

**REGULAR MEETING  
OF THE NORTH HORNELLS VILLAGE BOARD  
September 13, 2021 6:00PM  
Meeting Minutes**

---

**ATTENDANCE:** Mayor John Falci  
Trustees: Joseph Ingalls, Joseph Flint, Joshua Greenthal, Trustee Richard Head  
Clerk Vanessa Scott  
Treasurer Kristene Libordi  
Superintendent Rich Scavo  
Fire Chief Mike Robbins  
Videographer Bob Peisher  
Other Attendees: Don Hoffman  
Derrick Prutsman  
Dave Prete  
Jeremy Smith  
Wesley Bryant  
Kelly Bryant  
Peter DiRaimondo

**MINUTES**

Motion to accept the minutes from the monthly meeting held on September 13, 2021 were made by Trustee Joseph Flint seconded by Trustee Joshua Greenthal and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

**TREASURER REPORT**

Motion to accept the treasurer's report from August 2021 was made by Trustee Joseph Ingalls seconded by Trustee Richard Head and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

**CLERK REPORT**

Motion to accept the clerk's report from August 2021 was made by Mayor John Falci seconded by Trustee Richard Head and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

**CODE ENFORCEMENT REPORT**

Code Enforcement Officer Bill Rusby was available for questions. He reported that a lot of building permits and driveway projects are underway and should be finishing up before the end of fall at which time he will be submitting

the C of C to the property owners. Mayor Falci also made note of the Cleveland Ave. apartment building that has been in discussion the past couple of months. Code Enforcement Officer Rusby told the board he was taking action on the property with the letter. Some of the issues may be law enforcement and will be dealt with accordingly.

Motion to accept the Code Enforcement report was made by; Trustee Richard Head seconded by Trustee Joshua Greenthal and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

**NORTH HORNELL POLICE DEPARTMENT REPORT**

Chief Kyle Amidon reviewed a few items on his report. He continues to wait on the prescription drug drop box for the Village Office. This will give residents a place to bring old prescription medications and keep them off the streets. More information coming as he knows more. He notified the board that Officer Crouch resigned the North Hornell Police Department. He was hired by the City of Hornell. Chief Amidon informed the board he has an officer for the position, however, this officer will not be road ready until November 2021.

A/C unit is finally in and making the office bearable.

At this time, Chief Amidon introduced Sheriff Allard for a brief presentation. Sheriff Allard presented his accomplishments over the past 5 years and announced he will be serving another 5 years. He is visiting municipalities in Steuben County to review accomplishments, present upcoming services and goals for the upcoming 5 years.

He reminded the board of the Local Law for the Marijuana Reform Act. The board was informed at this time that the Local Law needs to have a decision no later than December 31, 2021. There is an option to opt out for municipalities. The board needs to make a decision to either opt in or out of having Marijuana Dispensaries in the Village of North Hornell. Whatever the decision, a referendum will need to be presented to the community for a vote. If the Village opts out it will become a Local Law. Once the Village opts out, it can opt back in and become a dispensary Village but, the Village needs to understand that if they opt back in to be a dispensary Village, they can never opt back out again. There was further discussion on this but no decision was made at this time. Sheriff Allard offered to provide the Village with a template to use to complete and send in with their final vote and for the referendum to go for vote to the village residents. Sheriff Allard mentioned that a letter will go out to local municipalities informing them of a meeting to go over the information he just presented.

Motion to accept the North Hornell Police Department report was made by Trustee Joshua Greenthal seconded by Trustee Richard Head and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

Complaints	2
Community Services Rendered	25
Assist Other Departments	5
Traffic Stops	4
Total Calls Handled for the Month:	36

**FIRE DEPARTMENT REPORT**

Total Calls for the Month:	18
Town:	5
Village:	5
Fire Alarm Checks:	5

M/A: 3

Motion to accept the Fire Chief’s report was made by Trustee Joshua Greenthal, Seconded by Trustee Joseph Flint and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

Mayor Falci asked if there was a date yet for the high band radios to be turned on by Steuben County. The department continues to wait for this date so the warranty will be in effect. Fire Chief Robbins continues to wait on the information from Motorola in reference to the warranty. The contact he has continues to wait for the information as well.

New Ladder Truck

Fire Chief Mike Robbins and Vice President Jeremy Smith presented a power point with the board at this time for replacement of Fire Engine 58. The power point was to give the board information on the need to replace Engine 58 with a new ladder truck. Fire Chief Robbins presented the board with a letter received from the City of Hornell’s Fire Chief. He also asked if he could send the letter, asking for donations, out to local businesses, hospital, etc. that would benefit from the purchase of the proposed new truck. Fire Chief Robbins informed the board that this purchase is not eligible for FEMA or USDA grants. He explained that the income in the area is too high to qualify for those grants. To finance the entire cost of the new ladder truck, it would cost the Village \$75,000.00 to \$76,000.00 a year for the next 15 years with no money due for the first year after signing. Chief Robbins also told the board that the fire department would have a lot of the equipment needed to complete the truck already so those items wouldn’t need to be purchased.

The board asked Fire Chief Robbins to hold off on sending the letter to solicit donations until they get back to him. Mayor Falci said it would be the beginning of the upcoming week that they will let him know if he can move forward with the referenced letter.

No other decisions on the presentation were made at this time.

The board agreed to approve the Halloween celebration at the Fire Hall. It is understood this is approved as long as CDC Guidelines are followed and as long as no restrictions are imposed due to more information on Covid-19 outbreaks. The check for \$200.00 will be presented to the Fire Department after the October 12, 2021 monthly meeting as agreed in the budget.

**MAINTENANCE DEPARTMENT REPORT**

Motion to accept the Maintenance Department report was made by Trustee Richard Head, Seconded by Trustee Joshua Greenthal and carried.

Mayor Falci	Aye	Trustee Greenthal	Aye
Trustee Ingalls	Aye	Trustee Head	Aye
Trustee Flint	Aye		

Sewer Flows

Superintendent Scavo told the board he is concerned with the sewer flows from August 18, 2021 to the end of the month. Normal flows are 20,000 to 30,000 gallons a day and have increased to 178,000, 378,000, etc. Superintendent Scavo commented that he didn’t know if a meter is off but, these are extremely high from what is normal for the Village each day. He commented that it’s possible that people are pumping into the sewer system. He then commented that it is not legal to pump into the Village sewer system. It is also possible that the amount of rain that’s been received in the month of August could have contributed to the extra gallons. The report for September will hopefully give some clarity as well.

August 11, 2021 Water Main Break on 2<sup>nd</sup> Street and Reimbursement sought from Mr. & Mrs. Wesley Bryant

Mr. Bryant explained the damage done to his basement, and contents. He explained they have had the basement and garage floor have been cleaned and mold prevention has been done as well.

They had someone come in and evaluate the furnace and hot water tank. The hot water tank insulation shows damage. He mentioned they aren't sure if the damage is from this flooding from the water main break or one that happened 2 or three years ago. He continued to mention that the driveway suffered damage. It was black top and after the water main break this time, it was covered with dirt, mud and gravel. He told the board other residents want to know what is being done so this doesn't happen a 3<sup>rd</sup> time. Trustee Richard Head asked the residents if they had homeowners insurance and if they covered any of the damages. The residents responded that they do have homeowners insurance. Mr. Bryant said, "But then we have to pay \$1,000.00 deductible out of their pocket." They continued by saying, "the insurance will cover but then they will come after the Village and they were trying to keep that from happening." Trustee Joseph Ingalls asked if the Village had insurance to cover water damage to resident's homes. This is something that will need to be looked in to.

Mayor Falci asked Mr. Bryant what it was they are looking for. At this time they are asking for \$500.00 to cover the expenses that have been incurred already for cleanup of the basement and garage floor after the flood. He also distributed an estimate of \$2,475.00 he and his wife received for the other repairs that need to be done to their driveway. This is to replace the blacktop that is there now and another \$1,200.00 for the water heater that needs replacing. This is a total request of \$4,175.00 to complete repairs from the damages. Mayor Falci said his homeowners covered the damages. He explained he never had anyone come to the board for reimbursement for damages due to water main breaks or anything.

The resident explained he brought the estimate of \$500.00 to the Village office 4 weeks ago and said he didn't hear anything from anyone. He felt like they got forgotten. Clerk Scott spoke up and reminded both Mr. & Mrs. Bryant that she explained to both of them that it would have to go before the board in order to get approval for payment. Mr. Bryant said he thought a special meeting could be called. Clerk Scott reminded him that she explained that if it was something that couldn't wait, then she would talk to the Mayor and ask for a special meeting to be held. She reminded Mr. Bryant that he responded that it wasn't an emergency and that he would have other estimates to submit anyway. Clerk Scott also brought up a phone call with Mrs. Bryant and explained the same thing to her and there seemed to be a mutual understanding at that time. They both agreed that Clerk Scott did explain this to them and they did understand things wouldn't be able to be done right away.

Trustee Ingalls asked Superintendent Scavo to recap what happened the day of the water main break on 2<sup>nd</sup> street. Superintendent Scavo explained it to the board at this time. He explained that this water line that has caused this break now the second time will no longer be used. It will be abandoned eventually when they get a chance to do it. This means water will not flow past their home any longer. He also explained that as he understands how homeowner insurance works is that it covers damages as what it is being discussed.

Mayor Falci told the residents that the Village wouldn't be accountable for the \$1,000.00 deductible anyway. If the Village was to pay for damages, they wouldn't pay for the deductible. Mrs. Bryant said the insurance company said they would cover the damages but they would come back on the Village for everything.

Mayor Falci said he would have to check with the Village's insurance company and check with the Village's attorney as well.

The board would like to find out what typical procedures are taken in other municipalities for situations like this before submitting a check for reimbursement of the \$500.00 that is in the vouchers to be paid at the meeting tonight.

The residents reported that they are back to normal in their home at this time. The only thing that needs to be repaired now is the hot water tank and the driveway.

Mayor Falci explained to the homeowners that he will talk to the Village Attorney to find out what action the Village should take. He doesn't want to make it seem that every time something goes wrong in the Village, the Village is going to have to present reimbursement to the Village resident at that time. The Village needs to make

sure they go about this the correct way. He also reiterated that the Village will contact Partridge Insurance for information on what the Village is expected to do in a situation like this.

Trustee Greenthal agreed the Village needs to figure out what actions they need to take and at the same time told the homeowners that he understands that they wanted to get things cleaned up and get things back to normal. He just wants to make sure the Village is doing the right thing for all involved.

Mayor Falci said he had been to the resident before and remembered that the asphalt was cracked and not in very good shape to begin with. The residents agreed that it wasn't a perfectly blacktop driveway. Mr. Bryant said it wasn't taken care of before they purchased the home and from the time that they have lived there.

Mayor Falci stated at this time, "under no circumstance is the Village going to admit that they are at fault for the water main break that caused the damage to Mr. & Mrs. Bryant's home and driveway." He continued by saying: "These things happen."

Mayor Falci concluded the discussion by informing Mr. & Mrs. Bryant that no decision can be made at this time. The board will resume discussion at another time after receiving advice and information from the Village Attorney and Insurance Company.

#### National Fuel Stakes

Discussion about the stakes in resident's yards on Seneca Road. Superintendent Scavo reported that National Fuel is planning to dig from Barillo Park to Jones Street. They are changing out the old lines on both sides of the road (East and West side). This means that the resident's yards will be dug up again. The board asked if notification was received prior to this mark-out being done. Superintendent Scavo reported he hadn't received notice and there was no notice received at the Clerk's Office. Concerns were discussed about the new sidewalks just finished last summer, driveway aprons, etc. Superintendent Scavo replied that this is why the fuel company is planning to put the new lines in the resident's yards instead of where they are now to keep from disturbing previous work just completed by the Village. They are also going to try to do some "directional boring" which will help lessen what they need to dig up. Superintendent Scavo also asked National Fuel why this project they are doing now wasn't considered when the Village was having the new sidewalks done. The response was that National Fuel didn't find the leaks they are taking care of now until just recently. Trustee Ingalls thought it would need to be presented to the Board before National Fuel or any company would just come in and start digging up Village property. Superintendent Scavo offered to give Trustee Ingalls a contact number so he can contact them with his questions. Superintendent Scavo agreed that these projects should be coordinated with the Village so the work that was done with notification to the Village. Mayor Falci asked Superintendent to provide the number to Trustee Ingalls and collectively the Mayor and Trustee Ingalls will meet and get more information on this situation. Superintendent Scavo informed the board that no "dig out" calls have been made that he is aware of which means this is not happening right away but he wanted to board to know what he knew at this time.

Superintendent reported that it appears a cement truck working with the construction project behind the school may have driven over the valve and snapped the water line that the North Hornell DPW had been working on causing another water break. He commended the shared services with the Village of Arkport. The Superintendent offered assistance and went above and beyond. Trustee Ingalls asked if the repairs that were necessary because of the truck running over the valve were something the Village could take up with the insurance company of the contractor doing the work behind the school? Superintendent Scavo said he didn't know if it was because it is assumed that it was the truck that did the damage. He said he has no way to prove that it was the truck that did the damage. He mentioned he had been on site 20 minutes prior to the report of water bubbling out of the street and everything was good therefore the assumption he made that it was one of the construction trucks that caused the damage. Trustee Ingalls continued to inquire about contacting the contractor doing the work at the school. No further action was decided to be taken at this time.

Superintendent Scavo reported the 2 accidents that occurred in the DPW in the month of August. Accident reports have been submitted to Clerk Scott and Mayor Falci and have been filed for further reference if needed. One incident with Charlie Harrison – DPW Assistant and the second was Superintendent Rich Scavo.

Superintendent Scavo reported hydrants were flushed and was a success. He reported the need for a new hydrant at the end of Avondale in the amount of \$3,000.00. He explained the situation with the hydrant and the reason the hydrant needs replacing. At this time the hydrant is bagged and “out of order.”

ARPA Funding

Superintendent Scavo was asked to get pricing for water line replacement parts with some of the funding. He told the board, “After flushing the hydrants the evening before, there are 4 – 5 hydrants that need to be replaced in the Village.” He explained he doesn’t have any other pricing for anything else at this time.

The board continued discussion on the designated use for the funding received and the understanding that a plan needs to be in place by the end of October 2021 so Village Treasurer Kristene Libordi can do the necessary reporting by the deadline.

Trustee Ingalls asked about 3 vouchers that could be paid with some of the ARPA funds right now. These vouchers are for the work done on Avondale Ave. There was further discussion about this and it was agreed to use some of the ARPA funds to cover that expense. The amount to be used out of the ARPA funds at this time is \$6,724.64 and will be mentioned in Resolution 34-2021

**NEW BUSINESS**

**RESOLUTION 33-2021 APPROVE PAYMENT OF VOUCHERS**

The following Resolution was offered by Mayor John Falci, seconded by Trustee Joseph Flint and carried,

**RESOLVED**, that the Village of North Hornell Board of Trustees at the monthly meeting on September 13, 2021, approved to pay vouchers from the General Account starting with number 100-131 (omitting voucher #130) in the amount of \$13,130.22. Pay vouchers from the Sewer Account starting with number 17-21 in the amount of \$395.69

	Aye	Nay
Mayor Falci	X	
Trustee Ingalls	X	
Trustee Greenthal	X	
Trustee Flint	X	
Trustee Head	X	

**RESOLUTION 34-2021 BUDGETARY RESOLUTION**

The following Resolution was offered by Trustee Joseph Ingalls, seconded by Trustee Richard Head and carried.

**RESOLVED**, that the Village of North Hornell Board of Trustees at their Board Meeting on September 13, 2021 approved the establishment of Revenue account A4089 Federal Aid, for ARPA (American Rescue Plan Act) funds, and \$6,724.64 to be moved from A4089 to A8320.4 Common Water.

	Aye	Nay
Mayor Falci	X	
Trustee Ingalls	X	
Trustee Greenthal	X	
Trustee Flint	X	
Trustee Head	X	

**RESOLUTION 35-2021 BUDGETARY RESOLUTION**

The following Resolution was offered by Trustee Joseph Flint, seconded by Trustee Joshua Greenthal and carried.

**RESOLVED**, that the Village of North Hornell Board of Trustees at their Board Meeting on September 13, 2021 approved the transfer of \$3,000.0 from A1990.4 Contingent Account to A3120.4 Police Contractual for Overage in that account and additional funds for future expenses.

	Aye	Nay
Mayor Falci	X	
Trustee Ingalls	X	
Trustee Greenthal	X	
Trustee Flint	X	
Trustee Head	X	

#### **RESOLUTION 36-2021**

The following Resolution was offered By Trustee Joseph Flint, seconded by Trustee Joseph Ingalls and carried.

**RESOLVED**, that the Village of North Hornell Board of Trustees at their Board Meeting on September 13, 2021 approved the establishing revenue account A1589 Public Safety Department Income for moneys coming in from County Traffic Diversion Program.

	Aye	Nay
Mayor Falci	X	
Trustee Ingalls	X	
Trustee Greenthal	X	
Trustee Flint	X	
Trustee Head	X	

#### Policy Update: Village Reimbursement Policy

The only change in this policy is to go from \$.54 per mile to \$.575 per mile. All other verbiage will remain the same.

All board members agreed to the change and adopted the policy to be dated: September 13, 2021. Mayor Falci made the motion to accept the change from \$.54 per mile to \$.57 per mile, seconded by Trustee Joshua Greenthal and carried

	Aye	Nay
Mayor Falci	X	
Trustee Ingalls	X	
Trustee Greenthal	X	
Trustee Flint	X	
Trustee Head	X	

#### Office Construction

No action on this item at this time and tabled.

#### Constellation (fixed vs. variable rate)

The board agreed unanimously to have Treasurer Libordi lock in the fixed rate at this time.

#### Cleveland Avenue

Mayor Falci reported it is a work in progress trying to contact the owner of the apartment building. He reported that he and the Code Enforcement Officer are working to rectify this situation.

### Video Stream Meetings

Bob Peish was not present at this time to present the systems that he has for the Village to try. He talked to the Mayor and Clerk Vanessa Scott about a couple recording systems that he has but is still not convinced they are the best for the Village at this time. Mayor Falci told the board he thinks the board should consider having Peish continue to video the meetings for the remainder of the year. It is already in the budget to pay for him to video all meetings. Mayor Falci continued to discuss the uncertainty of where things are going with Covid-19 and the Variant and thinks the board should consider Peish finish out the budget year and in the new budget season other options could be considered at that time.

The board agreed that having Bob Peish come to the meetings to record them is the best option at this time. They also agreed to have him finish out the year as planned in the current budget.

### **OTHER**

#### Village Attorney

Mayor Falci reminded the board that a new Village Attorney will need to be decided on. He has a couple recommendations that he will present at the October meeting. He just needs to find out what their retainer is and if they are willing to follow the contract that the Village currently have with Attorney Eric Shults. Discussion continued about looking into Municipal Attorneys. No decisions were made at this time and further discussion will resume at the October 2021 meeting.

#### Water Tap Fees

The board read through the proposed updated amounts submitted by Superintendent Scavo. Superintendent Scavo and Clerk Scott met prior to the meeting and showed necessary increases for water tapping costs. Superintendent Scavo told the board he would evaluate the costs yearly and present for board approval as needed.

Mayor Falci motioned to accept the new Water Tapping fees as presented by Superintendent Scavo to cover the increase in supplies, seconded by Trustee Joseph Ingalls and was carried.

#### Side by Side/4 wheelers in the Village

Trustee Joseph Ingalls asked if there was anything that does not allow them to be driven through the Village. At this time there is no known Local Law for the use of the side by sides or UTV to be driven on Village streets or in the parks. There are tickets that have been issued for use in surrounding villages and town but nothing in the Village of North Hornell at this time.

There is a distinction between an ATV and a UTV. ATV can be registered if they're under a certain weight. A UTV is more like a Gator, ranger, and these cannot be registered and this is where the problem is. ATV's that are registered are not allowed to be driven on the streets and public highways. They can cross from one side of the road to the other but are not allowed to drive down the road. A UTV that cannot be registered by the State and are used by a lot of farmers and municipalities and these are seen being driven up and down the road. If it has the little triangle on the back, they can only get up to a certain speed, they are allowed on the roads and highways.

Gators, side by sides, UTV's are allowed to be driven on the streets. Superintendent Scavo told the board he has a copy of a Town Law that he could scan to the Village and it could be considered for adoption into the Village Local Law.

Superintendent Scavo informed the board of the following law: "Any vehicle being operated on a roadway has to be registered." He continued by saying, "some of the vehicles in question cannot be registered therefore they are allowed to be driven on the streets."

Trustee Flint said the streets in the Village are different than town streets or roads and doesn't agree with allowing these vehicles to be on Village streets.



No final decision was made on this subject at this time.

Trustee Richard Head motioned to adjourn the meeting seconded by Mayor John Falci and was carried.

Meeting was adjourned at 8:44pm

Respectfully submitted,

Vanessa Scott  
Village Clerk