

**REGULAR MEETING OF THE NORTH HORNELL VILLAGE BOARD
FEBRUARY 13, 2017 7:00 PM**

ATTENDANCE: Mayor: John Falci
Trustees: Frank Libordi & Peter DiRaimondo
Joseph Ingalls & William Coleman Absent
Clerk: Kristene Libordi
Fire Chief Mike Robbins
Dep Clerk Marie Patti
CEO William Rusby (Absent)
Superintendent of Pub Works Rich Scavo
OIC Scott Richardson

MINUTES

A motion to approve the January minutes was made by Trustee Frank Libordi, seconded by Trustee Peter DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

TREASURER'S REPORT

A motion to accept the Treasurer's Report was made by Mayor Falci, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

POLICE REPORT

OIC Scott Richardson gave the monthly report:

General Complaints	4
Police assists	1
Fire assists	1
Vehicle checks	6
Property checks	130
Total Patrol hours	68.5

Police are continuing presence on Chambers St. for vehicles going wrong way also monitoring Elmwood /Third for stop violations. Seneca Rd is also being monitored for tractor trailer illegal use of road. Tracs system grant.

Clerk noted that \$2,500 has been received from the county for the Traffic Diversion Program. The money has to be used by the Police department for equipment. If not used this budget year should be put in a Police equipment capital reserve account.

Mayor noted that a resident sent pictures of debris on Wells St. left from smokers from the Elderwood at Hornell location. This will be addressed with Elderwood and Codes.

A motion to accept the Police Report was made by Trustee Libordi, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

CODE ENFORCEMENT

Code Enforcement Officer William Rusby was not in attendance. Mayor Falci went over the report.

Two building permits were issued in January.

A motion to accept the Code Enforcement Report was made by Mayor Falci, seconded by Trustee Libordi and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

MAINTENANCE REPORT

Supervisor of Public Works Richard Scavo gave his monthly report.

Routine services and maintenance given

Plowing and shoveling streets and bridges

Met with Town DPW on placement of Truck Sign

Repaired lights on south bridge with Chapman Electric

Many hours spent with Powers Construction Co replacing gas mains in Village.

A motion to accept the Maintenance Report was made by Trustee DiRaimondo, seconded by Mayor Falci and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

FIRE REPORT

Chief Michael Robbins gave his monthly report.

Cascade bottles are here and to be connected to system

Planning an evacuation drill at Elderwood

Will send letter to City regarding their rescue to Village MVA's

Explanation of 501C3

Bylaw approval needed for Auxiliary addition

Booster drive letters sent

Inventory is complete and copy to clerk's office

Permission to attend St. Patrick's Day parade

A motion to approve the Fire Report was made by Trustee Libordi, seconded by Mayor Falci and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

A motion to approve the fire trucks to be in the City St. Patrick's day parade on March 11th was made by Trustee Libordi, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

NEW BUSINESS

ELDERWOOD AT HORNELL

Mayor Falci introduced David Prete from Elderwood. Mr. Prete gave a brief history of Elderwood. He then spoke of the various services offered by the facility and the activities that will be coming in the near future. Elderwood is an active community member and looks forward to working with the Village and other area communities.

BUDGET WORKSHOP

Mayor Falci set a workshop date for February 27th at 6:00PM

RESOLUTIONS

**RESOLUTION 3-2017
BUDGET AMENDMENT**

The following Resolution was offered by Trustee Frank Libordi seconded by Mayor John Falci and carried:

RESOLVED, that the Village of North Hornell Board of Trustees at their Regular Monthly Board meeting on February 13, 2017 authorized the transfer of money from A1190.4 Contingent Acct to A9010.8 State Retirement in the amount of \$199 to balance account and to A1989.41 Code Book Pub in the amount of \$819.00 for code book updates.

	Aye	Nay
Mayor Falci	X	
Trustee Libordi	X	
Trustee Ingalls	Absent	
Trustee DiRaimondo	X	
Trustee Coleman	Absent	

OLD BUSINESS

POLICY APPROVALS

**RESOLUTION 4-2017
REIMBURSEMENT POLILCY**

The following Resolution was offered by Mayor John Falci seconded by Trustee Frank Libordi and carried:

RESOLVED, that the Village of North Hornell Board of Trustees at their Regular Monthly Board meeting on February 13, 2017 adopted the following:

Statement of Policy

The Village of North Hornell will provide for the reimbursement for conference requests, meal purchases and expenses for the following:

- 1) Conferences/Training/Seminars: A conference request form must be approved before a conference is attended. Actual and necessary conference expenses including fees, travel, meals, etc. will be paid based upon the approved rates, with the submission of original receipts.
- 2) Travel: Travel is defined as covering business travel only. Pre-approved travel expenses will be reimbursed based upon the current mileage rate.
- 3) Meals: Meals at conferences are considered to be a necessary expense. Actual meal expenses will be paid, not to exceed the approved rates.
- 4) Reimbursement: Receipts are required for meals and travel. An original credit card receipt will suffice, but an itemization of the bill is requested. Alcohol is never a permitted expense. Please obtain a NYS tax exempt form prior to departure if conference is within New York State. NYS sales tax is not reimbursable.
- 5) Clothing allowance for DPW \$200 per employee per year. Receipts to be given to Village Clerk for reimbursement.

When approving conference request forms for staff members, please be advised for the following rates for the 2017 calendar year:

Mileage reimbursement rate: \$.54 per mile (rate changes each year per IRS)

Meals: The Village will not reimburse a meal cost above \$40

Per Diem meal reimbursement shall not exceed \$75 Receipts must accompany reimbursement requests.

	Aye	Nay
Mayor Falci	X	
Trustee Libordi	X	
Trustee Ingalls	Absent	
Trustee DiRaimondo	X	
Trustee Coleman	Absent	

RESOLUTION 5-2017 ELECTRONIC BANKING POLICY

The following Resolution was offered by Mayor John Falci seconded by Trustee Peter DiRaimondo and carried: **RESOLVED**, that the Village of North Hornell Board of Trustees at their Regular Monthly Board meeting on February 13, 2017 adopted the following:

The Village of North Hornell recognizes the use of various electronic banking transactions as a faster, easier and more efficient substitute for paper transactions. Electronic banking uses computer and electronic technology to streamline the processing and recording of receipts and disbursements, while reducing the cost for processing these transactions'. Receipts, disbursements and transfers in proper circumstances can be processed via electronic fund transfer (EFT) services, whether transferring funds from a savings to a checking account at the same bank, or making a payment to a vendor's bank across the country. Internal controls, such as written policies and procedures, authorizations', segregation of duties and monitoring however are still important in the new technological world.

The Village of North Hornell shall authorize the use of electronic banking in accordance with all applicable laws and regulations including General Municipal Law Section 5-a authorizing the use of electronic or wire transfers and in conformity with the guidelines established by this policy.

The Village of North Hornell also recognizes that most banking institutions no longer provide cancelled paper checks to their customers, but instead offer an electronic image obtained online or on a CD. As such, the Village of North Hornell authorizes the acceptance of these electronic images in lieu of cancelled checks as required by statute.

SCOPE

Electronic banking activities will be used for, but not limited, to the following:

1. Online banking services (reviewing account balances, retrieving bank statements, downloading copies of cancelled checks, making stop payment orders ,transfers between bank accounts, reconcile accounts etc)
2. Check fraud prevention services (Positive Pay – Payables Web Service.
3. Electronic depositing of checks received
4. ACH vendor payments (payroll and/or accounts payable)
5. EFT or wire transfers
6. Electronic Federal Tax Payment Systems (EFTPS)
7. Electronic State Tax Payment (prompt Tax)
8. Electronic NYS Retirement payment
9. Online banking will be on a dedicated computer with Clerk/Treasurer access only

Online Banking Services are recognized as standard practice and procedure for maintaining an effective cash management program. Access to any of the Village online bank accounts will be managed by the Clerk/Treasurer, who will have access as necessary for banking functions as needed. Functions such as, monitoring account balances, issuing stop payment orders, retrieving copies of cancelled checks, ordering deposit slips, etc.

Electronic Fund Transfers (EFT's) and wire payments can only be initiated by the Clerk/Treasurer, Mayor & Trustee Finance Committee. All bank transfers and wire payments must be reviewed and approved by the Mayor and or the Board of Trustees (different from the one who initiated the transaction). The recording or such transactions will be

captured manually by the Clerk/Treasurer through the use of journal entries. Bank call back features for amounts exceeding \$6,000 (payroll) must be in place.

Check Fraud Prevention Services – To help protect against the threat of check fraud, a file of all cash disbursement payments made by paper checks will be uploaded to the bank’s web payables check fraud prevention system.

Electronic Funds Transfers (EFT’s) and wire payments can only be initiated by the Clerk/Treasurer. All bank transfers and wire payments must be reviewed by the Mayor. The recording of such transactions will be captured manually by the Clerk/Treasurer through the use of journal entries which are shown in the financial software.

Payroll ACH Payments are restricted to Payroll related deduction payments authorized by the Mayor after standard processing of payroll. Such transfers are completed by the Clerk/Treasurer, with payments taken from the Trust & Agency Fund bank account. Recording of such transactions will be captured manually by the Clerk/Treasurer through the use of journal entries and payroll report.

Accounts Payable ACH Payments are authorized by the Clerk/Treasurer after standard processing and recording through the accounts payable transaction cycle and claims auditing process. Recording of ACH vendor payments will be the responsibility of the Clerk/Treasurer through the standard posting of the monthly cash disbursements journal. All payments made through this process are subject to the same claims audit process as exists currently with paper drawn checks. Release of payments is made by the Clerk/Treasurer only after the completion of the approval and claims audit process.

Monitoring

The Village Board of Trustees is responsible for implementing adequate internal controls for monthly review.

	Aye	Nay
Mayor Falci	X	
Trustee Libordi	X	
Trustee Ingalls	Absent	
Trustee DiRaimondo	X	
Trustee Coleman	Absent	

RESOLUTION 6-2017

CREDIT CARD POLICY & STORE CHARGE ACCOUNT POLICY & PROCEDURES

The following Resolution was offered by Trustee Frank Libordi seconded by Trustee Peter DiRaimondo and carried: **RESOLVED**, that the Village of North Hornell Board of Trustees at their Regular Monthly Board meeting on February 13, 2017 adopted the following:

Statement of Policy

The Village of North Hornell will provide for the restricted use of a Village credit card or the use of a store charge account pursuant to the Village’s Procurement Policy to facilitate the daily operations of Village departments. All purchases must be for Village use and benefit only. Neither the credit card nor any store accounts may be used for purchase of personal items, alcoholic beverages or tobacco products.

Procedures for credit card use:

The Village maintains three (3) Steuben Trust business credit cards. One (1) card each is in the custody of the Mayor, Village Clerk/Treasurer and Superintendent of Public Works.

All original receipts for credit card purchases must be promptly submitted to the Clerk/Treasurer for payment processing. If the card is used for on-line purchases, the transaction confirmation page from the site is to be printed and submitted. All receipts must include the user’s name and itemized description of both purchases and amounts charged.

Procedures for the use of store cards/accounts:

The assignment and administration of all authorized charge accounts will be determined by the Board of Trustees. Department Heads may submit written requests for the use of store accounts justifying the need for use as well as a list of authorized employees in his/her department including the employee's signature. If there is a physical card associated with the store account, the Department Head is responsible for ensuring the card is safeguarded in a secure location.

Purchases on store accounts must be under \$2,000. If a need in excess of \$2,000 arises, prior approval must be granted by the Mayor or Board of Trustees.

All original receipts for store account purchases must be promptly submitted to the Clerk/Treasurer along with supporting documentation of use indicating the proper departmental account to be charged. All receipts must include the user's name and itemized descriptions of both purchases and the amounts charged.

Users have the responsibility to notify the Clerk/Treasurer immediately in the event a card is lost or stolen.

Any charges to the Village credit card or store accounts which do not comply with the stated policy and procedures of use will be the responsibility of the employee.

	Aye	Nay
Mayor Falci	X	
Trustee Libordi	X	
Trustee Ingalls	Absent	
Trustee DiRaimondo	X	
Trustee Colman	Absent	

**RESOLUTION 7-2017
WRONGFUL CONDUCT, DISCLOSURE OF WRONGFUL CONDUCT
AND PROTECTION FROM REPRISAL**

The following Resolution was offered by Mayor John Falci seconded by Trustee Peter DiRaimondo and carried: **RESOLVED**, that the Village of North Hornell Board of Trustees at their Regular Monthly Board meeting on February 13, 2017 adopted the following:

The Village of North Hornell has developed Policies, Administrative Regulations and procedures for standards of conduct and behavior. Additionally, the Mayor, Village Board of Trustees and employees are expected to abide by applicable state and federal laws. An employee cannot be compelled by a supervisor or department head, to violate a Village policy, regulation, an applicable law, or public policy. In the interest of the Village, the Mayor, Board members or employee who has particular knowledge of specific acts which he or she reasonably believes constitute wrongful conduct should disclose the conduct to the appropriate Village official under this policy. If an adverse employment action is taken against an employee in knowing retaliation for his or her good faith disclosure of information to the Mayor or a designated Board member concerning alleged wrongful conduct, as defined under this policy, and if the employee's work performance or behavior did not warrant the adverse action, then the Village shall take remedial action for the employee and corrective action against the supervisor or department head.

The Mayor and Board of Trustees shall devise additional administrative regulations and procedures for handling disclosures and responding to complaints of reprisal or retaliation, as long as such procedures conform to the guidelines detailed below. This policy, and other relevant regulations and procedures shall be discussed with employees at the time of their hiring, published in employee handbooks, posted in employee lounges and workspaces, and a copy given to all employees with fiscal accounting and/or money handling responsibilities on an annual basis.

It is recommended that two years after the approval date of this policy, but no later than three years after that date, the Board of Trustees convene a committee to evaluate the effectiveness of this policy and procedure. The designees and appointees responsible for implementation of this policy should be part of this process.

Wrongful Conduct

Wrongful conduct is defined in this policy to be:

- Theft of Village money, property, resources, or authority, or fraud, or the use of Village money, property, resources, or authority for personal gain or other non Village related purposes except as provided under Village policy.
- A serious violation of Village Policy, administrative regulation and/or procedure
- A violation of applicable state and federal laws

Disclosure and Disclosure Investigation (Whistle Blowing)

The Village has policies, regulations, and procedures for maintaining standards of conduct and steps should be followed to disclose violations. Relevant policies, regulations, and procedures include but may not be limited to:

- Village policies on protection of Village money, resources and services
- Village policies on conflicts of commitment and interest
- Village policies on prohibiting sexual harassment
- Village policy prohibiting discrimination

In matters relating to wrongful conduct as defined in the section above, mismanagement of Village resources, or an abuse of authority which is not covered by specific Village policy, the Village Attorney shall be the Village Board appointee to receive such disclosures and to ensure that there is an investigation of the alleged disclosure of wrongful conduct (hereinafter referred to as a “disclosure investigation”)

The Village Attorney who receives an alleged disclosure of wrongful conduct shall: 1) keep confidential the identity of the person making the disclosure, 2) maintain a written record of the allegation, 3) and conduct an investigation or ensure that the appropriate unit (auditor, police etc.) investigates the disclosure, and 4) notify the Board of Trustees and Mayor at a time to be appropriate by the appointee. In matters of disclosure, the Village Attorney will make all reasonable attempt to maintain the identity of the employee making the disclosure in a confidential manner, as long as such maintaining this confidentiality does not interfere with conducting an investigation of the specific allegations or taking corrective action. In the event that the identity of the employee making the disclosure is known, upon the conclusion of the investigation the appropriate designee will notify, in writing, the employee or employees who made the disclosure of the determination and retain a copy of that notification. Similarly, where an individual has knowledge that he or she is being investigated for wrongful conduct, that individual should be notified of the determination of the disclosure investigation at a time considered to be appropriate by the designee so that any notice would not compromise any further actions deemed appropriate by the investigating officer.

It should be noted that a disclosure warranting a disclosure investigation is not the same as making a complaint of reprisal for disclosure. A complaint of reprisal for disclosure requires an adverse employment action as a result of the disclosure before it can be pursued as a complaint of reprisal.

Complaints of Reprisal

1. An employee who has been subjected to an adverse employment action based on his or her prior disclosure of an alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Mayor and or Board of Trustees. He or they will review the complaint expeditiously to determine:
 - Whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken
 - Whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee

- Whether the complainant has in fact suffered an adverse employment action after having made the disclosure
 - Whether the complainant alleges that adverse employment action occurred as a result of the disclosure
2. Within 30 days from the receipt of the complaint, if the designee determines that all of the above elements are present, the designee should appoint a review officer or panel to investigate the claim and make a recommendation to the Board of Trustees to whom the designee reports.
 3. At the time of appointing a review officer or panel, the designee should inform, in writing, the complaining party and responding party of:
 - The intent to proceed with an investigation,
 - The specific allegations to be investigated,
 - The appointment of the review officer or panel, and
 - Allowing each party the written opportunity to support or respond to the allegations.
 4. In situations where impartiality of the review officer or panel is questioned and there are sufficient factual basis to support external review, the designee could call for review by an external party. In this case, the costs should be incurred by the Village.
 5. The Village can define the standards for the review process.
 6. Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer has thirty days to report his or her finding and make any recommendations he or she deems appropriate to the designee. The designee, in conferral with the appropriate administrator should issue a letter of findings to both the complainant and the respondent
 7. A decision at this stage is appealable on procedural grounds only.
 8. Nothing in this policy is intended to interfere with legitimate employment decisions.

Based upon the results of this investigation, if the Village determines that a Village official or employee has engaged in financial improprieties/fraudulent and/or wrongful actions, appropriate disciplinary measures will be applied, up to and including termination of employment, in accordance with legal guidelines, Village policy and regulations. The application of disciplinary measures by the Village does not preclude the filing of civil and/or criminal charges as may be warranted.

False Accusations

Any individual who knowingly makes false accusations against another as to allegations of financial improprieties/fraud may also face appropriate disciplinary action.

	Aye	Nay
Mayor Falci	X	
Trustee Libordi	X	
Trustee Ingalls	Absent	
Trustee DiRaimondo	X	
Trustee Coleman	Absent	

OTHER

HERO BANNERS

Clerk Libordi would like to all applications for hero banners to by in by the March meeting.

PAY BILLS

General Fund	Voucher 274-305	\$17,083.87
Sewer Fund	Voucher 48-49	\$ 538.45

A motion to Pay Bills was made by Trustee Libordi, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

Motion to adjourn was made by Trustee DiRaimondo, seconded by Mayor Falci and carried.

Mayor Falci	Aye		
Trustee Libordi	Aye	Trustee DiRaimondo	Aye
Trustee Ingalls	Absent	Trustee Coleman	Absent

Respectfully submitted,

Kristene Libordi
Clerk