

**REGULAR MEETING OF THE NORTH HORSELL VILLAGE BOARD  
MARCH 12, 2012 7PM**

**ATTENDANCE:** Mayor John Falci  
Trustees: Glenn Thomas, Frank Libordi, Joseph Dick  
& Peter DiRaimondo  
Clerk Kristene Libordi  
Fire Chief Michael Robbins  
OIC Marcus Smith  
Officer Scott Richardson  
ZBA Mary Barnes  
Evening Tribune Rep Christine Loman  
WLEA Rep

Mayor Falci opened the meeting with the pledge of allegiance.

The February minutes were approved on a motion by Trustee Glenn Thomas, seconded by Trustee Frank Libordi and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

Discussion: Trustee Libordi asked Supervisor Zdanowski if we would need the impellers for the pump station. Supervisor Zdanowski said no. Trustee Libordi asked if we had received the check from Joe Johnson. Clerk responded no. Trustee Libordi stated that he had talked to OIC Smith regarding the changes that needed to be made in the school zone on Cleveland Ave. A striped crosswalk and the school zone sign has to be moved.

**TREASURER REPORT**

Mayor Falci made a motion to accept the Treasurer's report, seconded by Trustee Peter DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

**POLICE REPORT**

OIC Marcus Smith reported the following:

Criminal complaints	1 Grand Larceny
	3 General
Vehicle Checks	16
Assists	1 HPD
Monthly patrol hours	68

New police vehicle purchased and are getting it ready for service. In the process of making center console to fit radio and light bar switches. Mail order consoles fit Chargers that have shifting lever on the column, ours is on the floor. To have a custom one made would be approximately \$400. OIC Smith is building one to install. The car is currently at Goodwrench Auto in Bath, NY getting decals put on. Vehicle should be ready for service with in a week.

OIC gave two quotes for a high band radio for the new vehicle:

United Radio Inc.	\$1447.60 (NY state contract price)
Mid-State Comm	\$1595.88

OIC Smith will install the new radio from United Radio Inc. Money is needed in the contractual account to cover the cost of the new radio.

The following resolution was made by Mayor Falci and seconded by Trustee Thomas and carried:

Resolved that following budgetary change be made to move \$800 from A1990.4 Contingent contractual to A3120.4 Police contractual. To be used towards the purchase of a radio for the new police car.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

Trustee Libordi asked Officer Smith about the new police car and possible damage to it. Officer Smith stated that he had left the car in the Fire hall with keys inside so the fire dept could move it if necessary. Someone had moved the car outside after putting a saw horse inside the vehicle on the seats. He stated that no damage was done and had talked to Fire Chief Robbins about the incident.

Motion was made by Trustee Libordi to accept the Police report, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

## **MAINTENANCE REPORT**

The following report was given by Supervisor Zdanowski:

- Pump station – routine
- Repaired the fire hydrant by Lowe’s on Bethesda Dr.
- Routine equipment maintenance – air filters, fuel filters & oil change
- Some salt on streets
- Work started on upper Fourth St. – diversion ditch

Motion to accept the Maintenance report was made by Mayor Falci, seconded by Trustee Thomas and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

## **FIRE REPORT**

The following report was given by Chief Robbins:

- Brush Truck going in for repairs
- Finished OSHA PESH refresher for 2012
- One pending member as junior fire fighter
- Purchased new generator for ladder truck
- Fire Department elections are next month
- Inventory complete for 2012
- Upstairs renovations are moving along
- 6 calls for the month of February
  - Village 5
  - Town 1
- Treasurer’s report is attached to report
- For 2011 total of 7518 man hours

Mayor Falci asked about a bill from Verizon for \$774 Chief Robbins was not aware of the amount and will look into it with the assistance of the Clerk.

Mayor Falci asked about the generator for the ladder truck (T15). Chief Robbins stated it was budgeted for. Trustee Libordi questioned the need for a generator and if he had any verbal quotes for it. The Chief had a quote from a company in Dansville. Mayor Falci asked the Chief if he would present on paper any verbal quotes before purchasing more equipment.

Trustee Libordi asked if the fire company had their books audited and Chief Robbins said the auditing committee does an audit every few months.

Trustee Libordi asked about the mold on the ceiling in the kitchen at the fire hall. He had heard that someone was on the roof with an ice chipper to chip ice and damaged the roof. Chief Robbins stated that did not happen.

Trustee Libordi read minutes from the January 3<sup>rd</sup> fire department meeting that talked about the Chief looking into going to a fire district. The Chief stated that he was asked to look into it and talked to some people in Arkport. Trustee Libordi stated that the residents in North Hornell spent half a million dollars and it is an insult to the residents that it was even brought up on the floor. The Department receives a tremendous amount of support from the Village and the board and the discussion should be "put to bed".

Trustee Thomas noted to the Chief that the front of Village hall is littered with cigarette butts and would he take care of it. Chief said he will have it done by tomorrow and will talk to the fire fighters.

Motion to accept the Fire Report was made by Trustee Thomas, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Abstain	Trustee DiRaimondo	Aye

## **CODE ENFORCEMENT**

CEO Schieder was not in attendance. He is attending a conference out of town. Reports were furnished to the Mayor and Trustees. Report was tabled till next month. The Clerk reminded the board that the fee schedule for building applications needs to be completed. She also asked (for Mr. Schieder) about the status of the fire alarm system. Supervisor stated that two more wires need to be run before the alarm system can be completed.

## **OLD BUSINESS**

### **TAX CAP OVERRIDE RESOLUTION**

#### **RESOLUTION #5-2012**

The following resolution was offered by Mayor John Falci, seconded by Trustee Joseph Dick and carried:

**RESOLVED**, by the Village of North Hornell Board of Trustees at their March 12, 2012 Regular Board meeting adopt:

#### **A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c**

##### **Section 1. Legislative Intent**

It is the intent of this local law to allow the Village of North Hornell to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property levy in the excess of the "tax levy limit" as defined by General Municipal Law §3-c.

##### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

##### **Section 3. Tax Levy Limit Override**

The Board of Trustees of the Village of North Hornell, County of Steuben, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

**WORKPLACE VIOLENCE**

**RESOLUTION #6-2012**

The following resolution was offered by Trustee Joseph Dick, seconded by Trustee Peter DiRaimondo and carried:

**RESOLVED**, by the Village of North Hornell Board of Trustees at their March 12, 2012 Regular Board meeting adopt:

**WORKPLACE VIOLENCE PREVENTION POLICY**

**Purpose**

North Hornell is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and residents. Threats, threatening behavior, or acts of violence against employees, visitors, residents or other individuals by anyone on Village property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

North Hornell is committed to protecting all people from violence or the threat of violence against employees, customers, or vendors. Any Village employee, customer, or vendor may not use violence or the threat of violence while performing work, conducting business, or visiting Village premises. All employees will participate in the annual Workplace Violence Prevention Training Program.

**Scope of Policy**

This Policy applies to all Village employees and all personnel in a contractual or other business relationship with the Village including, for example, applicants, temporary or leased employees, independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the Village's exercise of control, this Policy may be applied to the conduct of non-employees with respect to treatment of Village

employees in the workplace. This Policy applies with equal force on Village property as it does at Village sponsored events, programs and activities which take place off Village premises.

**Policy Objective** By adopting and publishing this Policy, it is the intention of the Village to:

1. Provide safety education for employees so they know what conduct is not acceptable, what to do if they witness or are subjected to workplace violence and how to protect themselves.
2. Inform employees about notification procedures established by the Village which enable any employee who believes he is the victim of workplace violence to submit a complaint which will be investigated by the Village of North Hornell
3. Secure the workplace with lighting and surveillance, where appropriate.
4. Where applicable limit the amount of cash on hand.
5. Provide field staff with cell phones, require them to prepare a daily work plan, and inform a contact person of their location throughout the day. Keep employer-provided vehicles properly maintained.
6. Instruct employees not to enter any location where they feel unsafe.
7. Take threats seriously, Respond to reports by individuals. Call 911 where there is threat of bodily harm.

### **Definitions**

1. Crime of Violence or Violence: Includes any degree of murder, voluntary manslaughter, aggravated rape, rape, mayhem, especially aggravated robbery, burglary, aggravated assault, assault physical or verbal threats and battery.
2. Inform employees about notification procedures established by the Village which enable any employee who believes (s)he is the victim of workplace violence to submit a complaint which will be investigated by the Village.
3. Bullying: Workplace bullying is the repeated less favorable treatment of a person by another or others, which intimidate, offend, degrade or humiliate an employee.
4. Work Site: Includes all Village property, owned or operated by the Village or in a Village vehicle.
5. Reporting: an employee who witnesses an incident of violence or threatening language or conduct must promptly report the incident to his or her supervisor or the Mayor.
6. Discipline: an employee who violates this Policy by engaging in violent conduct or bringing a weapon into the workplace may be subject to discipline, up to and including reprimand, fine, suspension, demotion or termination.

### **Policy**

Village of North Hornell has a strong commitment to its employees to provide a safe, healthy and secure work environment. The Village expects employees to maintain a high level of productivity and efficiency. The threat of violence, occurrence of violence and the presence of weapons in the workplace during work hours or otherwise are inconsistent with these objectives. The Village expects all employees to report to the work site without possessing weapons and to perform their job without violence toward any other individual. Likewise, employees will perform their job without being subject to workplace violence.

### **Examples of Prohibited Activities**

Village of North Hornell specifically prohibits the following and will routinely discipline an employee (other than law enforcement personnel, either employed by the Village or working on Village property), up to and including termination for any of the following:

1. Use, possession, or sale of any weapon.
2. Storing any weapon in a desk, locker, vehicles, lunch box, tool kit, bag, purse or any other method of concealing on the work site or other Village location.
3. Refusing to submit to an inspection for the presence of a weapon, when requested by the Village.
4. Refusing to sign a statement to comply with the Village's Policy on Workplace Violence.
5. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee or a co-employee.
6. Verbal or physical threats, threatening gestures or statements.

7. Fighting
8. Bullying

**Examples of Protected Activity**

Includes but may not be limited to:

1. Complained/reported a problem with discrimination, including sexual harassment and all other categories (race and national origin, age, gender, pregnancy, disability, and religion)
2. Complained/reported safety issues
3. Requested accommodations of a disability
4. Filed workers compensation claim
5. Served as a witness at an unemployment hearing
6. Were a whistleblower
7. Refused to violate the law or a code of ethics
8. Sued the Village under certain laws such as the discrimination laws, whistleblower laws and benefit-related laws .
9. Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either 1) an improper government activity or 2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

**Procedures**

Note that the confidentiality of the employee making the good faith disclosure will be maintained, unless it becomes necessary to disclose the identity to conduct a thorough investigation, to comply with the laws and to provide the accused individual(s) their legal rights of defense. All reports of workplace violence should be promptly submitted to the Personal Officer. At any time before the complaint is fully resolved, the complainant may submit a request to the Personal Officer to take interim actions to protect the complainant against any adverse action. The Mayor or Trustees are responsible for investigating and coordinating any corrective action.

**EFFECTIVE DATE AND POLICY DISSEMINATION**

The effective date of this Policy shall be March 12, 2012, The Village of North Hornell shall ensure that this Policy is adequately disseminated and made available to all employees of the Village. In addition, copies of this Policy and Complaint form shall be maintained in the Clerks office and made available at the Village Hall.

**PROHIBITION AGAINST RETALIATION**

Retaliation is strictly prohibited and complaints of retaliation should be brought directly to the Mayor and Board of Trustees.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

**CLEANING CONTRACT**

Mayor Falci commented on the cleaning contract with the current cleaners. There have been a few problems. The Mayor stated that it is a contract issue and he would meet with them after the 3 month trial period.

**BUDGET WORKSHOP**

A Budget workshop will be scheduled for Tuesday March 13<sup>th</sup> at 5:30 PM. Trustee Thomas will be leaving on the 14<sup>th</sup> for two weeks and the board would like to have him attend.

**OTHER**

Mayor Falci noted that Supervisor Zdanowski will be meeting this Wednesday with a structural representative from Hunt Engineers. Hunt will look at the current DPW building for structural problems. He would like the Trustees to familiarize themselves with the Planning Boards recommendations for a new DPW building. The Mayor noted that there may be some structural issues that may need to be addressed soon if the board agrees to keep the present location.

Mayor Falci would like the board to consider the Seneca Rd. project, possibly a five year plan.

Mayor asked the clerk about the floor covering in the village hall conference room. The Clerk would like to have the Mayor and board make a decision on budgeting for next year the cost for a new floor. The Mayor and board will discuss it at a budget workshop.

OIC Marcus Smith asked if the board was sending a perspective police officer to the Elmira police academy. Mayor Falci stated that a retired police officer had been in contact with him regarding a position on the Village police force. He told him that we were not planning to hire anyone or put them through the academy.

Trustee Libordi thanked Chief Robbins for the spec on the Class A foam and would he provide the number of containers on hand and the receive dates. Chief Robbins will provide.

Mayor Falci read the resignation letter from ZBA Chairman Doug Dunn.

**PAY BILLS**

Motion to pay bills made by Trustee Dick, seconded by Trustee DiRaimondo and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Abstain from Fire Dept bills	Trustee DiRaimondo	Aye

**MOTION TO GO INTO EXECUTIVE SESSION**

Trustee Libordi made a motion to go into executive session to discuss employee history. Motion was seconded by Mayor Falci and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

The board came out of executive session and the meeting was adjourned on a motion by Mayor Falci, seconded by Trustee Libordi and carried.

Mayor Falci	Aye		
Trustee Thomas	Aye	Trustee Libordi	Aye
Trustee Dick	Aye	Trustee DiRaimondo	Aye

Respectfully submitted,

Kristene Libordi  
Village Clerk