them the reason why.

Giles: Why does it make any sense to pay me to take over Mary Street when I am offering to do the work and we don't even own Mary Street to start with and never have? You already have utilities on Mary Street and how did they get there if you don't own it?

Mrs. Giles: Quoted from a law book about eminent domain. We have never refused you and we would give you right of way.

EMINENT DOMAIN

On a motion by W. Coleman second by W. McNelis that the Village proceed with eminent domain in Marick Park, motion carried unanimously.

FIRE CONTRACT

Mayor Terry presented a new fire contract with the Town of Hornellsville to be executed by both the Town and Village Boards. The contract has been sent to the Town for their approval.

911

Joe Dick noted that 911 should be on line by March 1st., 2005.

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MONDY, DECEMBER 13, 2004 (continued)

**BILLS**

The bills were approved for payment on a motion by G. Thomas, second by W. Coleman and carried.

G. Thomas, second by W. McNelis to discuss a water contract with the City, adjourned the meeting into executive session at 8:10 P.M. on a motion.

Executive session adjourned at 8:20 P.M.

Village Clerk