**MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 10, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Gorman, Sinsabaugh, Goodwin, Chandler, Sorensen, and Mayor McDuffee (arrived at 6:34)

Also present were Clerk Treasurer Wood, Street Equipment Operator Pond, Recreation Director Traub, and Attorney Keene

Visitors included Ron Keene of 7 Elliott Street, Linda Vogel of 201 Broad Street, Andy & Marilee Quinlan of 515 Chemung Street, William Dimmick III of 19 Lincoln Street, Tom Bellinger of 474 Pennsylvania Avenue, and Joseph Picco with the Tinsel-n-Lights committee.

Press included, Ron Cole of WAVR/WATS, and Kristy Westbrook of the Morning Times

**Public Comments:** No comments were offered.

**Minutes:** Trustee Gorman moved to approve the Minutes of December 27, 2011 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Street, Court, and Police Departments. They also reviewed the complaint log.

**Treasurer's Report:** The following was presented, as presented:

General Fund 12/01/11 – 12/31/11

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 52,156.96 | Current Revenues | 201,731.44 |
| Deposits | 583,846.63 | Year to Date Revenue | 2,224,726.70 |
| Disbursements | 460,495.81 | Current Expenditures | 370,378.62 |
| Ending Balance | 175,507.78 | Year to Date Expended | 1,561,308.17 |

\*General Capital Reserve Fund $83,396.29

Cemetery Fund 12/01/11 – 12/31/11

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,249.32 | Current Revenues | 705.77 |
| Deposits | 675.00 | Year to Date Revenue | 52,612.55 |
| Disbursements | 206.39 | Current Expenditures | 206.39 |
| Ending Balance | 3,717.93 | Year to Date Expended | 33,431.53 |

**Finance Committee:** Trustee Gorman presented bills for in the amount of General Fund $80,393.28; Cemetery $282.82; Dental Trust $611.98; for a total of $81,288.08. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Tinsel-n-Lights Event:** Mayor McDuffee stated he invited Mr. Picco to attend meeting and thanked him for coming. He also stated the Tinsel-n-Lights event is a great event for our community to have and the committee does a great job organizing it. Mr. Picco stated this was the 8th year of the event. It started with a concept to reproduce childhood memories and give new ones. The committee works very hard all year and collected over $15,000 for the event. He stated the best part of the event is that it is free for everyone to enjoy. Mr. Picco stated frustration that the park and ice sculptures got destroyed and equipment was vandalized the next day. He asked the Village for help to try to curb the vandalism. He also stated the event may be cancelled in the future if this continues. Mayor McDuffee stated what a shame it is that this happened. He stated the Village would punish any vandals to the fullest extent of the law. He also stated that security cameras would be placed in the park to help stop this from happening again. Mayor McDuffee stated this vandalism at Muldoon Park and damage to the gazebo is going on all year and it needs to stop.

**FEMA Projects-Engineering Bids:** Attorney Keene reviewed the bids from Hunt Engineers and Delaware Engineering and recommended Hunt Engineers as their bid was a set amount and Delaware Engineering’s bid was more of a salary schedule. Trustee Gorman moved to award the retaining wall replacement and the Glen bridge repair to Hunt Engineers in the amount of $35,400 plus billable expenses up to $1,000.Trustee Gorman moved to award Hunt Engineers the Flood Repairs Project encompassing the retaining wall and pedestrian bridge and work with FEMA for funding of this project. Trustee Chandler seconded the motion, which carried unanimously.

**Village Appraisal/Inventory Proposal:** The Board discussed proposal from Industrial Appraisal for updating the Village’s inventory and appraisal values. The clerk stated our insurance agent is checking with NYMIR. Discussion followed regarding doing in-house inventories of each department. Trustee Gorman moved to table discussion for more information. Trustee Chandler seconded the motion, which carried unanimously.

**Commercial Building Inspection Charge:** Attorney Keene stated Owego charges $25 annually for commercial building inspections, other municipalities charge by the hour, or no charge at all. The consensus of the Board was to not start charging for commercial building inspections as they are not being charged currently.

**Loan Program Review:** No comments or recommendations were given.

**Cemetery Mowing:** Trustee Sinsabaugh move to table discussion. Trustee Chandler seconded the motion, which carried unanimously.

**Street Department Computer:** The clerk stated the estimate to repair a previously used computer for the street department to use is approximately $200. She stated a monitor and keyboard would need to be purchased. Trustee Gorman moved to approve as presented. Trustee Kraus seconded the motion, which carried unanimously.

Street Equipment Operator Pond stated the leaf picker broke down at the end of leaf picking and they needed to rent one for $800 per week to finish up. He submitted two estimates for a new picker, as follows.

Bradco Supply $11,900

Joe Johnson Equipment $12,300

Trustee Sinsabaugh moved to approve the purchase of a new leaf picker at a cost of $11,900 from Bradco Supply. Trustee Gorman seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Gorman, Chandler, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

Street Equipment Operator Pond stated the department trucks are all over 13 years old and requested permission to get estimates to replace them. Trustee Chandler moved to approve Pond to get estimates. Trustee Gorman seconded the motion, which carried unanimously.

Street Equipment Operator Pond stated the concrete pad under the skateboard park is falling apart and he would like to remove it. He stated the skateboard equipment is in such bad repair that it will be torn apart.

Trustee Sinsabaugh stated concern that the street sweeper is put away too early. Pond stated it gets put away the same time every year. He stated it’s too cold and the water would freeze on the street.

**Planning Board:** Mayor McDuffee announced that Dave Gibbs has resigned from the Planning Board. He thanked Mr. Gibbs for his many years dedicated to the Village of Waverly. Mayor McDuffee stated that Bob Wright, a long-time member of the Planning Board, has taken over as Chairman. Mayor McDuffee is meeting with a potential new member and will possible appoint at the next meeting.

**Grievance Day Resolution:** Trustee Gorman offered the following resolution and moved its adoption:

WHEREAS, The Board of Trustees is required by the Real Property Tax Law to provide a Grievance Day on the third Tuesday, of February, 2012, and

WHEREAS, such third Tuesday falls on the 21st day February, 2012, and

WHEREAS, the Board of Assessment Review is required to meet for at least four hours to hear grievances,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved that the Board of Assessment Review meet on the 21st day of February, 2012, in the Trustees’ Room, in the Village Hall, between the hours of 4:00 and 8:00 P.M. to hear complaints with respect to the Assessment Roll to be filed by the Assessor with the Clerk of the Village, on or before February 1, 2012, and the Clerk of the Village is further directed to publish statutory notice of such meeting required by the Real Property Tax Law.

The resolution was seconded by Trustee Kraus and on voice vote, unanimously carried.

**Election Resolution:** Trustee Sinsabaugh offered the following resolution and moved its adoption:

WHEREAS, the Annual Election of the Village of Waverly be held in the Trustees’ Room in the Village Hall, at 32 Ithaca Street, Waverly, New York, between the hours of 12:00 o’clock noon and 9:00 o’clock in the afternoon of Tuesday, March 20, 2012, and

WHEREAS, the following be designated as Inspectors of Election: Sharon Alamo, Laura Hoppe, Roberta Hollenbeck, and Joan Case, be paid $100.00 each, and

WHEREAS, Sharon Alamo be and she hereby is appointed Chairman of the Board, and

WHEREAS, that the Board of Trustees of the Village of Waverly accepts the voting machine custodians designated by the Town of Barton, namely Joseph Satterly and James Deming, and be paid $100.00 each, and

BE IT RESOLVED, the Village of Waverly will hold their General Election on Tuesday, March 20, 2012 for the purpose of electing three Trustees, each for a term of two years.

The resolution was seconded by Trustee Chandler and upon voice vote, unanimously carried.

**Budget Committee:** Mayor McDuffee asked Trustees: Goodwin, Sinsabaugh, and Chandler to help develop the 2012-2013 budget. They all agreed.

**Code Enforcement Officer:** Mayor McDuffee stated he held interviews for Code Enforcement Officer. Mayor McDuffee appointed Michael LeRose as Code Enforcement Officer to fill the vacancy at a salary of $15,755.70, as he currently is certified in New York State. Trustee Goodwin moved to approve the Mayor’s appointment as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Part-Time Cleaner:** Mayor McDuffee stated he held interviews for part-time cleaner. Mayor McDuffee recommended hiring Josephine Saxon. Trustee Gorman moved to to hire Josehine Saxon as part-time cleaner, at a rate of $9.50 per hour with flexible hours between 20-30 hours per week. Trustee Chandler seconded the motion, which carried unanimously.

**Fair Housing Plan Resolution:** The clerk submitted a draft plan for Fair Housing. She stated New York State is now requesting communities to formally adopt a plan. The Board will review for the next meeting.

**Mayor’s Comments:** Mayor McDuffee stated he met with representatives of Broome Community College and local business people. He stated BCC is very interested in our building’s wing to hold classes. This would be a satellite school, and are planning for 43 classes. He also stated this is a great geographical area for this and would help the community flourish. BCC is planning to present at the next meeting.

Thomas Bellinger stated the Greater Valley Chamber of Commerce should have representation from the Village and offered to be the representative. Mayor appointed Thomas Bellinger as the Village representative to GVCC. Trustee Chandler moved to approve the Mayor’s appointment. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Andy Quinlan of 515 Chemung Street stated he has never had sewer and would like to get it. Trustee Chandler stated he would research.

Trustee Gorman stated she would not be running again in the next election. Mayor McDuffee thanked her for time served, and stated there may be other avenues in which she could serve the Village if she were interested. Ms. Gorman stated she may be interested in the future.

**Executive Session:** Trustee Gorman moved to enter executive session 7:48 p.m. to discuss one personnel and two contractual issues. Trustee Chandler seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Chandler moved to enter regular session at 8:20 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Kraus moved to adjourn at 8:21 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 24, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Gorman, Kraus, Sinsabaugh, Chandler, Sorensen, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included: Ron Keene of 7 Elliott Street, John Giovenco of 452 Pennsylvania Avenue, Linda Vogel of 201 Broad Street, Ben Borko of 17 Lyman Avenue, and David & Kirstyn Perry of 41 Orchard Street. Representative of Broome Community College were Dr. Drumm, Andrea Wade, Kelli Ligeikis, Debra Morello, Janet Hertz, Doug Gaivell, Greg & Susan Talley, and Katie Bucci

Press: Ron Cole of WATS/WAVR, Amanda Renko of the Daily Review, and Kristy Westbrook of the Morning Times

**Public Comment:** No comments were offered.

**BCC Presentation:** Dr. Drumm thanked the Village for allowing BCC to have this presentation. He introduced his collegues. Dr. Kelli Ligeikis submitted information, and presented a slideshow regarding BCC possibly opening a satellite school in Waverly. She stated BCC is very interested in utilizing the Village Hall wing for this endeavor. She also explained that Waverly is centrally located and a great area for this. It would provide easy access to educational opportunities, students would stay in the area, promote higher education, increase preparedness for job placement, local business benefit, and teaching faculty provided from local area. BCC would like to be using this facility for the Fall of 2012 semester, and would be offering 42 courses to begin with with more to come. Discussion followed.

Mayor McDuffee stated he was very excited about the possibility of BCC coming to Waverly. He stated this kind of opportunity was talked about and hoped for when the Village bought and renovated the new Village Hall. Mayor McDuffee asked for a motion to proceed. Trustee Kraus moved to proceed. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Gorman, Chandler, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

Mayor McDuffee, and the Board, thanked the Representative of BCC for their presentation.

Mayor McDuffee appointed Trustees Goodwin, Sorensen, and himself to be contacts for this project. Trustee Kraus moved to approve Mayor McDuffee’s appointments as presented. Trustee Gorman seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of January 10, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Gorman presented bills for in the amount of General Fund $8,900.37; and Dental Trust $876.85; for a total of $9,772.22. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Glen Challenge Mountain Bike Race:** Dave Perry presented a plan and insurance information to hold a mountain bike race in the Glen. The event will be scheduled for May 26-27. Attorney Keene reviewed the insurance information and had no concerns. Mr. Perry stated this would be an overnight event with camping in the Glen area, with approximately 75-125 people. He stated they would cover all costs, including extra portable bathrooms and showers. Attorney Keene stated she would like to review the code regarding camping in the parks. Trustee Goodwin moved to proceed with the biking/camping event pending Attorney Keene’s review of the code. Trustee Gorman seconded the motion, which carried unanimously.

**Project GROW:** Trustee Sinsabaugh moved to approve Project GROW be allowed to have garden space behind the Village Hall to help educate at-risk kids who are not on college track to do a work-study in conservation/agriculture. Trustee Goodwin seconded the motion, which carried unanimously.

**DPW Uniform Service:** The clerk presented costs for multiple services from UniFirst Corporation, and

AmeriPride Services. She stated we currently use AmeriPride, however, the contracts expire in March.

The costs for services were lower from UniFirst. Trustee Chandler moved to switch service to UniFirst

Corporation, and authorize the Mayor to sign the contracts. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Fair Housing Resolution:** Trustee Gorman offered the following resolution, and moved its adoption:

WHEREAS, the Village of Waverly is committed to the provision of equal access and equal housing opportunities for all its residents, and

WHEREAS, discrimination in the sale, rental or financing of dwellings on the basis of race, color, religion, sex, national origin, handicap, or familial status is prohibited by the federal Fair Housing Law of Title VIII of the 1968 Civil Rights Act and the Fair Housing Amendment Act of 1988, and

WHEREAS, the Village of Waverly wishes to further Fair Housing in the Village and,

WHEREAS,the Village of Waverly has been operating pursuant to a Fair Housing Plan, which is attached hereto,

NOW, THEREFORE BE IT RESOLVED that the Village of Waverly does hereby adopt the attached Fair Housing Plan by resolution and does designate the office of Code Enforcement Officer to act as Fair Housing Officer for the Village of Waverly to carry out the activities of the attached Plan and deal with complaints related to the issue of Fair Housing in the Village.

Trustee Kraus seconded the motion, which carried unanimously.

### Fair Housing Plan Implementation

The Village of Waverly is committed to the provision of equal access and equal housing opportunities for all its residents. Discrimination in the sale, rental or financing of dwellings on the basis of race, color, religion, sex, national origin, handicap or familial status is specifically prohibited by the Federal Fair Housing Law of Title VIII of the 1968 Civil Rights Act and the Fair Housing Amendments Act of 1988. While the federal law protects us from discrimination in housing, the Village recognizes that this is only the first step towards Fair Housing and that action to affirmatively further this right is also necessary.

The Village will further Fair Housing by focusing its attention in the following areas:

I. Educational Activities

These activities will promote the education of the Village residents as to the aspects of the Fair Housing Law and other pertinent housing issues. This would be accomplished by the preparation and dissemination of a brochure, public service announcements, and quarterly advertisements in the local newspaper(s).

The Village will work cooperatively with any agencies directly involved with public housing in the Village. In addition, the Village will make known to attorneys, realtors, financial institutions or other agencies involved in housing issues in the Village about the Village's stand against discriminatory housing practices.

II. Local Compliance Activities

This activity will include the designation of the Village’s Building Inspector as the Fair Housing Officer. The Fair Housing Officer will assist families and individuals with information regarding Fair Housing. The Fair Housing Officer will also network with local offices which focus on housing issues to make known the Village's commitment to Fair Housing.

III. Assistance to Minority Families

As stated in Number I above, a successful educational program will make known the Village's stand against discriminatory housing practices. The Village's Fair Housing Officer will work cooperatively with any public housing in the Village and will notify County agencies of the Village's stand with respect to Fair Housing. This assistance to minority families will be aided by maintaining a list of attorneys, realtors or landlords who are willing to assist minority families who seek housing opportunities in the Village. The Village will not tolerate discrimination in any of its federal housing programs.

IV. Special Programs

Special programs may be varied. A letter writing campaign to disperse the Fair Housing brochure is the first step. Secondly, informing attorneys, realtors, landlords and financial institutions of the Fair Housing program in the Village may generate special programs. Another avenue to be explored is distributing informational Fair Housing material through the school system. The Village may also want to work in conjunction with any of the aforementioned agencies in a coordinated effort to offer a social program. An example would be to work with the Board of Realtors in helping to promote April as Fair Housing Month or meeting with senior citizen groups to discuss Fair Housing issues.

**New Police Sergeant Position:** Mayor McDuffee stated he had conversation with Chief Updyke and their recommendation is to freeze the Police Lieutenant position and create another Police Sergeant position. This would make a third sergeant position. Trustee Gorman moved to approve the creation of a third police sergeant position effective on January 25, 2012. Trustee Chandler seconded the motion, which carried unanimously.

**Police Department Promotion:** Mayor McDuffee promoted Officer Daniel Gelatt to Police Sergeant based on Chief Updyke’s recommendation. Trustee Gorman moved to approve the promotion of Daniel Gelatt to Police Sergeant at the contractual rate, effective January 25, 2012. Trustee Goodwin seconded the motion, which carried unanimously.

**Cemetery Mowing:** Trustee Sinsabaugh moved to table discussion for the next meeting. Trustee Chandler seconded the motion, which carried unanimously.

**General Election Polling Site Acceptance:** The clerk presented a polling site acceptance form from Tioga County Board of Elections for use of the community room on April 24, 2012 for the primary elections, and on November 6, 2012 for the general election. Trustee Sinsabaugh moved to approve the community room for these elections. Trustee Chandler seconded the motion, which carried unanimously.

**NYCOM Winter Legislative Meeting** – The clerk stated NYCOM is holding their Annual Winter Legislative Meeting on February 26-27, 2012 in Albany. Trustee Gorman moved the Mayor, the Attorney, and any Trustee be authorized to attend. Trustee Goodwin seconded the motion, which carried unanimously.

**NYS DEC Floodplain Management Law:** Attorney Keene stated there is a requirement from FEMA to adopt a local law to plan flood mapping. She stated she would have a draft for review at the next meeting.

**Hazard Mitigation Plan Participation:** The clerk stated we received a letter from Wendy Walsh, Tioga County Soil & Water Conservation, requesting we join other municipalities in Tioga County to develop a multi-jurisdictional hazard mitigation plan. The letter also stated this would need to be done for future grant funding through the hazard mitigation grant program. They will be holding a kick-off meeting on February 16, 2012 at the county auditorium. The letter request that a letter of intent to join be sent to Ms. Walsh. Trustee Sinsabaugh moved that the letter of intent be sent. Trustee Kraus seconded the motion, which carried unanimously.

**Village Appraisal/Inventory Proposal:** The Board directed the clerk to invite Todd Sampsell, of Industrial Appraisal to the next meeting to discuss proposal.

**Code Enforcement:** Trustee Sorensen moved to hire Bob Chisari to help with multi-dwelling inspections and be paid at a rate of $25 per unit. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Chandler moved to approve Bob Chisari to attend Code Enforcement training in Syracuse on February 14-16, 2012 at a cost of $25, plus room and board. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Planning Board Appointment:** Mayor McDuffee appointed Rick Wilbur to the Planning Board to fill the vacancy left by Dave Gibbs. Trustee Sinsabaugh moved to approve the Mayor’s appointment as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Board of Assessment Review Appointment:** Mayor McDuffee appointed Mark Bakley to the Board of Assessment Review for a two-year term. Trustee Chandler moved to approve the appointment of Mark Bakley as presented. Trustee Goodwin seconded the motion, which carried unanimously.

Mayor McDuffee appointed Troy Campbell to the Board of Assessment Review for a one-year term. Trustee Sinsabaugh moved to approve the appointment of Troy Campbell as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Curb Cut Application:** The clerk presented a curb cut request from David Jacobson for the property known as 447 Park Avenue. This was previously presented. Discussion followed. The clerk would refer this to code enforcement.

**Mayor’s Comments:** Mayor McDuffee asked Attorney Keene where we are with the Frutchey lot sale. Attorney Keene stated she would get if scheduled for sale.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:53 p.m. to discuss a contractual and a personnel issue. Trustee Chandler seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Gorman moved to enter regular session at 8:20 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Mayor McDuffee requested that Spring Clean-up be on the next agenda.

**Adjournment**: Trustee Kraus moved to adjourn at 8:26 p.m. Trustee Gorman seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 14, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Sinsabaugh, Goodwin, Chandler, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Ron Keene of 7 Elliott Street, Tom Bellinger of 474 Pennsylvania Avenue, and John Woodburn of 203 Center Street

Press included, Ron Cole of WAVR/WATS, and Kristy Westbrook of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk presented a new liquor license application from Carol Santalucia stating her intentions to file for a liquor license for The Pub at 371 Broad Street. This was previously known as Sparkys. The clerk stated Chief Updyke reviewed the application and had no concerns. The Board offered no concerns or comments.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of January 24, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, and Police Departments. They also reviewed the complaint log.

**Treasurer's Report:** The following was presented, as presented:

General Fund 1/01/12 – 1/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 175,507.78 | Current Revenues | 67,246.54 |
| Deposits | 191,391.51 | Year to Date Revenue | 2,291,973.24 |
| Disbursements | 261,398.51 | Current Expenditures | 181,782.05 |
| Ending Balance | 105,500.78 | Year to Date Expended | 1,743,090.22 |

\*General Capital Reserve Fund $83,396.29

Cemetery Fund 1/01/12 – 1/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,717.93 | Current Revenues | 0.00 |
| Deposits | 0.00 | Year to Date Revenue | 52,612.55 |
| Disbursements | 457.11 | Current Expenditures | 457.11 |
| Ending Balance | 3,260.82 | Year to Date Expended | 33,888.64 |

**Finance Committee:** Trustee Sinsabaugh presented bills for in the amount of General Fund $61,286.36; Cemetery $30.28; Dental Trust $286.31; for a total of $61,602.95. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Chandler seconded the motion, which carried unanimously.

**FEMA Projects Update:** The clerk stated FEMA has approved our application for emergency measures for the September 2011 flood event in the amount of $3,069.81. She stated Hunt Engineers will be starting their engineering of the retaining wall and the glen bridge repair. She also stated that Hunt Engineers will be working with FEMA representative Nathaniel Ling so everything should go smoothly.

**Industrial Appraisal Proposal:** The clerk stated Todd Sampsell, Regional Manager of Industrial Appraisal, has amended the original proposal which will include tagging all removable items with a value of $1,000 or more at no additional costs. Their proposal is to inventory, appraise, and tag certain items the Village of Waverly for a total cost of $10,435. Trustee Sinsabaugh moved to approve the proposal from Industrial Appraisal as presented, and the Mayor to sign agreement. Trustee Chandler seconded the motion, which carried unanimously.

**Low/Moderate Income Limits:** The clerk presented an updated guideline of low/moderate income limits from the U.S. Department of HUD. She stated these are the limits that are used for the CDBG Programs. Discussion followed. Trustee Sinsabaugh moved to accept the Department of HUD income limits when pertaining to rehab loan requests. Trustee Chandler seconded the motion, which carried unanimously.

**Loan Program Review:** The clerk presented a report for the business loan and rehab loan programs. The report outlined the funding and the status of individual loan repayments. The Board reviewed the report and asked the clerk to report quarterly, the clerk agreed. The report is as follows:

General Fund 1/01/12 – 1/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 237,402.74 | Beginning Balance | 198,470.77 |
| Deposits | 919.90 | Deposits | 4,553.09 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 238,322.64 | Ending Balance | 203,023.86 |

**Cemetery Mowing:** Trustee Sinsabaugh move to discuss in executive session. Trustee Chandler seconded the motion, which carried unanimously.

**Curb Cut Application:** The clerk presented a curb cut request from David Jacobson for the property known as 447 Park Avenue. This was previously presented. The clerk stated Code Enforcement Officer LeRose has contacted the owner to correct some issues. Trustee Chandler moved to approve application contingent upon replacing damaged sidewalk, pan, and gravel in driveway. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Draft Floodplain Local Law:** Attorney Keene submitted a floodplain law drafted by NYS DEC. She stated concern with some areas of the law. Discussion followed. Trustee Kraus moved to table discussion for more information. Trustee Chandler seconded the motion, which carried unanimously.

**Counsel of Governments:** Ron Keene stated there will be a kick-off meeting for the Tioga County Hazard Mitigation Plan on February 15, 2012 at 4:00 p.m. at the County Hubbard Auditorium.

**Mobile Home Moratorium:** Attorney Keene asked for a two month extension on the mobile home moratorium. Trustee Chandler moved to approve a two month extension as requested. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Police Department Appointments:** Mayor McDuffee appointed Nathaniel Harvey to Full-Time Police Officer as per the recommendation of Chief Updyke, at the certified contractual rate, 12 month probationary period, and contingent upon him passing the medical exam. Trustee Goodwin moved to approve the Mayor’s appointment of Nathaniel Harvey as presented. Trustee Chandler seconded the motion, which carried unanimously.

Mayor McDuffee appointed Lewis Reynolds to Part-Time Police Officer as per the recommendation of Chief Updyke, at the certified contractual rate. He stated Lewis Reynolds has more than three years of prior experience with the Waverly Police Department. Trustee Sinsabaugh moved to approve the Mayor’s appointment of Lewis Reynolds as presented. Trustee Chandler seconded the motion, which carried unanimously.

Mayor McDuffee appointed Steve Wilkinson to Part-Time Police Officer as per the recommendation of Chief Updyke, at the non-certified contractual rate; however, the rate would change once he gets certified as per the contract. The Mayor stated he needs the appointment to get the phase 2 training to get certified. He also stated, per Chief Updyke, Mr. Wilkinson would not be working as patrolman until he was certified. Trustee Sinsabaugh moved to approve the Mayor’s appointment of Steve Wilkinson as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Trane Service Agreement for HVAC:** The clerk submitted a proposal from Trane regarding the HVAC system for the Village Hall for their review for the next meeting.

**Justice Court Grant Award:** The clerk read a letter from NYS Unified Court System awarding the Village Justice Court a grant of $2,000 under the 2011-2012 cycle of the Justice Court Assistance Program (JCAP). Trustee Goodwin moved to accept the grant as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Mayor’s Comments:** Mayor McDuffee commended Trustee Sinsabaugh for coordinating the in-kind services in regard to the demo work on the Village Hall wing. Trustee Sinsabaugh thanked the Mayor for working with him, and also thanked Tioga County for all their help.

Mayor McDuffee stated BCC was at the Village Hall taking measurements of the wing. They are hoping to possibly hold an open house in April. He also stated he met with BCC and Hunt Engineers to discuss their use of the building.

Trustee Sinsabaugh stated the Police Department would like to look into implementing tazers. Mayor McDuffee recommended they discuss with Chief Updyke.

**Executive Session:** Trustee Chandler moved to enter executive session 7:07 p.m. to discuss one personnel and two contractual issues. Trustee Kraus seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Goodwin moved to enter regular session at 7:45 p.m. Trustee Chandler seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to sell the old Village Hall (358 Broad Street) for $40,000 as the potential owner has agreed to comply with the historic covenent and historical designation set forth by the State Historic Preservation. Trustee Chandler seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Chandler, Goodwin, Sinsabaugh, McDuffee)

Nays – 0

Absent – 2 (Gorman, Sorensen)

The motion carried.

Trustee Chandler moved to refer the potential rezoning of the municipal lot located on Spaulding Street to the Planning Board. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Chandler moved to adjourn at 7:47 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 28, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Gorman, Kraus, Sinsabaugh, Chandler, Sorensen, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, and Code Officers Mike LeRose and Bob Chisari

Visitors included: Ron Keene of 7 Elliott Street, Mr. & Mrs. Zehr of 208 Chemung Street, and Linda Vogel of 201 Broad Street

Press: Ron Cole of WATS/WAVR, Amanda Renko of the Daily Review, and Kristy Westbrook of the Morning Times

**Public Comment:** Ron Keene stated he attended the COG meeting and they discussed possible flood mitigation for Dry Brook Creek. Mr. Keene stated concern with vandalism at Forest Home Cemetery. A flagpole was bent over and destroyed and the flag was stolen. He filed a report with the police.

**Letters and Communications:** The clerk presented a new liquor license application from Mustapha Fakir stating his intentions to file for a liquor license for Dine Divine Café & Grill, formerly known as Shaver’s Deli, located at 367-369 Broad Street. The clerk stated Chief Updyke reviewed the application and had no concerns. The Board offered no concerns or comments.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of February 14, 2012 as presented. Trustee Chandler seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Chandler, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Abstain – 1 (Gorman)

The motion carried.

**Finance Committee:** Trustee Gorman presented bills for in the amount of General Fund $5,405.45. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Cemetery Mowing:** Trustee Sinsabaugh moved to table discussion for the next meeting. Trustee Chandler seconded the motion, which carried unanimously.

**Trane HVAC Maintenance Proposal:** The clerk submitted a proposal from Trane Building Services to maintain our new HVAC system at Village Hall for an annual cost of $6,599. Trustee Sorensen stated he met with the representative and reviewed the proposal. He stated they would do preventative maintenance on the system quarterly. Trustee Sorensen moved to approve their proposal, as they installed the system and authorize Mayor McDuffee to sign the agreement. Trustee Gorman seconded the motion, which carried unanimously.

**NYS DEC Floodplain Management Law:** Attorney Keene stated there is a requirement from FEMA to adopt a local law to plan flood mapping. She stated she is waiting for a response from NYS DEC before she drafts a local law.

**Vacant Lot on DePumpo Lane:** Attorney Keene stated the lot is scheduled for foreclosure sale on February 27, 2012. She explained that if the lot does not sell at the sale, it would get turned over to the Village.

**Mayor’s Comments:** Mayor McDuffee commended the Zehr’s for their efforts to restore the house at 208 Chemung Street. He stated the house is going to be beautiful when completed, and may encourage others to work on their homes. The Board also commended the Zehr’s.

**Code Enforcement:** Mayor McDuffee introduced Code Enforcement Officers Mike LeRose and Bob Chisari. Mike LeRose submitted a handout regarding what elected officials need to know about code enforcement. He also explained why the multi-dwelling inspections have to be done. Discussions followed. Mayor McDuffee thanked them for coming and stated they would attend some future meetings.

**Executive Session:** Trustee Gorman moved to enter executive session at 7:08 p.m. to discuss a contractual issue. Trustee Kraus seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Gorman moved to enter regular session at 7:47 p.m. Trustee Chandler seconded the motion, which carried unanimously.

Mayor McDuffee stated the business and housing rehab loan program is currently frozen to new loans until some changes are made and new policies are adopted. He recommended one change be made to have a co-signer and credit check. Mayor McDuffee stated it is a shame that some people do not pay these loans back and it is hurting residents that could benefit from these programs.

**Adjournment**: Trustee Kraus moved to adjourn at 7:53 p.m. Trustee Chandler seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 13, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Sinsabaugh, Goodwin, Chandler, Gorman, and Deputy Mayor Sorensen

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Ron Keene of 7 Elliott Street, Tom Bellinger of 474 Pennsylvania Avenue, Linda Vogel of 201 Broad Street, and William Dimmick III of 15 Lincoln Street

Press included Ron Cole of WAVR/WATS

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk presented a liquor license application from William Millhollen and David Foster stating their intentions to renew their liquor license for The LOOM located at 439 Waverly Street. The clerk stated Chief Updyke reviewed the application and had no concerns. The Board offered no concerns or comments.

**Minutes:** Trustee Kraus moved to approve the Minutes of February 28, 2012 as presented. Trustee Chandler seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Street, Court, and Police Departments. They also reviewed the complaint log.

**Treasurer's Report:** The following was presented, as presented:

General Fund 2/01/12 – 2/29/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 105,500.78 | Current Revenues | 34,140.67 |
| Deposits | 241,673.17 | Year to Date Revenue | 2,326,113.91 |
| Disbursements | 152,767.79 | Current Expenditures | 149,703.36 |
| Ending Balance | 194,406.16 | Year to Date Expended | 1,892,793.58 |

\*General Capital Reserve Fund $83,451.90

Cemetery Fund 2/01/12 – 2/29/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,260.82 | Current Revenues | 62.61 |
| Deposits | 0.00 | Year to Date Revenue | 52,675.16 |
| Disbursements | 204.57 | Current Expenditures | 204.57 |
| Ending Balance | 3,056.25 | Year to Date Expended | 34,093.21 |

**Finance Committee:** Trustee Gorman presented bills for in the amount of General Fund $155,544.58; Cemetery $30.81; Dental Trust $125.00; for a total of $155,700.39. Trustee Gorman moved to approve payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**FEMA Projects Update:** The clerk stated FEMA has written a project worksheet for the glen bridge repairs at an estimated cost of $35,772.

**Cemetery Mowing:** Trustee Sinsabaugh stating he is waiting for more information and moved table. Trustee Chandler seconded the motion, which carried unanimously.

**Draft Floodplain Local Law:** Attorney Keene submitted a floodplain law drafted by NYS DEC. She stated there would be a floodplain building permit and asked the Board to determine a cost of said permit. Discussion followed. Trustee Gorman moved to impose a $25 charge for floodplain building permits. Trustee Chandler seconded the motion, which carried unanimously.

**Mausoleum Window Protection:** The clerk submitted a quote from Ma’s Glass & Art Studio to put lexan in front of the mausoleum windows for protection at a cost of $1,300. Trustee Chandler moved to approve quote as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Part-Time Code Enforcement Officer Pay Rate:** The clerk stated a pay rate is needed for our part-time Code Enforcement Officer, Bob Chisari, as he is training with Mike LeRose, and working some projects other than multi-dwelling inspections. Trustee Sinsabaugh moved to table discussion until Mayor McDuffee was present. Trustee Chandler seconded the motion, which carried unanimously.

**Safety Training Officer:** The clerk reported that Joseph Luckert, PESH-NYS Department of Labor, was in and stated concern that we do not have a safety officer and up-to-date training within the DPW. She stated that she will contact Tioga County Safety to get some more information.

**Parks Lawn Mower Purchase:** The clerk stated Recreation Director Traub has requested to purchase a zero-turn lawn mower for the parks department. The details were given in the monthly report. Traub recommended purchasing the Ferris from Middendorf Tractor. The report stated the Ferris has 66 hours of service and returned. Discussion followed. The clerk presented two quotes for a lawn mower, as follows:

Vandusen Machinery Husler Fastrak $5,750

Husler Fastrak Super Duty $6,450

Middendorf Tractor Ferris Big Block IS 2000 $6,268

Trustee Sorensen moved to approve the purchase of the Ferris from Middendorf Tractor for the parks department at a cost of $6,268. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Chandler, Goodwin, Sinsabaugh, Gorman, Sorensen)

Nays – 0

Absent – 1 (McDuffee)

The motion carried.

**Board Comments:** Trustee Sinsabaugh asked the Board for their support to work with Clerk Treasurer Wood to try to get delinquent loans more current. The Board offered their support.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 7:21 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF TRUSTEES OF THE**

**VILLAGE OF WAVERLY AT 6:30 P.M. ON TUESDAY, MARCH 27, 2012**

**IN THE TRUSTEES’ ROOM, VILLAGE HALL ANNEX,**

**FOR THE PURPOSE OF CONSIDERING PROPOSED LOCAL**

**LAW 1 OF 2012, REPEAL AND REPLACE CHAPTER 80,**

**FLOOD DAMAGE PREVENTION**

Deputy Mayor Sorensen declared the public hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing. Present were Deputy Mayor Sorensen, Trustees; Goodwin, Sinsabaugh, Gorman, and Kraus. Also present were: Clerk Treasurer Wood, and Attorney Keene. The press included Kristy Westbrook of the Morning Times, Amanda Renko of the Daily Review, and Ron Cole of WATS/WAVR. Also present were Ron Keene of 7 Elliott Street, Linda Vogel of 201 Broad Street, Rosemary and James DePumpo of 91 Lincoln Street, Jean Minielly-Schmieg of 417 Chemung Street, and William Dimmick III of 19 Lincoln Street.

Attorney Keene explained that the Village has proposed this local law to repeal and replace the current local law for flood damage prevention as per the recommendation from the State. Deputy Mayor Sorensen asked if anyone had any comments or concerns.

With no one wishing to be heard, Deputy Mayor Sorensen closed the hearing at 6:40 p.m.

Respectfully submitted,

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Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 27, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Gorman, Kraus, Sinsabaugh, Goodwin, and Deputy Mayor Sorensen

Also present were Clerk Treasurer Wood, Trustee-Elect Ronald Keene, and Attorney Keene

Visitors included: Linda Vogel of 201 Broad Street, Rosemary and James DePumpo of 91 Lincoln Street, Jean Minielly-Schmieg of 417 Chemung Street, and William Dimmick III of 19 Lincoln Street

Press: Ron Cole of WATS/WAVR, Amanda Renko of the Daily Review, and Kristy Westbrook of the Morning Times

**Public Comment:** Rosemary DePumpo stated she had damage to her yard from the September flooding. She stated the DPW was there to repair some damage, however, she was not pleased with the damage left from the repairs and asked when the DPW would be there to finish. Trustee Sinsabaugh stated he would discuss with Jack Pond of the DPW.

Jean Minielly-Schmieg stated concern with pigeon excrement in front of 319 Broad Street. She stated it was all over the sidewalk and people are forced to walk through it. Attorney Keene stated she would address this issue with code enforcement. Linda Vogel stated the WBA and the church took out 500 pigeons last year. She stated the person would need roof access to be able to get more pigeons.

Ron Keene stated concern that people are parking on the graves at Glenwood Cemetery when hiking in the trails. He stated the police should patrol.

**Letters and Communications:** The clerk presented a letter from the Waverly VFW requesting support to purchase new grave flags. Trustee Gorman moved to donate $150 to the Waverly VFW for their flag funding. Trustee Kraus seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of March 13, 2012 as presented. Trustee Gorman seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Gorman presented bills for in the amount of General Fund $35,577.60 and Dental Trust $323.64; for a total of $35,901.24. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Proposed Local Law 1 of 2012: Repeal and Replace Chapter 80, Flood Damage Prevention:** Trustee Sinsabaugh offered the following resolution and moved its adoption.

WHEREAS, The Board of Trustees of the Village of Waverly has authorized a public hearing to be held on March 27, 2012, to hear comments regarding proposed local law 1 of 2012, repealing Chapter 80, Flood Damage Prevention, and

RESOLVED, The Board of Trustees of the Village of Waverly has approved the adoption of local law 1 of 2012, to repeal and replace Chapter 80, Flood Damage Prevention, is hereby replaced as follows:

**SECTION 80.1**

**STATUTORY AUTHORIZATION AND PURPOSE**

**80.1 A. FINDINGS**

The Village Board of the Village of Waverly finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Waverly and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

**B. STATEMENT OF PURPOSE**

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accom­modation of flood waters;

(4) control filling, grading, dredging and other development which may increase erosion or flood damages;

(5) regulate the construction of flood barriers which will unnatural­ly divert flood waters or which may increase flood hazards to other lands, and;

(6) qualify and maintain for participation in the National Flood Insurance Program.

**C. OBJECTIVES**

The objectives of this local law are:

(l) to protect human life and health;

(2) to minimize expenditure of public money for costly flood control projects;

(3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) to minimize prolonged business interruptions;

(5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;

(6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to mini­mize future flood blight areas;

(7) to provide that developers are notified that property is in an area of special flood hazard; and,

(8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**SECTION 80-2**

**DEFINITIONS**

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

**"Appeal"** means a request for a review of the Local Administrator's inter­pretation of any provision of this Local Law or a request for a variance.

**"Area of shallow flooding"** means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of special flood hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base flood­plain or l00-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

**“Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**“Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see "Structure"

**"Cellar"** has the same meaning as "Basement".

**"Crawl Space"** means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

**"Elevated building"** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**"Federal Emergency Management Agency"** means the Federal agency that administers the National Flood Insurance Program.

**"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(l) the overflow of inland or tidal waters;

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipat­ed force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regula­tory Floodway along water courses studied in detail in the Flood Insurance Study.

**"Flood Elevation Study"** means an examination, evaluation and determination of the flood hazards and, if appropriate, correspond­ing water surface eleva­tions, or an examination, evaluation and determination of flood- related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** see "flood elevation study".

**"Floodplain**" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**"Floodproofing"** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Floodway"** - has the same meaning as "Regulatory Floodway".

**"Functionally dependent use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**"Historic structure"** means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or prelimin­arily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical signifi­cance of a registered historic district or a district preliminarily deter­mined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interi­or; or

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior or

(b) directly by the Secretary of the Interior in states without approved programs.

**"Local Administrator"** is the person appointed by the community to adminis­ter and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforce­ment Officer, or employee of an engineer­ing department.

**"Lowest floor"** means lowest floor of the lowest enclosed area (including base­ment or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Mean sea level"** means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of l929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insur­ance Rate Map are referenced.

**"Mobile home"** - has the same meaning as "Manufactured home".

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**"One hundred year flood"** or **"100-year flood"** has the same meaning as "Base Flood".

**"Principally above ground"** means that at least 5l percent of the actual cash value of the structure, excluding land value, is above ground.

**"Recreational vehicle"** means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 80-4 (E) of this Law.

**"Start of construction"** means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"Substantial damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construc­tion" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's contin­ued designa­tion as a "Historic structure".

**"Variance"** means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

**“Violation”** means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

**SECTION 80-3**

**GENERAL PROVISIONS**

**A. LANDS TO WHICH THIS LOCAL LAW APPLIES**

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Village of Waverly, Tioga County.

**B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Village of Waverly, Community Number 361343 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36107C0343E, 36107C0344E, 36107C0345E, 36107C0456E, 36107C0457E

whose effective date is, April 17, 2012, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Tioga County, New York, All Jurisdictions” dated April 17, 2012.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: Waverly Village Hall, 32 Ithaca Street, Waverly, NY 14892.

**C. INTERPRETATION AND CONFLICT WITH OTHER LAWS**

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promo­tion of the public health, safety, and welfare. Whenever the require­ments of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restric­tive, or that imposing the higher standards, shall govern.

**D. SEVERABILITY**

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

**E. PENALTIES FOR NON-COMPLIANCE**

No structure in an area of special flood hazard shall hereaf­ter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compli­ance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall consti­tute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than l5 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Waverly from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the develop­er and/or owner has not applied for and received an approved variance under Section 80-6 will be declared non-compliant and notifica­tion sent to the Federal Emergency Management Agency.

**F. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this local law is con­sid­ered reasonable for regulatory purposes and is based on scientific and engi­neering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Village of Waverly, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

**SECTION 80-4**

**ADMINISTRATION**

**A. DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Code Enforcement Officer is hereby appointed Local Ad­ministra­tor to administer and implement this local law by granting or denying floodplain development permits in accordance with its provi­sions.

**B. THE FLOODPLAIN DEVELOPMENT PERMIT**

**(1) PURPOSE**

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 80-3 (B), without a valid floodplain development permit. Applica­tion for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimen­sions, and eleva­tions of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

**(2) FEES**

All applications for a floodplain development permit shall be accompanied by an application fee of $ $25.00. In addi­tion, the applicant shall be responsible for reimbursing the Village of Waverly for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than $500.00 to cover these additional costs.

**C. APPLICATION FOR A PERMIT**

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in re­lation to mean sea level, of the lowest floor (including basement or cellar) of any new or substan­tial­ly improved st­ruc­ture to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permitee shall submit to the Local Ad­ministrator the as-built eleva­tion, certified by a licensed profes­sional engineer or sur­veyor.

(2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or survey­or.

(3) A certificate from a licensed profes­sional engineer or architect that any utility flood­proofing will meet the criteria in Section 80-5 (C), UTILITIES.

(4) A certificate from a licensed professional engineer or archi­tect that any non-residential floodproofed struc­ture will meet the floodproofing criteria in Section 80-5 (E), NON-RESIDEN­TIAL STRUCTURES.

(5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed devel­op­ment. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the docu­ments enumerated in Section 80-3 (B), when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be main­tained.

(6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other proper­ty.

(7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdi­vi­sion propos­als and other pro­posed devel­op­ments (includ­ing proposals for manufac­tured home and recreat­ion­al vehicle parks and subdivi­sions) that are greater than either 50 lots or 5 acres.

**D. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the Local Administrator shall include, but not be limited to the following.

**(1) PERMIT APPLICATION REVIEW**

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(a) Review all applications for completeness, particularly with the requirements of subsection 80-4 (C), APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.

(b) Review subdivision and other proposed new development, including manufac­tured home parks to deter­mine whether proposed building sites will be reasonably safe from flood­ing. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 80-5, CONSTRUCTION STANDARDS and, in particular, sub-section 80-5 (A) (1) SUBDIVISION PROPOSALS.

(c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Adminis­trator may require the appli­cant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 80-5, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application­ to include measures that miti­gate or elimi­nate the adverse effects and re-submit the application.

(d) Determine that all necessary permits have been received from those govern­mental agencies from which approval is required by State or Federal law.

**E. USE OF OTHER FLOOD DATA**

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Adminis­trator shall obtain, review and reason­ably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data devel­oped pursuant to paragraph 80-4 (C) (7), as criteria for requiring that new con­struc­tion, substantial improvements or other proposed development meet the requirements of this law.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

**F. ALTERATION OF WATERCOURSES**

(l) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evi­dence of such notification to the Re­gional Administrator, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for mainte­nance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not dimin­ished.

**G. CONSTRUCTION STAGE**

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantial­ly improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervi­sion of a licensed land surveyor or profession­al engineer and certi­fied by same. For manufac­tured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recre­ation­al vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certifica­tion shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficien­cies detected shall be cause to issue a stop work order for the project unless immediately corrected.

**H. INSPECTIONS**

(1) The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the develop­ment is in compliance with the require­ments of the floodplain development permit and/or any variance provisions.

**I. STOP WORK ORDERS**

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a develop­ment permit. Disre­gard of a stop work order shall subject the violator to the penalties described in Section 80-3 (E) of this local law.

(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the condi­tions of the develop­ment permit. Disre­gard of a stop work order shall subject the violator to the penalties de­scribed in Section 80-3 (E) of this local law.

**J. CERTIFICATE OF COMPLIANCE**

(l) In areas of special flood hazard, as determined by documents enumerated in Section 80-3 (B), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erect­ed, changed, converted or wholly or partly altered or enlarged in its use or structure until a cer­tificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all develop­ment in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspec­tions conducted as prescribed in Section 80-4 (H), INSPECTIONS, and/or any certified eleva­tions, hydraulic data, floodproof­ing, anchoring requirements or encroach­ment analyses which may have been required as a condition of the approved permit.

**K. INFORMATION TO BE RETAINED**

The Local Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compli­ance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 80-4 (G) (1) and 80-4 (G) (2), and whether or not the structures contain a basement;

1. Floodproofing certificates required pursuant to sub-section 80-4 (G) (1), and whether or not the structures contain a basement;

(4) Variances­ issued pursuant to Section 80-6.0, VARIANCE PROCE­DURES; and,

(5) Notices required under sub-section 80-4 (F), ALTERATION OF WATERCOURSES.

S**ECTION 80-5**

**CONSTRUCTION STANDARDS**

**(A) GENERAL STANDARDS**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 80-3 (B).

**(1) SUBDIVISION PROPOSALS**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (includ­ing proposals for manufactured home and recre­ational vehicle parks and subdivi­sions):

(a) Proposals shall be consistent with the need to minimize flood dam­age;

(b) Public utilities and facilities such as sewer, gas, elec­tri­cal and water systems shall be locat­ed and con­struct­ed so as to mini­mize flood damage; and,

(c) Adequate drainage shall be provided to reduce exposure to flood damage.

**(2) ENCROACHMENTS**

(a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(ii) the Village of Waverly agrees to apply to the Federal Emergency Management Agency (FEMA)for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Waverly for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Waverly for all costs related to the final map revision.

(b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 80-3 (B), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the Village of Waverly agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Waverly for all fees and other costs in relation to the applica­tion. The applicant must also provide all data, analyses and mapping and reimburse the Village of Waverly for all costs related to the final map revisions.

**(B) STANDARDS FOR ALL STRUCTURES**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 80-3 (B).

**(1) ANCHORING**

New structures and sub­stantial improve­ment to structures in areas of special flood hazard shall be anchore­d to prevent flota­tion, collapse, or later­al movement during the base flood. This requirement is in addi­tion to appli­cable State and local anchoring require­ments for resisting wind forces.

**(2) CONSTRUCTION MATERIALS AND METHODS**

(a) New construction and substantial improve­ments to structures shall be constructed with materials and utility equip­ment resistant to flood damage.

(b) New construction and substantial improve­ments to structures shall be constructed using methods and practices that mini­mize flood damage.

(c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are avail­able, new and sub­stantial­ly improved struc­tures shall have fully en­closed areas below the lowest floor that are use­able solely for parking of vehi­cles, build­ing access or storage in an area other than a basement and which are subject to flooding, designed to automat­ical­ly equalize hydrostat­ic flood forces on exterior walls by allowing for the entry and exit of flood ­waters. De­signs for meeting this re­quire­ment must either be certified by a licensed profes­sional engineer or architect or meet or exceed the following minimum crite­ria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent fin­ished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of flood­waters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(**C) UTILITIES**

(a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drain­age systems for buildings that have openings below the base flood elevation shall be provided with auto­matic backflow valves or other automatic backflow devices that are installed in each dis­charge line passing through a building's exterior wall; and,

(d) On-site waste disposal systems shall be locat­ed to avoid impairment to them or contamina­tion from them during flooding.­

**(D) RESIDENTIAL STRUCTURES**

**(1) ELEVATION**

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the require­ments in sub-sections 80-5 (A) (1), SUBDIVISION PROPOSALS, and 80-5 (A) (2), ENCROACHMENTS, and Section 80-5 (B), STANDARDS FOR ALL STRUCTURES.

(a) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new con­struction and substan­tial improve­ments shall have the low­est floor (in­clud­ing base­ment) ele­vated to or above two feet above the base flood elevation.

(b) Within Zone A, when no base flood elevation data are avai­l­able, new con­struction and substan­tial improve­ments shall have the lowest floor (in­cluding base­ment) ele­vated at least three feet above the highest adja­cent grade.

(c) Within Zone AO, new con­struction and substan­tial improve­ments shall have the lowest floor (including basement) elevated above the high­est adjacent grade at least as high as two feet above the depth number speci­fied in feet on the commun­ity's Flood Insurance Rate Map enumerated in Section 80-3 (B) (at least two feet if no depth number is speci­fied).

(d) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed struc­tures on slope

**(E) NON-RESIDENTIAL STRUCTURES**

The following standards apply to new and substantially improved commercial, indus­trial and other non-residential structures located in areas of special flood hazard, in addition to the require­ments in sub-sections 80-5 (A) (1), SUBDIVISION PROPOSALS, and 80-5 (A) (2), ENCROACHMENTS, and Section 80-5 (B), STANDARDS FOR ALL STRUCTURES.

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substan­tial improvements of any non-resi­dential structure shall either:

(a) have the lowest floor, including base­ment or cel­lar, elevated to or above two feet above the base flood eleva­tion; or

(b) be floodproofed so that the struc­ture is water­tight below two feet above the base flood elevation, including atten­dant utility and sanitary facilities, with walls substan­tially impermeable to the passage of water. All structur­al components located below the base flood level must be capable of resisting hydrostatic and hydro­dynamic loads and the ef­fects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 80-4 (D) (1) (b).

(3) If the structure is to be floodproofed, a licensed profession­al engineer or architect shall develop and/or review struc­tural design, specifications, and plans for con­struc­tion. A Floodproof­ing Certificate or other certification shall be provided to the Local Administra­tor that certifies the design and methods of construction are in accordance with ac­cepted standards of prac­tice for meeting the provisions of Section 80-5 (E) (1) (ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

1. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

**(F) MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

The following standards in addition to the standards in Section 80-5 (A)GENERAL STANDARDS, and Section 80-5 (B), STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recre­ational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

(a) be on site fewer than 180 consecutive days,

(b) be fully licensed and ready for highway use, or

(c) meet the requirements for manufactured homes in paragraphs 80-5 (F) (2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no perma­nently attached additions.

(2) A manufactured home that is placed or sub­stan­tially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is se­curely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone A, when no base flood elevation data are avail­able, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength­ that are no less than 36 inches in height above grade and are securely an­chored to an adequately anchored foun­dation system to resist flotation, collapse or lateral move­ment.

(4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 80-3 (B) (at least two feet if no depth number is specified).

**SECTION 80-6**

**VARIANCE PROCEDURE**

**(A) APPEALS BOARD**

(l) The Zoning Board of Appeals as estab­lished by the Village of Waverly shall hear and decide appeals and requests for variances from the requirements of this local law.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any require­ment, decision, or determination made by the Local Administra­tor in the enforce­ment or adminis­tration of this local law.

(3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evalua­tions, all relevant factors, stan­dards specified in other sections of this local law and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electri­cal, and water systems and streets and bridges.

(5) Upon consideration of the factors of Section 80-6 (A)(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.

(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

**B. CONDITIONS FOR VARIANCES**

(l) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surround­ed by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 80-6 (A) (4) have been fully consid­ered. As the lot size increases beyond the one-half acre, the technical justi­fication required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construc­tion and substantial improvements and for other develop­ment necessary for the conduct of a functionally depen­dent use provided that:

(i) the criteria of subparagraphs l, 4, 5, and 6 of this Section are met; and

(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood dis­charge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justifi­cation of:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the appli­cant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signa­ture of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 80-4 (K) of this Local Law.

Trustee Gorman seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Gorman, Sinsabaugh, Sorensen, Kraus, Goodwin)

Nays – 0

Absent - 2 (Chandler, McDuffee)

**FEMA Estimate:** The clerk stated there was a change in the FEMA estimate for repairs needed to the Glen bridge. She stated the reimbursable estimate changed from $35,772.00 to $17,678.82 and a new project worksheet was written by FEMA

The clerk submitted quotes, requested by Hunt Engineers, for sub-surface geotechnical investigation for the Cayuta Creek retaining wall repair. They were adjusted based on 60 linear feet. They were as follows:

PSI $2,870

Empire Geo $3,750

CME Associates $3,707

Atlantic Testing $6,083

She stated that Hunt Engineers recommended PSI. Trustee Sinsabaugh moved to award the quote to PSI in the amount of $2,870 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Cemetery Mowing:** Trustee Sinsabaugh stated the Village will not be contracting cemetery mowing services this year as we will be using a caretaker and two part-time workers.

**Village Hall Wing Asbestos Abatement Project Bid:** The clerk stated Hunt Engineers have advertised for bids for the asbestos abatement project. Sealed bids will be received until 2:00 p.m. on April 11, 2012 when they would be opened.

**Vacant Lot on DePumpo Lane:** Attorney Keene stated the lot is scheduled for a foreclosure sale on March 30, 2012. She explained that if the lot does not sell, it would get turned over to the Village.

**NYRWA Annual Technical Conference:** Trustee Sinsabaugh moved to approve Jack Pond, Pat Roney, and Doug Kinsley to attend the conference on May 21-24, 2012 in Verona, NY. Trustee Goodwin seconded the motion, which carried unanimously.

**Fair Housing Month:** The clerk read the proclamation declaring the Month of April as Fair Housing Month. Trustee Goodwin moved to approve the proclamation. Trustee Gorman seconded the motion, which carried unanimously.

**Part-Time Code Enforcement Officer Pay Rate:** Trustee Sinsabaugh moved to table until Mayor McDuffee was present. Trustee Gorman seconded the motion, which carried unanimously.

**2012-2013 Tentative Budget:** The clerk presented the 2012-2013 tentative budget. Trustee Gorman moved to schedule a public hearing to hear comments regarding the tentative budget on April 10, 2012 at 6:30 p.m. and the clerk to advertise the same. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor’s Comments:** Trustee Sinsabaugh, on behalf of the Mayor and the Board, thanked Trustee Gorman for her dedication to the Village. Trustee Gorman stated her time was fulfilling and feels the Village is in good financial condition. She thanked everyone for their support. She stated she was very fortunate to work with the Waverly Police Department and is very proud of the department.

Trustee Sinsabaugh thanked the Waverly JV Baseball team for their efforts in cleaning litter from Mill Hill Road. He also thanked Tioga County Sheriff’s Department for their help with cleaning Broad Street and Broad Street Extension.

**Adjournment**: Trustee Gorman moved to adjourn at 7:08 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REORGANIZATION MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT**

**7:30 P.M. ON MONDAY, APRIL 2, 2012 IN THE**

**TRUSTEES’ ROOM, IN THE VILLAGE HALL**

Present were Trustees; Goodwin, Sinsabaugh, and Trustees-Elect Kraus, Ayres, and Keene

(Mayor McDuffee arrived at 7:14 p.m.)

Also Present: Clerk Treasurer Wood

Visitors included Adele Ayres of 429 Pennsylvania Avenue, Joe Schmieg of 417 Chemung Street, Amanda Renko of the Daily Review, and Kristy Westbrook of the Morning Times

**Call to Order:** Trustee Sinsabaugh called the meeting to order at 6:30 p.m.

**Oaths of Office:**  Clerk Treasurer Wood administered the Oaths of Office to Trustees-Elect; Kraus, Ayres, and Keene

**Mayor’s Appointments:** The following appointments were made as per Mayor McDuffee’s recommendations. They are as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Appointment** | **Term** | **Motioned by:** | **Seconded by:** | **Result** |
| Kerri Hazen | Deputy Clerk Treasurer | 1 year | Sinsabaugh | Kraus | Unanimously  Carried |
| Betty J. Keene | Village Attorney | 1 year | Kraus | Ayres | Unanimously  Carried |
| Kyle Sorensen | Deputy Mayor | 1 year | Ayres | Keene | Unanimously  Carried |
| Michael LeRose | Code Enforcement/  Building Inspector | 1 year | Keene | Goodwin | Unanimously  Carried |
| Robert Chisari | Code Enforcement/ Building Inspector | 1 year | Goodwin | Sinsabaugh | Unanimously  Carried |
|  | Water Board Commissioner | 5 years |  |  |  |
| Michael Hughes | Sewer Board  Commissioner | 5 years | Sinsabaugh | Kraus | Unanimously  Carried |
|  | Sewer Board Commissioner | 5 years |  |  |  |
| Billie Jo Jennings | Justice Court Clerk | 1 year | Kraus | Ayres | Unanimously  Carried |
| David Boland | Acting Justice | 1 year | Ayres | Keene | Unanimously  Carried |
| Julie Dugan | Assessor | 1 year | Keene | Goodwin | Unanimously  Carried |
| Michael Buffone | Planning Board | 5 years | Goodwin | Sinsabaugh | Unanimously  Carried |
| Andrea Giovenco | Zoning Board of Appeals | 5 years | Kraus | Ayres | Unanimously  Carried |
| Gerald Keene, Sr. | Cemetery Coordinator | 1 year | Ayres | Keene | Unanimously  Carried |
| Donald Merrill | Historian | 1 year | Keene | Goodwin | Unanimously  Carried |
| Teresa Fravel  George Greeno  Tom McLean | Crossing Guards | 1 year | Goodwin | Sinsabaugh | Unanimously  Carried |
| The Morning Times | Official Publication | 1 year | Sinsabaugh | Kraus | Unanimously  Carried |
| HSBC Bank  Chemung Canal Trust  Chase Bank  Tioga State Bank | Official Depositories | 1 year | Kraus | Ayres | Unanimously  Carried |
| Regular Meeting | 2nd Tuesday @ 6:30 p.m. | 1 year | Keene | Goodwin | Unanimously  Carried |

Check Signature Resolution: Trustee Goodwin offered the following resolution and moved its adoption:

RESOLVED, that checks drawn on the Village Funds be payable on signatures of two out of the four of the following persons: Mayor, Clerk Treasurer, Deputy Clerk Treasurer, or Trustee. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Committee Appointments –**

|  |  |  |  |
| --- | --- | --- | --- |
| Police | Sorensen |  |  |
| Street | Kraus | Goodwin |  |
| Bldgs, Grounds, Cemetery | Keene | Sinsabaugh |  |
| Recreation | Sinsabaugh |  |  |
| Sewer | Keene | Goodwin |  |
| Water | Goodwin | Ayres |  |
| Planning | Kraus | Ayres |  |
| Tioga County (COG) | Keene |  |  |
| Finance | Sinsabaugh | Kraus |  |
| Merchants | Ayres |  |  |
| Town of Barton (2 per year) | Sinsabaugh  Sorensen | Kraus  Ayres | Goodwin  Keene |

The Town of Barton Meeting is held on the 2nd Monday of the Month at 6:30 p.m. at the Town of Barton Hall.

Town of Barton Meeting Attendance Schedule:

Trustee Sinsabaugh – Jan, Feb Trustee Goodwin – May, June

Trustee Ayres – Mar, Apr Trustee Sorensen – Nov, Dec

Trustee Kraus – Sept, Oct Trustee Keene – July, Aug

Mayor McDuffee asked the Trustees to attend their scheduled meetings, however, it they could not attend, please let him know, and he would attend.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 7:16 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, APRIL 10, 2012 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON THE 2012-2013 TENTATIVE BUDGET**

Deputy Mayor Sorensen declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Keene, Kraus, Sinsabaugh, Goodwin, Ayres, and Deputy Mayor Sorensen

Also present were Clerk Treasurer Wood, and Attorney Keene. Visitors included William Dimmick III of 19 Lincoln Street, Linda Vogel of 201 Broad Street, John Reynolds of 205 Broad Street, Rosemary DePumpo of 91 Lincoln Street, Margaret Prinzi of 447 Chemung Street, and Dana Parkhurst of 115 ½ Chemung Street. Press included, Ron Cole of WAVR/WATS, Kristi Westbrook of the Morning Times, and Amanda Renko of the Daily Review.

Deputy Mayor Sorensen opened the floor and asked if anyone had any comments regarding the tentative 2012-2013 tentative budget.

Margaret Prinzi asked that the Village to consider utilizing the Recreation Director to take over the mowing of the cemeteries, and use equipment we already have. Trustee Kraus explained that the Village will be using a current employee to mow the cemeteries. He stated we are trying this to see if it is more feasible for the village to do instead of contracting out the services.

The clerk explained minor changes since the tentative budget became public. She explained that the tentative budget is made public on March 20th, however, the final assessment roll is not published until April 1st. There was a slight increase to the assessments, and a slight decrease to the tax rate.

Trustee Sinsabaugh stated he was pleased with the budget, and thanked the committee working hard on it. He stated the budget was kept to a minimum. Trustee Sinsabaugh stated that in the future the committee needs to look at other communities, and policies, regarding healthcare as this is a major factor in the budget.

Margaret Prinzi thanked the Board and the committee for a good budget and their work to keep it to a minimum. Dana Parkhurst agreed.

With no one wishing to be heard Deputy Mayor Sorensen closed the hearing at 6:42 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:45 P.M.**

**ON TUESDAY, APRIL 10, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:45 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Keene, Ayres, Sinsabaugh, Goodwin, and Deputy Mayor Sorensen

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Linda Vogel of 201 Broad Street, John Reynolds of 205 Broad Street, Rosemary DePumpo of 91 Lincoln Street, Margaret Prinzi of 447 Chemung Street, and Dana Parkhurst of 115 ½ Chemung Street

Press included Ron Cole of WAVR/WATS, Kristi Westbrook of the Morning Times, and Amanda Renko of the Daily Review.

**Public Comments:** Rosemary DePumpo stated she has not heard from anyone regarding the damage to her yard. Trustee Sinsabaugh stated he has looked at the yard and he will discuss with DPW Operator Pond.

Dana Parkhurst stated concern with an issue he had with the Justice Court, and Police Department. He requested meetings with the Mayor, Police Chief, and Judge.

John Reynolds requested a handicap parking space on Clark Street in front of the Church. He submitted his request. The clerk stated she would refer to Chief Updyke and DPW Operator Pond.

Margaret Prinzi stated she has been asking for four years why we don’t have directional signs for the business district at each end of the district. Trustee Keene stated he would check into that.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of March 27, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Court, and Police Departments. They also reviewed the complaint log.

**Treasurer's Report:** The following was presented, as presented:

General Fund 3/01/12 – 3/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 194,406.16 | Current Revenues | 94,345.97 |
| Deposits | 389,494.75 | Year to Date Revenue | 2,420,459.88 |
| Disbursements | 420,663.40 | Current Expenditures | 298,582.53 |
| Ending Balance | 163,237.51 | Year to Date Expended | 2,191,376.11 |

\*General Capital Reserve Fund $83,479.26

Cemetery Fund 3/01/12 – 3/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,056.25 | Current Revenues | 579.71 |
| Deposits | 550.00 | Year to Date Revenue | 53,254.87 |
| Disbursements | 1,505.10 | Current Expenditures | 5,505.10 |
| Ending Balance | 2,101.15 | Year to Date Expended | 39,598.31 |

Loan Programs 2/01/12 – 3/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 238,624.71 | Beginning Balance | 199,504.97 |
| Deposits | 10,973.99 | Deposits | 2,965.61 |
| Disbursements | 0.00 | Disbursements | 3,192.00 |
| Ending Balance | 249,598.70 | Ending Balance | 199,278.58 |

\*The report outlined the status of individual loan repayments.

\*Rehab disbursement reflected a second drawdown on a previously approved loan application.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $87,690.58; Cemetery $293.94; Dental Trust $563.38; for a total of $88,547.90. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Kraus seconded the motion, which carried unanimously.

**2012-2013 Budget Adoption:** Trustee Sinsabaugh moved to approve the 2012-2013 Tentative Budget as final. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Goodwin, Sinsabaugh, Sorensen)

Nays – 0

Abstain – 1 (Keene)

Absent – 1 (McDuffee)

The motion carried.

**FEMA Projects Update:** The clerk stated FEMA originally wrote a project worksheet for the glen bridge repairs at an estimated cost of $35,772 and then reduced it to $17,678.82. She stated this is an estimate from FEMA for possible reimbursement and not an estimate on the actual costs. She also stated that FEMA is again reviewing their estimate. Hunt Engineers is working with FEMA regarding this issue. She will keep the Board updated.

**Loan Program Audit:** Trustee Ayres stated the committee met yesterday and reviewed the status of individual loans. He stated the committee will meet weekly to work on a corrective action plan per the recommendations of the audit findings. He stated delinquencies are the major concern with the audit.

**Planning Board Recommendations:** Attorney Keene stated the Planning Board has reviewed the code regarding mobile homes, and recommend changing the definitions. The clerk submitted the new definitions. Attorney Keene stated these definitions correspond with New York State’s. She stated she would draft proposed changes for the next meeting.

The Planning Board also reviewed rezoning the Village’s vacant lot on Spaulding Street. Their recommendation was not in favor of rezoning. Trustee Ayres stated that the residents of Howard Street had concerns about losing their ability to park behind their houses, and they do not have driveways.

**Curb Cut Application:** The clerk presented a curb cut request from Thomas McLean for the property known as 128 Center Street. The clerk stated it was reviewed by Chief Updyke and DPW Operator Pond, with no concerns. Trustee Ayres moved to approve application as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Secondhand Dealers Law:** The clerk presented a copy of the City of Elmira’s law regarding secondhand dealers. Attorney Keene stated this regulates swap shop businesses. She stated Elmira enacted it and it seems to be working well. Trustee Keene stated concerns that it may hurt local used furniture and antique dealers. Attorney Keene stated she would discuss law with the City of Elmira’s Attorney to see if they encountered any problems.

**Part-Time Code Enforcement Officer Pay Rate:** The clerk stated she had discussion with Mayor McDuffee and he recommended part-time code officer get paid $10 per hour, 15 hours per week. Trustee Sinsabaugh moved approve pay rate as presented. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Goodwin, Sinsabaugh, Sorensen)

Nays – 0

Abstain – 1 (Keene)

Absent – 1 (McDuffee)

The motion carried.

**Adjournment**: Trustee Ayres moved to adjourn at 7:31 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 24, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Sinsabaugh, Goodwin, Sorensen and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included: Andy Fagen with the Farmers’ Market, and Seth & Jacob Hazen of 414 Chemung Street

Press: Kristy Westbrook of the Morning Times

**Public Comment:** Jacob Hazen stated that his Eagle Scout project of landscaping village hall got postponed due to the season. He submitted a new quote from Lowe’s in the amount of $467 for landscaping materials. Mayor McDuffee stated he would add this agenda and discuss.

**Letters and Communications:** The clerk read a letter from NYS DOT regarding the Route 17/Interstate 86 conversions. The letter stated improvements will begin in July 2012 and detours for exits 60 & 61 are expected, however, are not expected to stay in place overnight. The letter also stated if there were any questions or concerns to contact NYS DEC.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of April 10, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $15,509.37; Cemetery $157.49; and Dental Trust $182.60; for a total of $15,849.46. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Farmers’ Market:** Andy Fagen stated the vendors are still interested in holding a farmers’ market at Muldoon Park this summer. He stated they would prefer to hold it on Mondays between 4:00 and 7:00 p.m. to coincide with the concerts in the park. The market would begin on June 25th and end on October 22nd. Trustee Kraus moved to approve the farmers’ market as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**FEMA Projects Update:** The clerk presented the FEMA Project Worksheet for the retaining wall project, and FEMA’s estimate is $524,454. The clerk explained that this is just an estimate and not the actual cost. The clerk stated that we need to find funding for the cost of these projects. FEMA will reimburse, however, we need to pay the costs up front.

The clerk presented an update from Hunt Engineers regarding the projects.

The clerk read an announcement from Governor Andrew M. Cuomo stating New York State will cover the local share (12 ½%) of Tropical Storm Lee’s response and recovery costs.

**Wastewater Treatment Plant Operator/Building and Grounds Maintenance Worker:** Trustee Sinsabaugh moved to discuss in executive session as a personnel matter. Trustee Ayres seconded the motion, which carried unanimously.

**Village Hall Wing Asbestos Abatement Project Bid Results:** The clerk presented the bid results for the asbestos abatement, they are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Base Bid | Alt. 1 – GWB Mastic | Total |
| Abscope Environmental, Inc | $60,000 | $15,500 | $75,500 |
| Greenland Enterprises, LLC | $37,700 | $13,900 | $51,670 |
| Kascon, LLC | $42,700 | $7,100 | $49,800 |
| Metro Contracting & Env, Inc | $79,950 | No bid | $79,500 |
| Sullivan Contracting, Inc | $36,000 | $13,000 | $49,000 |
| Two Brothers Contracting, Inc | $28,000 | $6,400 | $34,400 |
| Fibertech | $56,700 | $28,900 | 85,600 |
| Four Strong Builders | $49,000 | $10,500 | $59,500 |
| Sunshine Environmental | $49,400 | $5,000 | $54,400 |
| Sunstream Corporation | $53,700 | $37,400 | $91,100 |
| Penns Contracting | $49,000 | $8,000 | $57,000 |
| Jupiter Environmental Service | $39,800 | $16,800 | $56,600 |

Trustee Sinsabaugh moved to discuss in executive session as a contractual issue. Trustee Ayres seconded the motion, which carried unanimously.

**Loan Program Update:** Trustee Ayres stated the committee has met with Debby Adams, Loan Officer with Chemung Canal, and discussed best practices regarding loan procedures. He stated this meeting was very informational and she would be back to discuss further.

The clerk stated two delinquent business loans (JTM Enterprises, and Norman Shaver) have been paid and brought to current status.

**Handicap Parking Space:** The clerk stated she referred the request for the handicap parking space on Clark Street (near Broad Street) to Chief Updyke and Equipment Operator Pond for their review. She stated both had no concerns. Trustee Goodwin moved to approve the handicap parking space as previously requested. Trustee Kraus seconded the motion, which carried unanimously.

**Appointment to the Board of Water Commissioners:** Mayor McDuffee appointed Troy Campbell to the Board of Water Commissioners for a five-year term. Trustee Sinsabaugh moved to approve the Mayor’s appointment. Trustee Ayres seconded the motion, which carried unanimously.

**Appointment of Safety Officer:** Mayor McDuffee appointed Street Department Laborer Lance Fraley as Safety Officer. Trustee Sinsabaugh moved to approve the Mayor’s appointment. Trustee Goodwin seconded the motion, which carried unanimously.

**NYMIR Claim 2-2012:** The clerk presented a notice of claim from SRAC dated April 9, 2012. The claim was filed for a broken window that may have been from a stone being thrown from the street sweeper. NYMIR denied the claim as there was no negligence or reckless conduct on behalf of the Village.

**Secondhand Dealer Law Review:** The Board reviewed the City of Elmira’s secondhand dealer law. Discussion followed. Attorney Keene stated she would have a draft for the next meeting.

**Proposed Local Law 2-2012: Mobile Homes:** The clerk submitted the draft proposed local law 2-2012 regarding mobile homes. Trustee Kraus moved to hold a public hearing on May 8, 2012 at 6:30 on the proposed local law and the clerk to advertise the same. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Hall Landscaping:** Trustee Goodwin moved to approve the quote from Lowes in the amount of $467 for landscaping materials submitted by Jacob Hazen. Trustee Sinsabaugh seconded the motion, which carried unanimously. The contact for this project will be Trustee Keene.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session 7:10 p.m. to discuss one personnel and two contractual issues. Trustee Goodwin seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sorensen moved to enter regular session at 7:49 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to create a new position of Wastewater Treatment Plant Operator/Buildings and Grounds Maintenance Worker. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to approve a lateral move of Doug Kinsley to the position of Wastewater Treatment Plant Operator/Buildings and Grounds Maintenance Worker at his current rate of pay and benefits. Trustee Ayres seconded the motion, which carried unanimously.

Dave Adams, of Hunt Engineers recommendation letter stated the low bidder, Two Brothers Contracting, pulled their bid due to an error in their bid. Trustee Sinsabaugh moved to award the asbestos abatement of the Village Hall wing to Sullivan Contracting, Inc. in the amount of $36,000 plus $3,600 for construction contingency for a total of $39,600 as recommended by Dave Adams. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Keene)

The motion carried.

**Adjournment**: Trustee Ayres moved to adjourn at 7:54 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 8, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Keene, Ayres, Sinsabaugh, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, Street Operator Pond

Visitors included William Dimmick III of 19 Lincoln Street, Donald Laman of 206 William Street, Seth & Jacob Hazen of 414 Chemung Street, Sterling Dimmick of 311 Chemung Street, and Dave Adams of Hunt Engineers

Press included Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** Don Laman stated he had no response from a FOIL request that he made regarding dogs on William Street. He stated he submitted a FOIL request to Attorney Keene and the Village. The clerk stated she would check into it.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of April 24, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, and Police Departments. The clerk also submitted a monthly complaint log.

**Treasurer's Report:** The following was presented, as presented:

General Fund 4/01/12 – 4/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 163,237.51 | Current Revenues | 46,613.62 |
| Deposits | 57,816.53 | Year to Date Revenue | 2,467,073.50 |
| Disbursements | 191,877.67 | Current Expenditures | 187,856.54 |
| Ending Balance | 29,176.37 | Year to Date Expended | 2,379,232.65 |

\*General Capital Reserve Fund $83,497.65

Cemetery Fund 4/01/12 – 4/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 2,101.15 | Current Revenues | 26,446.22 |
| Deposits | 36,426.69 | Year to Date Revenue | 79,701.09 |
| Disbursements | 5,725.72 | Current Expenditures | 5,725.72 |
| Ending Balance | 32,802.12 | Year to Date Expended | 45,324.03 |

Loan Programs 4/01/12 – 4/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 249,598.70 | Beginning Balance | 199,278.58 |
| Deposits | 16,475.13 | Deposits | 7,527.69 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 266,073.83 | Ending Balance | 206,806.27 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $48,673.81; Cemetery $5,422.73; for a total of $54,096.54. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Kraus stated all vendors should bill on a monthly basis.

**FEMA Projects Update:** The clerk stated, after discussion Birney Thoma of Thoma Development, that we can utilize our loan funding to pay for the FEMA projects. When the projects are completed, we can file for reimbursement from FEMA and those funds would go back into the loan funding. Trustee Sinsabaugh moved to authorize using the loan program funds for the FEMA projects as presented. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Keene asked why the Village did not file for grant money to help with the flood damage. He stated Wendy Walsh, Tioga County Soil & Water, set aside $82,000 for Dry Brook Creek repairs. The clerk stated that we were told there was no grant funding available for our projects.

**Proposed Local Law 2-2012: Mobile Homes:** The clerk submitted the draft proposed local law 2-2012 regarding mobile homes. Trustee Sinsabaugh moved to hold a public hearing on May 22, 2012 at 6:30 on the proposed local law and the clerk to advertise the same. Trustee Goodwin seconded the motion, which carried unanimously.

**Secondhand Dealers Law:** Attorney Keene stated she discussed proposed law with Chief Updyke and he is overall in favor of the law. She stated she would draft a proposed law for the next meeting. Trustee Kraus moved to table for next meeting. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Hall Asbestos Abatement Project:** Dave Adams, of Hunt Engineers, submitted a letter stating he made an error on his bid award recommendation. The letter should have read to accept alternate #1 to remove the gypsum wall board and associated mastic. Mr. Adams apologized for his error and asked the Board to reconsider awarding the project, including alternate #1 to Sullivan Contracting. Discussion followed. Trustee Goodwin moved to award alternate #1 to Sullivan Contracting in the amount of $13,000, which awards the asbestos abatement contract to Sullivan Contracting at a total cost of $49,000. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Kraus, Ayres, Goodwin, McDuffee)

Nays – 2 (Keene, Sinsabaugh)

Absent – 1 (Sorensen)

The motion carried.

Dave Adams stated he requested RFP’s for asbestos monitoring services, and submitted the results as follows:

SJB $ 8,600

Paradigm $12,016

O’Rourck $ 7,258

Atlantic $ 8,715

Mr. Adams stated these are estimated costs based on quantities identified in the RFP and projected quantities for each type of analysis required. Trustee Keene stated he disagrees with hiring monitor and concerned with the costs associated with this project. Attorney Keene stated that by law we are required to have a third-party certified asbestos monitor. Trustee Ayres stated the original project was to renovate the part of the building to be used by the Village. The wing renovation was deferred until there was a need to utilize it. Discussion followed. Trustee Sinsabaugh moved to award the asbestos monitoring bid to O’Rourck, Inc. at an estimated cost of $7,258. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Goodwin, Sinsabaugh, McDuffee)

Nays – 1 (Keene)

Absent – 1 (Sorensen)

The motion carried.

**Tax Rate Resolution:** Trustee Sinsabaugh offered the following resolution and moved its adoption:

WHEREAS, the Board, by resolution passed at the Regular Meeting held April 10, 2012, adopted its annual budget for the fiscal year, commencing June 1, 2012 and ending May 31, 2013, and,

WHEREAS, the total of taxable property in said Village as shown on the current assessment roll has been determined to be $70,003,778, and,

WHEREAS, the Board of Trustees of the Village of Waverly, by resolution dated the same date appropriated the sum of $2,746,333 less estimated revenues of $1,017,251 or a balance of $1,729,082 to be raised by real estate taxes, said Board of Trustees hereby levies the following tax pursuant to the provisions of the Real Property Tax Law of the State of New York upon the taxable property of the Village of Waverly, to wit: upon all taxable property of the Village of Waverly, and,

BE IT FURTHER RESOLVED, that the tax rate on account of said levy be set at the rate of $24.70 for each $1,000 of assessed valuation, and,

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer be directed and she is hereby directed, to extend and carry out upon the tax roll of the Village of Waverly, the amount to be levied against the value of each parcel of real property owed thereon, and,

It further appearing that the Board of Water Commissioners of the Village of Waverly has filed with the Clerk of the Board of Trustees its certificate in writing, indicating certain unpaid water rents and penalties thereon, as of May 1, 2012, with the properties against which said unpaid water rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid rents in the amount of $6,539.37 be levied pursuant to the provision of the Village Law against said properties, as set forth, on said certificate, and in the amount set forth, and,

It further appearing that the Board of Sewer Commissioners of the Village of Waverly has filed with the Clerk, its certificate in writing, indicating certain unpaid sewer rents and penalties thereon, as of May 1, 2012, with the properties against which said unpaid sewer rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid rents in the amount of $4,960.27 be levied pursuant to the provision of the Village Law against said properties, as set forth on said certificate, and in the amount set forth, and,

NOW, THEREFORE, BE IT RESOLVED, that a total amount of $72.00 of unpaid grass and weeds be levied pursuant to the provision of the Village Law against said properties, as set. Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $50.00 of unpaid snow removal charges be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $219.42 of prorated tax bills be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $90.00 of unsafe building repair bills be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

BE IT FURTHER RESOLVED, that the Village Clerk be directed to extend and carry out upon said tax roll of the Village of Waverly the amount so levied against the several parcels of real property.

Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Goodwin, Sinsabaugh, McDuffee)

Nays – 0

Absent – 1 (Sorensen)

The motion carried.

**Part-Time Help in Cemeteries:** Trustee Sinsabaugh moved to hire Devin Soper and Matthew Rote as part-time summer help as groundskeepers in the cemeteries at a rate of $8.00 per hours, not to exceed 30 hours (each) per week. Trustee Goodwin seconded the motion, which carried unanimously.

**CHIPS Funding:** The clerk read a letter from NYS DOT awarding the Village of Waverly $88,178.78 in CHIPS funding. With the rollover balance of $25,878.90 from last year, the Village of Waverly has an available CHIPS balance of $114,057.68. Street Equipment Operator Pond stated which roads are schedule for paving this year.

**Employee Sick Time Accumulation:** Trustee Sinsabaugh moved to approve employee sick time be increased by 25 days to accumulate up to 165 days for retirement service credit only, with the understanding that only 140 days of that could be used for actual sick time. Trustee Goodwin seconded the motion, which carried unanimously.

**NYMIR Claim 1-2012:** The clerk presented a notice of claim # 1-2012 dated March 15, 2012. The claim was filed for injuries received from tripping in a pothole. NYMIR denied the claim as there was no negligence or reckless conduct on behalf of the Village. The clerk also submitted a notice of claim from the defendant’s attorney. The clerk stated the second claim was again sent to NYMIR for their review.

**Recreation Director:** The clerk presented the civil service certification of eligible for the recreation director. Trustee Ayres moved to table for more information. Trustee Goodwin seconded the motion, which carried unanimously.

**Summer Help in Parks:** The clerk submitted a request from Recreation Director Traub to hire Tyler Bowman as seasonal part-time parks laborer at $8.00 per hour, up to 30 hours per week, for 11 weeks. Trustee Sinsabaugh moved to approve hiring Tyler Bowman as requested. Trustee Kraus seconded the motion, which carried unanimously.

The clerk submitted a request from Recreation Director Traub to hire Christian Wilkins as seasonal part-time parks laborer at $7.75 per hour, up to 25 hours per week, for 11 weeks. Trustee Goodwin moved to approve hiring Christian Wilkins as requested. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Street Department Truck Bid:** The clerk presented bids for a new dump truck for the Street Department. The results are as follows: Stadium International $80,878.00 and Tri-County Sales $61,644.20. Discussion followed. Trustee Ayres moved to table until Street Equipment Operator could review. Trustee Goodwin seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session 7:44 p.m. to discuss one personnel and two contractual issues. Trustee Kraus seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sinsabaugh moved to enter regular session at 8:25 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Keene moved to accept an engagement agreement from MacKenzie Hughes, LLP, Attorney Richard James, at a cost of $275 per hour to represent the Village in a property assessment dispute with Tioga Properties, owner of Elderwood Nursing Facility. Trustee Goodwin seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:30 p.m. Trustee Goodwin seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, MAY 22, 2012 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON PROPOSED LOCAL LAW 2-2012: MOBILE HOMES**

Deputy Mayor Sorensen declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Ayres, Kraus, Sinsabaugh, and Deputy Mayor Sorensen (Mayor McDuffee arrived at 8:15 p.m.)

Also present were Clerk Treasurer Wood, Recreation Director Traub, Street Department Lance Fraley, Attorney Keene, Bill Dimmick III of 19 Lincoln Street, Dana Parkhurst of 115 ½ Chemung Street, Joe Schmieg of 417 Chemung Street, Linda Vogel of 201 Broad Street, Terry Sheets of Bradco Supply, and Phillip Brigandi of Stadium International, Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

Attorney Keene described the proposed local law regarding mobile homes. She stated this redefines mobile homes as manufactured homes as per the NYS Building Code. Deputy Mayor Sorensen opened the floor and asked if anyone had any comments regarding the proposed local law 2-2012.

With no one wishing to be heard Deputy Mayor Sorensen closed the hearing at 6:36 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 22, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Sinsabaugh, and Deputy Mayor Sorensen (Mayor McDuffee arrived at 8:10 p.m.)

Also present were Clerk Treasurer Wood, Recreation Director Traub, Street Department Lance Fraley and Attorney Keene

Visitors included: Bill Dimmick III of 19 Lincoln Street, Dana Parkhurst of 115 ½ Chemung Street, Joe Schmieg of 417 Chemung Street, Linda Vogel of 201 Broad Street, Terry Sheets of Bradco Supply, and Phillip Brigandi of Stadium International

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comment:** Joe Schmieg stated the gazebo in Muldoon Park has been painted and looks great. He stated neighborhood and police presence is necessary to deter vandalism. He stated that more police presence is needed on Broad Street.

Dana Parkhurst stated he is having problems with Police Department.

**Letters and Communications:** The clerk presented a liquor license renewal application from Jim Friend stating his intention to renew the liquor license for The Club at Shepard Hills located at 17 Chemung Street. The clerk stated Chief Updyke reviewed the application and had no concerns. Trustee Sinsabaugh moved to approve application as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of May 8, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $24,715.07; Cemetery $992.15; and Dental Trust $69.08; CDBG 2 $13,896.61; for a total of $39,672.91. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Street Department Dump Truck:** Trustee Kraus stated he discussed the truck bids with Jack Pond, Street Department, and they determined that Tri-County Sales did not meet the specifications we were looking for. They bid a stock truck which was missing many features that we need, including a plow, sander attachment, and ABS brake system. Lance Fraley, Street Department, stated our current truck is in need of brake repair and salt box is in bad shape. The clerk stated there is financing available to reduce impact on the budget. Trustee Kraus moved to purchase a dump truck, as specified, from Stadium International at a cost of $80,878 with financing to be discussed. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen)

Nays – 0

Absent – 2 (Goodwin, McDuffee)

The motion carried.

Phillip Brigandi, of Stadium International, stated the build time would be 4-5 months.

**Proposed Local Law 2-2012: Mobile Homes:** Trustee Sinsabaugh offered the following resolution, and moved its adoption:

**1). Amend Chapter 93, Article VIII, Part 2, Mobile Homes and Mobile Home Courts (§93-42--§93-48) by replacing “Mobile” with “Manufactured”.**

**2). Amend §93-48. Definitions. To be modified as follows and by replacing “Mobile” with “Manufactured”.**

The following definitions shall be deleted and new definition shall be added:

**MOBILE HOME** to be deleted and replaced with:

**MANUFACTURED HOME**: A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), *Manufactured Home Construction and Safety Standards,* 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m2) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

**3). Amend Chapter 93, Article VIII, Part 2, Mobile Homes (§93-49--§93-54) by replacing “Mobile” with “Manufactured”.**

**4). Amend Chapter 93, Article IX, Part 2, Mobile Home Courts, (§93-55--§93-61) by replacing “Mobile” with “Manufactured”.**

**5). Amend §153-3. Enumeration of districts by replacing “Mobile” with “Manufactured”.**

**6). Amend §153-7. Mobile Home District (MH) by replacing “Mobile” with Manufactured”.**

1. Permitted Uses: All “Manufactured” homes shall be located in a mobile home district subject to the minimum requirements of Part 7 of the New York State Health Law and site plan review by the Planning Board. All other locations in the Village are hereby prohibited.
2. “Manufactured” home parks shall be connected to the public water and sewage systems of the Village, if available, and shall have fire hydrants located per recommendations of the Village Fire Chief.

**7). Amend §153-59. Definitions by replacing “Mobile” with “Manufactured” and amend this section with new definitions as follows:**

**MOBILE HOME to be deleted and replaced with:**

**MANUFACTURED HOME**: A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), *Manufactured Home Construction and Safety Standards,* 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m2) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

**MODULAR HOME:** A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

**8). Amend §153-6. Residential District (R), as follows:**

1. Permitted uses: one- and two-family dwelling units, *excluding manufactured homes*.

**9). Amend §93-4. Applicability by replacing “Mobile” with “Manufactured”.**

**10). Amend Appendix A**

#### Tax Map Parcels in Zoning Districts

Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen)

Nays – 0

Absent – 2 (Goodwin, McDuffee)

The motion carried.

**Village Hall Wing Asbestos Abatement Project:** The clerk stated the asbestos abatement is scheduled to begin on June 4, 2012.

**Loan Program Software:** Trustee Ayres stated the committee reviewed a demo from Lending Pro software to be used for the loan program. He explained what the software could do and the benefits from utilizing it. The clerk presented a quote for $1,795. She stated this would be installed on three computers and the server. She also stated there would be no charge for support for the first year; however, annual support would be $75 per year. Trustee Kraus moved to approved purchasing and utilizing Lending Pro software as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Contract for Auditing Services:** The clerk submitted a contract for auditing services from EFP Rotenberg, LLP. She stated they have done our audits in the past. Their fee for services will be at their standard hourly rate plus out-of-pocket costs. This cost is $16,000 with an additional $1,000 for the justice court audit. The clerk stated that the Village may need a single audit done also as we received over $500,000 in federal funds due to the permanent funding for the Village Hall Project. She stated these costs would be in addition to stated costs. Trustee Sinsabaugh moved to approve EFP Rotenberg, LLP to perform annual audit as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Appointment of Recreation Director:** Trustee Sinsabaugh moved to table and discuss in executive session. Trustee Ayres seconded the motion, which carried unanimously.

**2011-2012 Budget Transfers:** The clerk submitted budget transfers for the 2011-2012 budget and stated these may be amended as more bills come in. Discussion followed. Deputy Mayor Sorensen moved to approve the transfers as presented. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 3 (Kraus, Ayres, Sorensen)

Nays – 2 (Keene, Sinsabaugh)

Absent – 2 (Goodwin, McDuffee)

The motion did not carry.

Trustee Sinsabaugh moved to discuss in executive session. Trustee Keene seconded the motion, which carried unanimously.

**Summer Help in Street Department:** The clerk stated Jack Pond, Street Department, recommended hiring Dylan Wright for seasonal work in the Street Department. Discussion followed. Trustee Kraus moved to table for more information. Trustee Ayres seconded the motion, which carried unanimously.

**Justice Court Liaison:** The clerk stated the State Comptroller recommends a Board liaison to the Justice Court. Trustee Ayres moved to table for next meeting. Trustee Kraus seconded the motion, which carried unanimously.

**Trust and Agency Fund Bank Account:** The clerk stated HSBC Bank has been sold to First Niagara Bank. We have several bank accounts with them. She stated since we have to order all new checks, that this would be a good time to switch our trust and agency account to Chemung Canal Trust Company. She stated this is our payroll account and it would work out better with the transfers and check cashing for employees. Trustee Sinsabaugh moved to move our trust and agency account to Chemung Canal Trust Company as recommended. Trustee Ayres seconded the motion, which carried unanimously.

**Neglected Grass Mowing Procedure:** The clerk reviewed the neglected grass mowing procedures with the Board. The consensus of the Board was to use a doorknocker notice and send a letter to the owner in conjunction with the local law.

**Council of Government:** Trustee Keene stated he, Trustee Sinsabaugh, and Clerk Treasurer Wood attended the COG Committee meeting and they discussed overhauling the health insurance. He stated the county is leaning toward municipalities picking up their own policies. Clerk Treasurer Wood stated she has contract our insurance agent, Bill Soprano, to see what is available.

**Proposed Secondhand Dealer Law:** Attorney Keene stated she is working on a draft. She stated all dealer licenses expire at the end of the year, but could be amended to one year from issuance date. She also stated Chief Updyke is in favor of this law. Discussion followed. Trustee Kraus moved to table for next meeting. Trustee Keene seconded the motion, which carried unanimously.

**Board Comments:**  Trustee Ayres stated the gazebo has been painted and looks really nice. Discussion followed regarding ways of penalizing vandals.

Trustee Keene stated Tioga County will make 5 signs for the business district for $100. Trustee Sinsabaugh moved to approve the signs. Trustee Ayres seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session 7:55 p.m. to discuss a personnel issue. Trustee Keene seconded the motion, which carried unanimously. Mayor McDuffee arrived at 8:10 p.m.

Trustee Kraus moved to enter regular session at 8:26 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The Trustees did not discuss budget transfers and amendments during executive session.

Trustee Sinsabaugh moved to hire Kyle Traub as Parks and Recreation Director at an annual salary of $39,769. This position requires a 52 week probationary period as per Civil Service. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**2011-2012 Budget Transfers: General Fund:** Trustee Ayres moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer  To: |  |  |  | Transfer From: |  |  |
| A 1110-0145 | court-sick | 1,837.00 |  | A 1110.0405 | court-telephone | -100.00 |
| A 1110-0149 | court-vacation | 479.00 |  | A 1110-0100 | court-salary | -1,000.00 |
| A 1325-0100 | treasurer-salary | 110.00 |  | A 1325-0400 | treas-contractual | -165.00 |
| A 1325-0148 | treasurer-holiday | 12.00 |  | A 1410-0100 | clerk-salary | -846.00 |
| A 1325-0149 | treasurer-vacation | 43.00 |  | A 1620-0142 | janitor | -4,500.00 |
| A 1410-0145 | clerk-sick | 379.00 |  | A 1620-0402 | buildings-electric | 5,325.00 |
| A 1410-0148 | clerk-holiday | 355.00 |  | A 1910-0400 | unallocated ins | -10,000.00 |
| A 1410-0149 | clerk-vacation | 112.00 |  | A 1990-0400 | contingent acct | -47,265.00 |
| A 1620-0400 | buildings-cont exp | 34,000.00 |  | A 3120.0401 | police-supplies | -2,400.00 |
| A 1620-0404 | buildings-misc/sup | 2,500.00 |  | A 3120.0402 | police-uniforms | -2,000.00 |
| A 1640-0400 | garage-village car | 325.00 |  | A 5110-0100 | street-salary | -3,455.00 |
| A 1650-0400 | comm-IT svcs | 2,500.00 |  | A 5110-0144 | street-spec comp | -4,088.00 |
| A 1989-0400 | misc other GGS | 8,000.00 |  | A 5110-0401 | street-salt & sand | -10,000.00 |
| A 1989-0401 | Ithaca st project | 1,200.00 |  | A 5110-0404 | street-street repair | -10,000.00 |
| A 3120.0403 | police-radio repair | 1,000.00 |  | A 7110-0100 | parks-salary | -933.00 |
| A 3120-0142 | police-part time | 9,000.00 |  | A 7110-0407 | parks-gazebo | -200.00 |
| A 3120-0145 | police-sick | 14,000.00 |  | A 9040-0800 | workmans comp | -12,000.00 |
| A 3120-0146 | police-overtime | 7,000.00 |  | A 9730-0600 | BAN principal | -52,000.00 |
| A 3120-0148 | police-holiday | 103.00 |  | A 9730-0700 | BAN interest | -96,000.00 |
| A 3120-0149 | police-vacation | 7,500.00 |  |  |  |  |
| A 3120-0406 | police-gasoline | 2,500.00 |  |  |  |  |
| A 3120-0410 | police-equip cont | 900.00 |  |  |  |  |
| A 3620-0142 | code-part time | 6,000.00 |  |  |  |  |
| A 3620-0400 | code-cont exp | 3,000.00 |  |  |  |  |
| A 5110-0142 | street-part time | 2,500.00 |  |  |  |  |
| A 5110-0145 | street-sick | 5,043.00 |  |  |  |  |
| A 5110-0200 | street-equipment | 9,000.00 |  |  |  |  |
| A 5110-0402 | street-uniform/sup | 1,000.00 |  |  |  |  |
| A 5110-0403 | street-equip repair | 9,000.00 |  |  |  |  |
| A 5110-0406 | street-gasoline | 500.00 |  |  |  |  |
| A 5110-0412 | street-misc | 500.00 |  |  |  |  |
| A 7110-0142 | parks-part time | 800.00 |  |  |  |  |
| A 7110-0145 | parks-sick | 133.00 |  |  |  |  |
| A 7110-0408 | parks-trash | 100.00 |  |  |  |  |
| A 7310-0145 | rec-sick | 66.00 |  |  |  |  |
| A 7310-0148 | rec-holiday | 75.00 |  |  |  |  |
| A 7310-0405 | rec-telephone | 100.00 |  |  |  |  |
| A 7550.0400 | celebrations | 100.00 |  |  |  |  |
| A 8760-0400 | disaster cont | 6,750.00 |  |  |  |  |
| A 9010-0800 | emp retirement | 4,434.00 |  |  |  |  |
| A 9015-0800 | police retirement | 4,638.00 |  |  |  |  |
| A 9045-0800 | employee life ins | 140.00 |  |  |  |  |
| A 9901-0902 | trans dental trust | 300.00 |  |  |  |  |
| A 9901-0904 | trans debt prin | 53,000.00 |  |  |  |  |
| A 9901-0904 | trans debt interest | 50,593.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | 251,627.00 |  | TOTAL |  | -251,627.00 |

Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**2011-2012 Budget Amendments: General Fund:** Trustee Ayres moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A510 Est Revenue |  |  |  | A 960 Est Appropriations |  |  |
| A 3089 | DCJS grant (court) | 2,000.00 |  | A 1110-0401 | court-supplies | 2,000.00 |
| A 3501 | CHIPS | 79,727.00 |  | A 5110-0403 | street-equip repair | 3,655.00 |
| A 4960 | FEMA | 2,302.00 |  | A 5112.0200 | street-perm improv | 76,072.00 |
|  |  |  |  | A 8760.0400 | disaster contractual | 2,302.00 |
|  |  |  |  |  |  |  |
| TOTAL |  | 81,727.00 |  | TOTAL |  | 84,029.00 |

Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**2011-2012 Budget Transfers: Cemetery Fund:** Trustee Ayres moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To |  |  |  | Transfer From |  |  |
| C 9030-0800 | social security | 100.00 |  | C 8810-0400 | contractual exp | 6,100.00 |
| C 8810-0200 | equipment | 6,000.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | $6,100.00 |  | TOTAL |  | $6,100.00 |

Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**2011-2012 Budget Amendments: Cemetery Fund:** Trustee Sinsabaugh moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| C 510 – Appr Revenue |  |  |  | C 960 – Appr Expense |  |  |
| C 5031 | interfund transfer | 10,000.00 |  | C 8810.0401 | perpetual care exp | 10,000.00 |
|  |  |  |  |  |  |  |
| TOTAL |  | 10,000.00 |  | TOTAL |  | 10,000.00 |

Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**Adjournment**: Trustee Ayres moved to adjourn at 8:36 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 12, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Kraus, Keene, Ayres, Sinsabaugh, Sorensen, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, Street Operator Pond, Recreation Director Traub, and Code Enforcement Officer Chisari

Visitors included William Dimmick III of 19 Lincoln Street, and Linda Vogel of 201 Broad Street

Press included Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** No comments were offered.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of May 22, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, and Police Departments. The clerk also submitted a monthly complaint log.

**Treasurer’s Report:** The following was presented:

Loan Programs 5/01/12 – 5/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Checking Begin Balance | 58,373.11 | Beginning Balance | 50,894.46 |
| Deposits | 6,521.43 | Deposits | 2,588.28 |
| Disbursements | 1,795.00 | Disbursements | 26,929.78 |
| End Checking Balance | 63,099.54 | End Checking Balance | 26,552.96 |
| Total Fund | 270,844.36 | Total Fund | 182,497.87 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $78,455.09; Cemetery $317.00; CDBG 6,593.78; Perpetual Care Funds $2,385.00; and Dental Trust $3,261.34; for a total of $91,012.21. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Ayres seconded the motion, which carried unanimously.

**FEMA Projects Update:** Christine Brush, Hunt Engineers, presented the design and plans to repair the retaining wall and the Glen Bridge. She stated she is working with FEMA and waiting for their approval before we can begin construction. She also presented a timeline and stated she feels comfortable that this project will be complete within the FEMA deadlines.

**Proposed Local Law 3-2012: Secondhand Dealers:** Attorney Keene submitted a draft proposed local law 3-2012 regarding secondhand dealers. Trustee Ayres moved to hold a public hearing on June 26, 2012 at 6:30 on the proposed local law and the clerk to advertise the same. Trustee Keene stated he is opposed to adopting this proposed law because it could hurt some local businesses. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Kraus, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 1 (Keene)

The motion carried.

**Village Loan Procedures:** Trustee Ayres submitted a draft plan/response to comptroller’s audit regarding the village loan procedures. He stated the draft addresses concerns of the comptroller. He also stated he would like to submit the plan/response by the end of the month.

**Summer Help in Street Department:** Street Operator Pond recommended hiring Dylan Wright for temporary part-time work in the street department at a rate of $7.25 per hour, not to exceed 30 hours per week. Trustee Goodwin moved to approve hiring Dylan Wright as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Village Tax Corrections:** Trustee Sinsabaugh moved to approve a tax correction reduction in the amount of $337.55 for William Kraus of 532 Clark Street. The original assessment had a house

assessment instead of vacant land. House was demolished in 2011. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Keene, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Abstain – 1 (Kraus)

The motion carried.

Trustee Sinsabaugh moved to approve a tax correction reduction in the amount of $247.00 for Barbara Bowman of 2 Lincoln Street. An aged-exemption was missed on tax bill. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Penn York Opportunities:** Street Operator Pond stated Penn York Opportunities offered a work assistance program to have people work in the Village for a few hours per week and they are paid through Penn York Opportunities. Trustee Goodwin moved to approve the assistance program as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Auction Dump Truck:**  Trustee Kraus recommended putting the dump truck up for auction. Discussion followed. Trustee Sinsabaugh recommended Street Operator Pond determine how much of a reserve to put on the truck. Discussion was tabled for more information.

**Code Enforcement:** Mayor McDuffee read a resignation letter from Code Enforcement Officer Mike LeRose stating he is unable to efficiently perform the job duties on a part-time basis, however, he would be available if needed in an emergency. Mayor McDuffee recommended Robert Chisari be promoted to the position at the same rate of pay and made the appointment. Trustee Keene moved to approve the Mayor’s appointment as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Street Department Milling Equipment:** Street Operator Pond submitted a proposal from Five Star Equipment to purchase a skid steer with a milling attachment in the amount of $61,256. He stated this could be purchased with CHIP’s funding. He also stated this is a NYS bid. Discussion followed. Trustee Sinsabaugh moved to approve the purchase of a skid steer as presented with payment made in full. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Cemetery Responsibilities:** Mayor McDuffee stated burials of ashes will be the responsibility of the cemetery mower, and Street Department would fill-in if unavailable.

**Other Items:** Recreation Director Traub stated he could get wireless security cameras for the gazebo at a cost of approximately $400. Trustee Sorensen moved to approved purchase of cameras as presented. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Sorensen stated the police department’s gasoline budget was over spent because is was not raised last year, and gas prices were increased.

Attorney Keene stated she received a fax from Attorney Landy requesting the Village subordinate our loan to Burgess Hospitality in order for them to refinance. She stated we would still be in the same (2nd) position as we are now. The clerk stated Burgess Hospitality is current with their loan payments. Trustee Kraus moved to subordinate loan as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session 7:55 p.m. to discuss a contractual issue. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Kraus moved to enter regular session at 8:20 p.m. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:21 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, JUNE 26, 2012 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON PROPOSED LOCAL LAW 3-2012: SECONDHAND DEALERS**

Mayor McDuffee declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Ayres, Kraus, Sinsabaugh, Sorensen, Goodwin, Keene, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Jean Minielly-Schmieg of 417 Chemung Street, Linda Vogel of 201 Broad Street, Tom and Jeff Bellinger of 474 Pennsylvania Avenue, Natasha Waschezen of Clark Street, Nancy Worden of 3 Blizzard Street, Barb Heinzelman of 51 Ithaca Street, Robert Wright of 7 Elizabeth Street, Anna Ward of Sayre PA, Bill Millhollen of 439 Waverly Street, Mary Perry-Rogers of 17 Hickory Street, Chris Brewster of 138 Chemung Street, Ann Everly of 721 Talmadge Hill East, and Jim Page of 441 Fulton Street.

Press: Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

Attorney Keene explained she had discussed the law with the City of Elmira and they have not had significant problems since they adopted their law. Attorney Keene explained that this law would not prohibit businesses as pawn shops, used furniture, used cars or car parts, and antiques shops as they are excluded from this law. Discussion followed and revealed confusion. Attorney Keene stated any modifications may need to hold another public hearing. Mayor McDuffee stated Chief Updyke is not instigating this law, however, he has no issues with it. Mayor McDuffee asked for comments regarding the proposed secondhand dealer law.

Jean Minielly-Schmieg stated Syracuse has a law that separates secondhand dealers from pawn shops, and submitted a copy to Attorney Keene.

Nancy Worden asked what prompted this law. She stated that she appreciates the protection; however, the licensing charges seem high. She also stated concern with the Police Chief reviewing and approving all applications. She feels this should be a Board responsibility.

Anna Ward stated she has a used furniture business and is concerned with the hold time creating cash flow concerns. Mayor McDuffee stated her business is exempt from this law.

Mary Perry-Rogers agreed with changing definitions as they seen to be confusing. She stated businesses are switching from pawn shops to swap shops so they are not regulated by the State. She also stated there are six legitimate businesses operating in the City of Elmira under their new law.

Jeff Bellinger asked if it pertained to lawn mower repair/resale business. Mayor McDuffee stated he would look into. Mary Perry-Rogers stated merchandise purchased from rummage sales or auctions doesn’t apply in Elmira. Chris Brewster stated in the proposed law, rummage sales are exempt.

Seth Hazen stated this law is trying to stop theft and sales of stolen property. If the shop is purchasing goods in good faith, they should have a record and feels the 30-day hold time is a long time not to recover money from the purchase.

Trustee Kraus stated this law is to protect the residents and the business owner.

With no one wishing to be heard Mayor McDuffee closed the hearing at 7:05 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 26, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 7:10 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Keene, Goodwin, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Jean Minielly-Schmieg of 417 Chemung Street, and Linda Vogel of 201 Broad Street

Press: Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comment:** Jean Minielly-Schmieg thanked the crossing guards for all their hard work. She also asked the Board how to open and operate a business in the Village. Mayor McDuffee recommended she contact the clerk.

**Letters and Communications:** The clerk read a letter from Kim Depew, Tioga State Bank, stating they are having their annual car show on July 11, 2012 at East Waverly Park. She also requested the Village to pay for a port-a-potty to install in the lower field for handicapped persons at a cost of $150. Trustee Kraus moved to approve request as presented. Trustee Ayres seconded the motion, which carried unanimously.

The clerk presented a request from Jason Zimmer asking permission to close down a block on July 4, 2012, between 9:00 a.m. until 8:00 p.m., to have a block party. The area is from the corner of Florence Street to Moore Street. Trustee Sorensen moved to allow the residents to close the streets and have a block party at the above place and time, contingent upon Chief Updyke’s approval. Trustee Kraus seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Goodwin moved to approve the Minutes of June 12, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Proposed Local Law 3-2012: Secondhand Dealers:** Mayor McDuffee recommended this be tabled for changes and brought back to the next meeting. Trustee Ayres moved to table discussion for further input. Trustee Goodwin seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $28,992.25; Cemetery $927.90; and Dental Trust $826.77; for a total of $30,746.92. Trustee Sorensen moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**2011-2012 Amended Budget Transfers: General Fund:** The clerk presented amended budget transfers as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To: |  |  |  | Transfer From: |  |  |
| A 1110-0145 | court-sick | 1,837.00 |  | A 1910-0400 | unallocated ins | -10,000.00 |
| A 1110-0149 | court-vacation | 479.00 |  | A 1990-0400 | contingent account | -57,333.00 |
| A 1325-0100 | treasurer-salary | 110.00 |  | A 3120.0401 | police-supplies | -400.00 |
| A 1325-0145 | treasurer-sick | 110.00 |  | A 5110-0100 | street-salary | -3,455.00 |
| A 1325-0148 | treasurer-holiday | 12.00 |  | A 5110-0144 | street-spec comp | -4,088.00 |
| A 1325-0149 | treasurer-vacation | 43.00 |  | A 5110-0401 | street-salt & sand | -10,000.00 |
| A 1410.100 | clerk-salary | 585.00 |  | A 9040-0800 | workmans comp | -12,000.00 |
| A 1410-0145 | clerk-sick | 436.00 |  | A 9730-0600 | BAN principal | -52,000.00 |
| A 1410-0148 | clerk-holiday | 355.00 |  | A 9730-0700 | BAN interest | -96,000.00 |
| A 1410-0149 | clerk-vacation | 112.00 |  |  |  |  |
| A 1620-0400 | Bldgs.-contr exp | 34,000.00 |  |  |  |  |
| A 1620-0404 | buildings-misc/sup | 2,825.00 |  |  |  |  |
| A 1640-0400 | garage-village car | 277.00 |  |  |  |  |
| A 1650-0400 | comm-IT svcs | 3,000.00 |  |  |  |  |
| A 1989-0400 | misc other GGS | 8,000.00 |  |  |  |  |
| A 1989-0401 | Ithaca st project | 13,000.00 |  |  |  |  |
| A 3120.0403 | police-radio repair | 1,000.00 |  |  |  |  |
| A 3120-0145 | police-sick | 14,000.00 |  |  |  |  |
| A 3120-0146 | police-overtime | 7,396.00 |  |  |  |  |
| A 3120-0148 | police-holiday | 103.00 |  |  |  |  |
| A 3120-0149 | police-vacation | 11,935.00 |  |  |  |  |
| A 3120-0402 | police-uniforms | 789.00 |  |  |  |  |
| A 3120-0405 | police-telephone | 221.00 |  |  |  |  |
| A 3120-0406 | police-gasoline | 3,750.00 |  |  |  |  |
| A 3120-0410 | police-equip cont | 900.00 |  |  |  |  |
| A 3120-404 | police-car repairs | 101.00 |  |  |  |  |
| A 3620-0400 | code-contract exp | 3,280.00 |  |  |  |  |
| A 5110-0142 | street-part time | 2,900.00 |  |  |  |  |
| A 5110-0145 | street-sick | 5,066.00 |  |  |  |  |
| A 5110-0148 | street-holiday | 9.00 |  |  |  |  |
| A 5110-0149 | street-vacation | 128.00 |  |  |  |  |
| A 5110-0200 | street-equipment | 9,000.00 |  |  |  |  |
| A 5110-0402 | street-uniform/sup | 1,000.00 |  |  |  |  |
| A 5110-0403 | street-equip repair | 11,500.00 |  |  |  |  |
| A 5110-0406 | street-gasoline | 541.00 |  |  |  |  |
| A 5110-0412 | street-misc | 500.00 |  |  |  |  |
| A 7110-0142 | parks-part time | 1,171.00 |  |  |  |  |
| A 7110-0145 | parks-sick | 133.00 |  |  |  |  |
| A 7110-0145 | parks-telephone | 94.00 |  |  |  |  |
| A 7110-0401 | parks-supplies | 27.00 |  |  |  |  |
| A 7110-0408 | parks-trash | 100.00 |  |  |  |  |
| A 7310-0145 | rec-sick | 66.00 |  |  |  |  |
| A 7310-0148 | rec-holiday | 152.00 |  |  |  |  |
| A 7310-0405 | rec-telephone | 100.00 |  |  |  |  |
| A 7550.0400 | celebrations | 100.00 |  |  |  |  |
| A 9045-0800 | employee life ins | 140.00 |  |  |  |  |
| A 9901-0902 | trans dental trust | 300.00 |  |  |  |  |
| A 9901-0904 | trans debt principal | 53,000.00 |  |  |  |  |
| A 9901-0904 | trans debt interest | 50,593.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | 245,276.00 |  | TOTAL |  | -245,276.00 |

Trustee Ayres moved to approve the amended budget transfers as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Amended 2011-2012 Budget Transfers: Cemetery Fund:** Trustee Sinsabaugh moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To |  |  |  | Transfer From |  |  |
| C 9030-0800 | social security | 89.00 |  | C 8810-0400 | contractual exp | 7,057.00 |
| C 8810-0200 | equipment | 5,800.00 |  |  |  |  |
| C 8810-0142 | part-time | 1,168.00 |  |  |  |  |
| TOTAL |  | $7,057.00 |  | TOTAL |  | $7,057.00 |

Trustee Sorensen seconded the motion, which carried unanimously.

**Amended 2011-2012 Budget Amendments: Cemetery Fund:** Trustee Kraus moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| C 510 – Appr Revenue |  |  |  | C 960 – Appr Expense |  |  |
| C 5031 | interfund transfer | 10,000.00 |  | C 8810.0401 | perpetual exp | 10,000.00 |
| C 2190 | Sale of lots | 1,000.00 |  | C 8810-0400 | Contractual exp | 1,000.00 |
| TOTAL |  | 11,000.00 |  | TOTAL |  | 11,000.00 |

Trustee Kraus seconded the motion, which carried unanimously.

**Authorization to Apply Fund Balance:** The clerk presented the following, and requested authorization to apply fund balance to offset expenditures.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A 3120-0142 | police-part time | 10,821.00 |  | G 599 | Approp fund bal | 26,811.00 |
| A 3620-0142 | code-part time | 5,608.00 |  |  |  |  |
| A 7310-0100 | rec-salary | 1,310.00 |  |  |  |  |
| A 9010-0800 | emp retirement | 4,434.00 |  |  |  |  |
| A 9015-0800 | police retirement | 4,638.00 |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  | 26,811.00 |  |  |  | 26,811.00 |

Trustee Goodwin moved to authorize the clerk to apply fund balance as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Village Loan Procedures:** Trustee Ayres submitted a corrective action plan and response to the State Comptroller regarding their recent audit of our loan programs. He explained the plan and the Board reviewed. Trustee Kraus moved to authorize the Mayor to sign and send to the State Comptroller. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Ayres, Keene, Sinsabaugh, Sorensen, Goodwin, McDuffee)

Nays – 0

The motion carried.

Trustee Ayres also stated we have had good activity with delinquent loan payments.

**Summer Help in Recreation:** The clerk submitted a list from Recreation Director Traub of potential recreation counselors. Trustee Sinsabaugh moved that this be discussed in executive session. Trustee Keene seconded the motion, which carried unanimously.

**Survey Proposal for Glenwood Cemetery:** The clerk submitted a proposal from Hunt Engineers to resurvey and to update mapping and layout of Section B at Glenwood Cemetery at a cost of $4,500. She stated there is funding in the cemetery budget as we purchased the equipment in last year’s budget. Trustee Keene stated he would like an opportunity to get other proposals. The clerk stated she contacted Joyce Surveyors and they were too busy with the gas drillers. She also called a surveyor from Owego, who did not return her calls. Trustee Sorensen moved to approve Hunt Engineer’s proposal as presented. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Ayres, Sorensen, Goodwin, McDuffee)

Nays – 3 (Kraus, Keene, Sinsabaugh)

The motion carried.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 8:16 p.m. to discuss a personnel issue and two contractual issues. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Kraus moved to enter regular session at 8:30 p.m. Trustee Sorensen seconded the motion, which carried unanimously.

**Summer Help in Recreation:** Trustee Goodwin moved to hire the following for part-time summer help for the recreation program, as recommended by Recreation Director Traub. This would be for five weeks, between July 2, – August 3, 2012. They are as follows:

Carrie Jenkins 30 hours/week $8.00/hour Director

Rena Olmstead Substitute $8.00/hour

Catherine Kraus 30 hours/week $7.25/hour Counselor

Meryl Hewitt 30 hours/week $7.25/hour Counselor

Ryan Hewitt 30 hours/week $7.25/hour Counselor

Katee Emerson 30 hours/week $7.25/hour Counselor

Carrie Wright 30 hours/week $7.25/hour Counselor

Brittany Kipling 30 hours/week $7.25/hour Counselor

Shawn Johnson 30 hours/week $7.25/hour Counselor

Niqalas Sinsabaugh 30 hours/week $7.25/hour Counselor

Nick Zwierlein 30 hours/week $7.25/hour Counselor

Joseph Terwilliger 30 hours/week $7.25/hour Counselor

Tyler Bauman 30 hours/week $7.25/hour Counselor

Andrew Roney 30 hours/week $7.25/hour Counselor

Trustee Goodwin moved to hire the Recreation Summer Help as presented. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Keene, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Abstain – 1 (Kraus)

The motion carried.

**Loan Modifications:** Trustee Ayres moved to waive late fees and penalties on the loan for Cheryl Gallagher until October 1, 2012. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to waive late fees and penalties on the loan BR101, contingent upon regular monthly payments are made. All fees and penalties will be charged if account goes delinquent. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Ayres moved to waive late fees and penalties an approve Shawn Schutt to refinance the balance ($5,487.05) of his current loan for 5 years to reduce monthly payment, with the understanding that late fees and penalties would be charged if account goes delinquent. Attorney Keene will draw up new loan agreement. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 8:35 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 5:30 P.M.**

**ON TUESDAY, JULY 3, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 5:30 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present was Clerk Treasurer Wood

Press: Amanda Renco of the Daily Review

Trustee Ayres moved to hire Devin Spallone as part-time summer help in the Water Department at a rate of $7.25 per hour, up to 30 hours per week. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Executive Session:** Trustee Kraus moved to enter executive session at 5:33 p.m. to discuss a contractual issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Kraus moved to enter regular session at 5:41 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to offer 16’ behind the old village hall, 358 Broad Street, be sold with the property as parking. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment**: Trustee Ayres moved to adjourn at 5:42 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JULY 10, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Keene, Ayres, Sinsabaugh, Sorensen, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, and Dave Adams of Hunt Engineers

Visitors included William Dimmick III of 19 Lincoln Street, Sterling Dimmick of 311 Chemung Street, Wade Frye of 446 Fulton Street, Chris Brewster of 138 Chemung Street, Wendy Gahring of 446 Fulton Street, Jean Minielly-Schmieg of 419 Chemung Street, and Linda Vogel of 201 Broad Street

Press included Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** Wade Frye stated that he has called and left numerous messages for the dog control officer and hasn’t gotten a response. Mayor McDuffee recommended he call the Town of Barton Supervisor, Dick Cary.

**Letters and Communications:** The clerk read a letter from Mary Perry-Rogers, of The Red Door, requesting a street closure for Park Avenue, from Broad Street to Depumpo Lane on August 24, 2012 from 8:30 a.m. to 10:30 p.m. to hold a “Kids Back to School Bash”. Trustee Goodwin moved to approve the request as presented, contingent upon Chief Updyke’s approval. Trustee Ayres seconded the motion, which carried unanimously.

The clerk read a letter from Crystal Lown, ENCOREplus Program Coordinator, requesting approval to “Paint the Town Pink” for breast cancer awareness. This would include pink ribbons on poles and pink lights in storefronts. The kick-off for the event would be October 1, 2012 and run through October 29, 2012. Trustee Sinsabaugh moved to approve request as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of June 26, and July 3, 2012 as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Street, and Police Departments. The clerk also submitted a monthly complaint log.

**Treasurer's Report:** The following was presented:

General Fund 5/01/12 – 5/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 29,176.37 | Current Revenues | 90,930.56 |
| Deposits | 258,045.99 | Year to Date Revenue | 2,558,004.06 |
| Disbursements | 235,875.31 | Current Expenditures | 194,605.38 |
| Ending Balance | 51,347.05 | Year to Date Expended | 2,573,838.03 |

\*General Capital Reserve Fund $83,515.33

Cemetery Fund 5/01/12 – 5/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 32,802.12 | Current Revenues | 29,824.77 |
| Deposits | 1,826.98 | Year to Date Revenue | 49,876.32 |
| Disbursements | 3,063.51 | Current Expenditures | 3,063.51 |
| Ending Balance | 31,565.59 | Year to Date Expended | 48,387.54 |

**Finance Committee:** Trustee Sinsabaugh presented bills for in the amount of General Fund $39,959.37; Cemetery $1,203.31; CDBG 3,575.40; and Dental Trust $250.00; for a total of $44,988.08. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**FEMA Projects Update:** The clerk stated Christina Brush, Hunt Engineers, will schedule a bid opening for the FEMA projects on July 30, 2012 at 1:00. Trustee Goodwin moved to approve the bid opening and the clerk to advertise the same. Trustee Ayres seconded the motion, which carried unanimously. Attorney Keene stated she is in the process of updating the proper easements.

**Proposed Local Law 3-2012: Secondhand Dealers:** Attorney Keene submitted a second draft of proposed local law 3-2012 regarding secondhand dealers and explained the changes. Trustee Goodwin moved to hold a public hearing on July 24, 2012 at 6:30 on the proposed local law and the clerk to advertise the same. Trustee Ayres seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Mayor McDuffee stated the old village hall was sold on July 6, 2012 and is excited to see future development for our business district. He wishes Deb Twigg the best of luck.

Mayor McDuffee stated the new transfer station opened last week and encourages the public to take advantage of its services. He stated the hours have changed, and they are:

Tuesday-Friday 7:00 a.m. – 12:00 p.m. and Saturday 7:00 a.m. – 1:00 p.m.

Mayor McDuffee expressed his concern that the County Legislators are not filling the vacancy left by our representative Andrew Quinlan until October 2012. He stated there have been very good candidates interested in the position. Trustee Keene stated he met with the legislators and due to their vacations, filling the vacancy would take time. Trustee Ayres moved to state the Board is dissatisfied with the process to fill the vacancy and it should be a more expeditious. Trustee Goodwin seconded the motion, which led to a roll call vote as follows:

Ayes – 5 (Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 1 (Keene)

Absent – 1 (Kraus)

The motion carried.

**Executive Session:** Trustee Ayres moved to enter executive session 7:06 p.m. to discuss two contractual issues. Trustee Goodwin seconded the motion, which carried unanimously. Dave Adams of Hunt Engineers was asked to attend.

Trustee Goodwin moved to enter regular session at 7:59 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Sorensen moved to approve the Hunt Engineers plans for the design, development, and contract documents for the renovation of the Ithaca Street South Wing Project at a cost of $43,311.65. Trustee Ayres seconded the motion, which led to a roll call vote as follows:

Ayes – 5 (Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 1 (Keene)

Absent – 1 (Kraus)

The motion carried.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 8:21 p.m. Trustee Sorensen seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, JULY 24, 2012 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON PROPOSED LOCAL LAW 3-2012: SECONDHAND DEALERS**

Mayor McDuffee declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Ayres, Kraus, Sinsabaugh, Sorensen, Goodwin, Keene, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, and Dale Weston, Tioga County Legislative Chairman

Visitors included Jean Minielly-Schmieg of 417 Chemung Street, Linda Vogel of 201 Broad Street, Sterling Dimmick of 311 Chemung Street, William Dimmick III of 19 Lincoln Street, Donna Vargason of 222 Broad Street, John Woodburn of 203 Cayuta Avenue, Robert Smith of the Methodist Church, Natasha Waschezen of 433 Clark Street, Anna Ward of Sayre PA, Wayne Bump of Sayre PA, Mary Perry-Rogers of 17 Hickory Street, and Chris Brewster of 138 Chemung Street

Press: Amanda Renco of the Daily Review, Colin H. of the Morning Times, and Ron Cole of WATS/WAVR

Attorney Keene explained the few changes that were made since the previous public hearing. Mayor McDuffee asked for comments.

Donna Vergason stated she sells beads, teapots, and occasionally used jewelry. She stated the jewelry she sells belongs to her. She stated she was confused about knowing what businesses would be affected by this law, and who it applies to. Attorney Keene stated only businesses that buys secondhand merchandise on the premises and resells it would be affected by this law.

With no one else wishing to be heard Mayor McDuffee closed the hearing at 6:35 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:40 P.M.**

**ON TUESDAY, JULY 24, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:40 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Keene, Goodwin, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, and Dale Weston, Tioga County Legislative Chairman

Visitors included Jean Minielly-Schmieg of 417 Chemung Street, Linda Vogel of 201 Broad Street, Sterling Dimmick of 311 Chemung Street, William Dimmick III of 19 Lincoln Street, Donna Vargason of 222 Broad Street, John Woodburn of 203 Cayuta Avenue, Robert Smith of the Methodist Church, Natasha Waschezen of 433 Clark Street, Anna Ward of Sayre PA, Wayne Bump of Sayre PA, Mary Perry-Rogers of 17 Hickory Street, and Chris Brewster of 138 Chemung Street

Press: Amanda Renco of the Daily Review, Colin H. of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comment:** Robert Smith, with the Waverly United Methodist Church, stated the church would like to install a digital sign in front of the church near Chemung Street. He stated he went to the Planning Board and they denied the application. He stated he feels this should not have been denied. Attorney Keene stated the church is located in a residential zone and stated is not allowed per the code, therefore, the planning board had no alternative than to deny the application. She stated the same sized replacement sign would be allowed, however, the lighting is not. She also stated the law would need to be changed before application could be approved. Discussion followed

**Letters and Communications:** The clerk read a letter from Ferdinand Cavallaro of 577 Clark Street asking for approval to remove his sidewalk since he is the only property north of Moore Street that has a sidewalk and it is need of repairs.

Trustee Sinsabaugh stated Scorch’s Deli is requesting permission to hold their annual Last Chance Car, Truck, and Bike show on September 23, 2012 (rain date is September 30) . They would like to close off Broad Street from Fulton Street to Pine Street between the hours of 8:00 a.m. and 5:00 p.m. Trustee Sinsabaugh moved to approve request as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Goodwin moved to approve the Minutes of July 10, 2012 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Proposed Local Law 3-2012: Secondhand Dealers:** Trustee Ayres moved to adopt Local Law 3-2012: Secondhand Dealers, as follows:

Secondhand Dealer Law

Sec. 115-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer means a person who buys for their own use or for the use of another, but not for resale.

Person means any natural person, firm, partnership, limited liability partnership, association, corporation, limited liability company, or any other type of business entity.

Purchase of a secondhand item includes an exchange or trade for a secondhand item.

Secondhand business means a business which engages in the purchase for resale of any secondhand gold, silver, platinum, diamonds or other precious gems or any of the following:

(1) Items containing gold, silver, platinum, diamonds or other precious gems; (2) Bicycles; (3) Radios; (4) Televisions; (5) Stereo equipment; (6) Jewelry; (7) Watches; (8) Cameras and video equipment and accessories; (9) Furniture; (10) Appliances; (11) Typewriters, calculators, office equipment; (12) Computer hardware equipment; (13) Computers and computer equipment; (14) Video games; (15) Stamps; (16) Coins; (17) Automotive parts or equipment; or (18) Motor vehicles.

Secondhand dealer means any person who conducts a secondhand business in the village for purchasing, selling, trading or dealing in any secondhand articled. A secondhand dealer does not include a licensed collateral loan broker, used automobile dealer, junk dealer¹, junk automobile dealer or automobile parts dealer, furniture or antique dealer, a person engaged in estate transactions, or a person purchasing goods not previously sold to a consumer.

Sec. 115-2 - Penalty.

(a) any violation of this Code shall constitute a violation as prescribed by Penal Law § 55.10, and shall be punished by a fine not exceeding $250.00, or by imprisonment not exceeding 15 days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense.

(b) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the village, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 115-3. - License—Required.

No person shall carry on the business of secondhand dealer in the village without first obtaining a license.

Sec. 115-4. - Application; issuance.

(a) An application for a secondhand dealer license shall be made to the Village of Waverly, on forms prescribed by the village clerk.

(b) Upon receipt of an application for a secondhand dealer license, and after approval of the zoning code compliance by the code enforcement officer, the code enforcement officer shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the chief of police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the chief of police and his representatives shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. Further inspections of the premises may be made after a license has been issued to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand business.

(c) The owner, operator and employees of any secondhand business shall be of good character and shall maintain good order on the business premises at all times.

(d) The Village Board may promulgate rules and regulations to govern the operation of secondhand businesses so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhoods where the businesses are located.

(e) It shall be the duty of all holders of a secondhand dealer license to notify the chief of police of any changes in information supplied on their license applications within 20 days of such change.

(f) The chief of police after having investigated the background of the owner and operator of the business shall make a recommendation to the Village Board regarding the approval or disapproval of the application for a license. The Village shall direct the issuance of the license only upon a majority vote of the Board of Trustees of the village and upon such terms and conditions as may be prescribed by such Board for the benefit and welfare of the Village of Waverly. The Board may deny a license or deny the renewal of a license to any applicant who is not of good character, who is not a fit and proper person to hold a license issued under this article, or who makes a material misrepresentation on the license application. The Board of Trustees shall give the applicant written notification of the reason for denial of a license.

(g) The chief of police shall have the power to investigate and inquire into the license applicants under this article.

Sec. 115-5. - Suspension or revocation.

(a) A secondhand dealer license may be revoked or suspended at any time for cause, after a hearing conducted by the Board of Trustees, if the secondhand dealer is in violation of this article, or any ordinance or law, or for any false statement of material fact in the application for license.

(b) When the license is suspended or revoked, the license shall be returned to and retained by the Village Clerk and shall be returned only after the expiration of the suspension period.

(c) Before suspending or revoking a license, the chief of police or his designee shall give the holder of the license written notice of the charges constituting cause for the suspension or revocation of the license, together with notice setting forth the date, time and place that a hearing will be had upon such charges before the Board of Trustees and informing the holder of the license of the right to answer such charges. The notice of charges and notice of hearing shall not be less than ten days from the date of personal service of said notices.

Sec. 115-6. - Expiration.

Each secondhand dealer license shall expire expire one year from the date of issuance.

Sec. 115-7. - Fee.

The annual fee for a secondhand dealer license shall be $75.00.

Sec. 115-8. - Recordkeeping, tagging and holding requirements.

(a) Every secondhand dealer shall keep a record book in which shall be written, at the time of the dealer's purchase of any item, the date and time when the purchase was made, a description thereof, the name, age and personal description of the person from whom the purchase was made, and a description of the means of identification and the identification number required pursuant to Sec. 115-9 (a). All such record books shall be open to any member of the police department of the village. The record books shall be securely bound, not less than six inches in either length or width, legibly written in the English language and shall show the amount paid for each item and the number attached to each item. No entry in such book shall be erased, obliterated, altered or defaced.

(b) Every secondhand dealer shall, at the time of making any purchase, attach a tag to or otherwise legibly number each item bought and make entry of such number in the record book required by subsection (a) of this section.

(c) Every secondhand dealer shall make out each business day on blank forms to be furnished by the chief of police, a record containing the details of all purchases of secondhand items during the preceding business day. The dealer shall deliver such record to the chief of police or his representative, by mail, facsimile transmission, electronic mail, or in person, on the same day in which the record is completed. The details to be reported on each purchase shall be prescribed by regulations promulgated by the chief of police.

(d) If several items are purchased from the same person in a single transaction, they may be reported and tagged as a group, provided that each item is accurately described. Items may be described in commonly accepted terms of trade.

(e) No secondhand dealer shall permit any item which has been purchased or received by him to be sold, defaced or wholly or partly dismantled until thirty business days have elapsed after the giving of the notice of the purchase of such article as required in subsection (c) of this section. Items purchased or received from another secondhand dealer licensed under this article shall be exempt from this provision, provided that such items had been held for the required time period by the secondhand dealer disposing of the items.

(f) The following activities shall be exempt from the requirement of this section:

(1) The purchase of items from a single individual for an aggregate price of less than $10.00.

(2) The purchase of motor vehicles.

Sec. 115-9. - General regulations.

(a) No secondhand dealer shall receive or purchase any item unless the person selling or trading the item identifies himself by means of a driver's license, state picture identification card or other means of identification approved by the chief of police. A sheriff's department identification card or college or school identification card by itself shall not be sufficient for purpose of identification. The secondhand dealer shall make and retain a photocopy of the picture identification card.

(b) No secondhand dealer shall receive or purchase any item from any intoxicated person.

(c) No secondhand dealer shall receive or purchase any item from a person who is under 18 years of age, unless such person is accompanied by a parent or guardian.

(d) No secondhand dealer shall have his place of business open for the transaction of business between the hours of 11:00 p.m. and 8:00 a.m.

(e) Every secondhand dealer shall post his secondhand dealer license in a conspicuous location in the place of business.

(f) No secondhand dealer shall conduct his business at any place other than the premises indicated on his application for a secondhand dealer's license.

Sec. 115-10. - Exemptions from licensing requirements.

The following are exempt from the Secondhand Dealer licensing requirements:

(a) Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his personal used items, household goods, furniture or equipment upon his premises, said premises not being a regular place of business for the purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than two such sales shall be conducted by the same person upon the same premises within one calendar year, and each sale shall not exceed three consecutive days.

(b) Sales conducted for charitable purposes shall be exempted from the license requirement of this article. The determination of whether a sale is being conducted for a charitable purpose shall be made by the chief of police.

(c) This article shall not apply to the refund of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

Sec. 115-11. - Method of payment.

Payment for all items purchased by a secondhand dealer shall be made by means of a check drawn on the secondhand dealer's account and made out in the name of the person selling the item. The secondhand dealer shall record on the face of the check the number affixed to the item purchased pursuant to Sec. 115-9 (b). This section shall not apply to items purchased from a single individual for an aggregate price of less than $10.00.

Sec. 115-12. – Effective Date of Law.

This law requires any business currently operating as secondhand business or dealers to applying for a license within thirty days of the effective date of this law.

FOOTNOTE(S):

1. State Law reference— Junk dealers, General Business Law § 60 et seq.; secondhand watch dealers, General Business Law § 392. (Back)

Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Kraus, Sinsabaugh, Sorensen, Goodwin, McDuffee)

Nays – 1 (Keene)

The motion carried.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $55,292.91 and Dental Trust $1,040.00; for a total of $56,332.91. Trustee Ayres moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Treasurer's Report:** The following was presented:

General Fund 6/01/12 – 6/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 51,347.05 | Current Revenues | 1,757,749.76 |
| Deposits | 1,390,769.07 | Year to Date Revenue | 1,757,749.76 |
| Disbursements | 968,650.33 | Current Expenditures | 167,025.28 |
| Ending Balance | 473,465.79 | Year to Date Expended | 167,025.28 |

\*General Capital Reserve Fund $83,531.88

Cemetery Fund 6/01/12 – 6/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 31,565.59 | Current Revenues | 3,225.75 |
| Deposits | 825.49 | Year to Date Revenue | 3,225.75 |
| Disbursements | 4,795.35 | Current Expenditures | 7,180.35 |
| Ending Balance | 27,595.73 | Year to Date Expended | 7,180.35 |

Loan Programs 6/01/12 – 6/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** |  | **Rehab Loans** |  |
| Beginning Balance | 63,099.54 | Beginning Balance | 26,552.96 |
| Deposits | 1,640.54 | Deposits | 899.68 |
| Disbursements | 0.00 | Disbursements | 2,584.00 |
| Ending Balance | 64,740.08 | Ending Balance | 24,868.64 |
| Total Fund Balance | 207,744.82 | Total Fund Balance | 180,844.53 |

\*The report outlined the status of individual loan repayments.

Trustee Ayres stated more payments are being made and the new procedures seem to be working.

**Summer Help in Recreation:** The clerk stated Christian Wilkins has terminated his position with Recreation and Recreation Director Traub has requested that those hours be distributed to the other workers. Trustee Goodwin moved to approve the request as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**NYCOM Fall Training School:** Trustee Sorensen moved to approve Clerk Treasurer Wood and Attorney Keene to attend the NYCOM Fall Training School in Lake Placid, NY on September 10-13, 2012 at a cost of $240 plus room and board. Trustee Goodwin seconded the motion, which carried unanimously.

**Records Disposition:** The clerk submitted a list of records eligible for disposition, they are as follows:

WSC Payment Stubs 06/01/2005 – 12/31/2005

WSC Daily Receipt Registers 02/01/2005 – 05/31/2005

W/S Bills 06/01/2005 – 05/31/2005

W/S Billing Registers 07/01/2005 – 01/01/2007

Payroll Reports 01/02/2005 – 12/31/2005

Timesheets 01/01/2005 – 12/31/2005

Bonds 1999 – 2002

Voting Poll Books 2007

Insurance Policies 2005- 2006

General Bills 06/01/2005 – 05/31/2006

Bank Statements 06/01/2005 – 05/31/2006

General Ledgers (all funds) 06/01/2005 – 05/31/2006

Unsuccessful Bids for Waverly/Fulton St Project 2006

Code Enforcement Complaint Violations 1998 – 1999

Water, Sewer, Village Trustees Meeting Agendas 06/01/2010 – 5/31/2011

Trustee Goodwin moved to dispose of said records. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Uniform Services for Cemetery:** The clerk explained that uniform services for cemetery are being charged to the sewer fund, due to employee previously working there. She stated the sewer contract is expiring in October and recommended we change service providers to Unifirst as the other departments are using them. Trustee Ayres moved to approve Unifirst to provide uniform service to cemetery worker and charge to cemetery fund. Trustee Keene seconded the motion, which carried unanimously.

**Public Auction:** The clerk stated Manassi Auctions will be holding their public auction on September 29, 2012 at the DPW Building in Binghamton. She stated that they estimated the dump truck to sell between $12,000 and $15,000. She explained that they add their costs to the bid, therefore, we would receive the entire bid amount. Trustee Sinsabaugh moved to allow Manassi Auctions to auction the dump truck with a reserve amount of $12,000. Trustee Keene seconded the motion, which carried unanimously.

**Muldoon Gardens Assessment:** Attorney Keene stated that Muldoon Gardens are qualified for a State program for their assessment. She stated they needed to qualify annually with the State and the same information could be sent to the Village. The assessment is based on net operating income and is not a PILOT agreement. Attorney Keene stated if they meet the State’s requirements, then the municipality must accept. She stated they would need a letter of intent to cooperate. Trustee Kraus moved to direct the Attorney to write the letter of intent to cooperate. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor/Board Comments:** County Legislator Dale Weston submitted the Tioga County Foreclosure List and stated the tax foreclosure auction is scheduled for August 8, 2012 at 6:30 p.m. in Owego. He also updated the Board on the County’s FEMA allocations. Mr. Weston stated the committee met regarding the vacancy left by Andrew Quinlan and they are requesting resume’s from any interested person. The committee will be reviewing and interviewing potential candidates. He also stated that he would be our representative until the vacancy is filled.

**Executive Session:** Trustee Kraus moved to enter executive session at 7:40 p.m. to discuss a contractual issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Goodwin moved to enter regular session at 7:58 p.m. Trustee Keene seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:59 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 14, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees; Keene, Ayres, Sinsabaugh, Kraus, Sorensen, Goodwin, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Code Enforcement Chisari, and County Legislator Dale Weston

Visitors included William Dimmick III of 19 Lincoln Street, Sterling Dimmick of 311 Chemung Street, Wade Frye of 446 Fulton Street, Chris Brewster of 138 Chemung Street, Wendy Gahring of 446 Fulton Street, and Tom Bellinger of 474 Pennsylvania Avenue

Press included Lloyd Davis of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** Tom Bellinger stated the spillway under the railway off of Broad Street near Leprino Foods needs to be cleared out. Dale Weston stated he would pass the information along to Tioga County Soil & Water as they are beginning work to clear debris in the area. Mr. Bellinger also stated the fence over Dry Brook Creek on Broad Street is very loose and should be repaired.

**Letters and Communications:** The clerk read a letter from Ferdinand Cavallaro requesting permission to remove his sidewalk as it is the only sidewalk north of Moore Street on Clark Street. Discussion followed. Trustee Ayres moved to table for comment from Attorney Keene. Trustee Kraus seconded the motion, which carried unanimously.

**Minutes:** Minutes of July 24, 2012 were not available at meeting time.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Street, and Police Departments. The clerk also submitted a monthly complaint log.

**Treasurer's Report:** The following was presented:

General Fund 7/01/12 – 7/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 473,465.79 | Current Revenues | 26,848.84 |
| Deposits | 259,888.24 | Year to Date Revenue | 1,784,598.60 |
| Disbursements | 203,391.58 | Current Expenditures | 191,994.02 |
| Ending Balance | 529,962.45 | Year to Date Expended | 359,019.30 |

\*General Capital Reserve Fund $83,550.14

Cemetery Fund 7/01/12 – 7/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 27,595.73 | Current Revenues | 664.02 |
| Deposits | 650.45 | Year to Date Revenue | 3,889.77 |
| Disbursements | 4,574.61 | Current Expenditures | 4,574.61 |
| Ending Balance | 23,671.57 | Year to Date Expended | 11,754.96 |

Loan Programs 7/01/12 – 7/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** |  | **Rehab Loans** |  |
| Beginning Balance | 64,740.08 | Beginning Balance | 24,868.64 |
| Deposits | 4,795.74 | Deposits | 1,351.22 |
| Disbursements | .42 | Disbursements | 3,575.40 |
| Ending Balance | 69,535.40 | Ending Balance | 22,644.46 |
| Total Fund Balance | 277,367.02 | Total Fund Balance | 178,654.54 |

\*The report outlined the status of individual loan repayments.

Trustee Ayres stated there have been significant improvements in payments in the loan program.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $125,534.61; Cemetery $918.34; for a total of $126,452.95. Trustee Sinsabaugh stated concern with payment to Hunt Engineers since there is still asbestos in the building. Trustee Sorensen stated he would contact Hunt Engineers and recommended holding payment to Sullivan Contracting until the job is complete. The clerk stated we have not yet been invoiced from Sullivan Contracting. Trustee Ayres moved to approve payment of the bills as presented, including the Hunt Engineer invoice (included on abstract). Trustee Goodwin seconded the motion, which led to a roll call vote, as follows.

Ayes – 6 (Kraus, Ayres, Keene, Goodwin, Sorensen, McDuffee)

Nays – 1 (Sinsabaugh)

The motion carried.

**FEMA Projects Update:** The clerk stated Christina Brush, Hunt Engineers, will schedule a bid opening for the FEMA projects on September 4, 2012 at 1:00 in the Trustees Meeting Room. Trustee Sinsabaugh moved to approve the bid opening and the clerk to advertise the same. Trustee Goodwin seconded the motion, which carried unanimously.

The clerk stated we received a check from FEMA in the amount of $17,678.82. This is for the costs to repair the glen bridge.

**Single Audit Costs:** The clerk submitted a quote from EFP Rotenberg stating a single audit would be an additional $1,500 and that covers an estimated 20 hours of work. Additional time would be billed at $80 per hour. Trustee Kraus moved to approve the single audit as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** County Legislator Dale Weston stated hotel tax gets divided between Tioga Tourism and Tioga County Economic Development in which all municipalities reap the benefits from these departments.

He stated the Legislature have interviewed several candidates for the vacancy and will interview more on Monday. He is hoping that a decision will be made on September 2, 2012.

**Code Enforcement Assistant:** Code Enforcement Officer Chisari requested the Board hire an assistant to help with duties in code enforcement at $9.00 per hour and approximately 15 per week. He stated he would not go over the budgeted amount of $8,000 per year. Trustee Sinsabaugh moved to seek candidates for this position and the clerk to advertise the same. Trustee Ayres seconded the motion, which carried unanimously.

**Public Auction:** The clerk stated Manassi Auctions will be holding their public auction on September 29, 2012 at the DPW Building in Binghamton. As previously approved we will be taking the dump truck up. Manassi Auctions will also take any other items we would like to auction off. She recommended the bicycles. Trustee Sinsabaugh moved to allow other items, including bikes, be taken to auction and a list of items be kept by the village. Trustee Ayres seconded the motion, which carried unanimously.

**Court Grant Authorization** – The Clerk presented a request from Village Justice Richard Koons for authorization to file a grant application for the 2012-2013 NYS Justice Court Assistance Program (JCAP) for the Justice Court. Trustee Ayres moved to approve Justice Koons’ request to file a grant application to JCAP. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Mayor McDuffee stated people are leaving their cars parked on Broad Street rather than drive under the influence. He stated parking tickets have been issued for this. Discussion followed regarding the parking regulations on Broad Street. The consensus of the Board was to keep the current regulations in place.

Trustee Kraus commended the DPW for their work to clear debris from the recent storm.

Trustee Keene stated Wendy Walsh, of Tioga County Soil & Water, obtained a grant to repair erosion issues in Dry Brook Creek and the work should be starting soon. He recommended sending a letter to the County thanking them for their work.

Trustee Kraus moved to give Water Plant Operator Roney a key to the clerks’ office. Trustee Sinsabaugh seconded the motion, which led to a roll call vote as follows:

Ayes – 7 (Ayres, Kraus, Keene, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 7:24 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 28, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:40 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Keene, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Attorney Keene, and Dale Weston, Tioga County Legislative Chairman

Visitors included Chris Brewster of 138 Chemung Street, Thomas McLean of 128 Center Street, and Margaret Prinzi of 447 Chemung Street.

Press: Amanda Renco of the Daily Review, Kristy Westbrook of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comment:** Margaret Prinzi thanked Trustee Keene for getting directional signs to the business districtfor Waverly.

**Letters and Communications:** The clerk read a letter from Ferdinand Cavallaro of 577 Clark Street asking for approval to remove his sidewalk. Attorney Keene stated there are no provisions in the law to eliminate sidewalks. She stated that allowing him to eliminate his sidewalk would set precedence. Discussion followed. The consensus of the Board was to keep as current, and directed the clerk to have the tree commissioner observe the trees in question.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of July 24, and August 14, 2012 as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $5,117.06; Cemetery $281.41; Dental Trust $122.00; for a total of $5,520.47. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Ithaca Street Asbestos Abatement Change Order:** The clerk submitted change order A-001 from Sullivan Contracting for pipe joint insulation removal as directed by the project monitor at a cost of $3,215. Trustee Sinsabaugh moved to discuss this in executive session as a contractual matter. Trustee Kraus seconded the motion, which carried unanimously.

**Fall Tree List:** The clerk submitted a list of trees that have been determined by the tree commissioner to be removed or trimmed. Trustee Sinsabaugh moved to seek bids and the clerk to advertise the same. Trustee Ayres seconded the motion, which carried unanimously.

**Part-Time Help with Cemetery Mowing:** Trustee Sinsabaugh moved to direct the clerk to advertise for part-time help in the cemeteries. Trustee Kraus seconded the motion, which carried unanimously. Trustee Keene offered to help interview potential candidates.

**Mayor/Board Comments:** Mayor McDuffee reminded the residents that school is starting soon and urged drivers to be especially careful and alert.

Tom McLean, Crossing Guard, stated he would like to have signage indicating the end of school zones be put up. He stated there is confusion.

**Tioga County Update:** Tioga County Legislator Dale Weston stated the County helped with getting a grant for the Waverly Police Department to help with security cameras. He also stated they have interviewed all candidates for the legislative vacancy and should have one chosen at their next meeting.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:08 p.m. to discuss a contractual issue. Trustee Kraus seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Kraus moved to enter regular session at 7:25 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Kraus moved to table discussion regarding the change order from Sullivan Contracting. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:26 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, SEPTEMBER 11, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance. He asked for a moment of silence in remembrance of the tragedy of September 11, 2001.

**Role Call:** Present were Trustees; Keene, Sinsabaugh, Kraus, Sorensen, Goodwin, and Mayor McDuffee

Also present was Deputy Clerk Treasurer Hazen

Visitors included Chris Brewster of 138 Chemung Street, Wade Frye and Wendy Gahring of 446 Fulton Street, Tom Bellinger of 474 Pennsylvania Avenue, Kathleen Jean Minielly-Schmieg of 417 Chemung Street, Donald R. Laman of 206 William Street, Robin and Nealsha Lafritz of 116 Chemung Street, Seth, Jacob and Luke Hazen of 414 Chemung Street

Press included Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** Don Laman stated he has been waiting months for Code Enforcement to follow up regarding a red Honda with no plates he has complained about. Wendy Gahring requested an increase in police patrol on Fulton and Waverly Streets. She stated there was a riot in the street recently and residents are fearful and patrol would be proactive. Mayor McDuffee stated Trustee Sorensen would speak to Chief Updyke regarding concerns. Tom Bellinger presented an insurance certificate to cover the car show being held on September 23 from 11:00 to 4:00. He stated anyone requesting a street closure should be subject to same requirements. Jacob Hazen stated his Eagle Project is complete and requested the Board’s signatures for completion request.

**Letters and Communications:** The deputy clerk read a letter from Troy Campbell inquiring if there has been any discussion on Waverly United Methodist Church’s presentation from July 24th. He also inquired if someone could ask Dale Weston why county always has meetings during the day when most people are working and unable to attend. Sorensen stated the church was to go back to manufacturer and come up with a temporary sign. Mayor McDuffee stated county is holding their first evening meeting tonight.

Mayor McDuffee read a letter of resignation from Parks and Recreation Director Kyle Traub. He thanked him for giving a month’s notice. The position will be advertised Thurs, Fri and Sat. with a deadline for applications of September 24th. Trustee Keene moved to accept resignation letter. Trustee Sinsabaugh seconded the motion, which carried unanimously. Trustee Sinsabaugh stated as a member of the Recreation Commission he would like to thank Kyle Traub for a job well done.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of August 28, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation and Police Departments. The deputy clerk also submitted a monthly complaint log.

**Treasurer's Report:** The following was presented:

General Fund 8/01/12 – 8/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 529,962.45 | Current Revenues | 31,951.21 |
| Deposits | 109,389.25 | Year to Date Revenue | 1,816,549.81 |
| Disbursements | 309,840.76 | Current Expenditures | 300,309.64 |
| Ending Balance | 329,510.94 | Year to Date Expended | 659,328.94 |

\*General Capital Reserve Fund $83,567.83

Cemetery Fund 8/01/12 – 8/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 23,671.57 | Current Revenues | 913.50 |
| Deposits | 925.31 | Year to Date Revenue | 4,803.27 |
| Disbursements | 5,101.18 | Current Expenditures | 5,076.23 |
| Ending Balance | 19,495.70 | Year to Date Expended | 16,831.19 |

Loan Programs 8/01/12 – 8/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** |  | **Rehab Loans** |  |
| Beginning Balance | 69,535.40 | Beginning Balance | 22,644.46 |
| Deposits | 2,550.53 | Deposits | 2,084.66 |
| Disbursements | 50,000.00 | Disbursements | 0.00 |
| Ending Balance | 22,085.93 | Ending Balance | 24,729.12 |
| Total Fund Balance | 279,968.19 | Total Fund Balance | 180,772.33 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $111,806.15; Cemetery $116.23; Dental Trust $194.42 for a total of $112,116.80. Trustee Sorensen moved to approve payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**FEMA Projects/Bid Award:** Deputy Clerk read 2 bids received for project:

|  |  |  |  |
| --- | --- | --- | --- |
| Contractor | Bid A: Cayuta Creek Retaining Wall | Bid B: Waverly Glen Park Pedestrian Bridge | Cumulative Total of Bids A & B |
| Chemung Contracting Corporation | $637,620.00 | $45,625.00 | $683,245.00 |
| The LC Whitford Co. | $488,438.00 | $23,976.00 | $512,414.00 |

The board discussed the FEMA deadline. Trustees Sorensen and Goodwin stated the work needs to be done before time runs out. Trustee Goodwin moved to approve bid award to The LC Whitford Co. with the stipulation that the difference of both bids will be covered by FEMA. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows.

Ayes – 6 ((Kraus, Keene, Goodwin, Sorensen, Sinsabaugh McDuffee)

Nays – 0

Absent – 1 (Ayres)

The motion carried.

**Asbestos Abatement Change Order:** Trustee Kraus moved to table for further discussion. Trustee Goodwin seconded the motion which carried unanimously.

**Code Enforcement Assistant:** Trustee Sinsabaugh moved to approve James Bentley as Part-Time Assistant Code Enforcement Officer at a rate of $9.75 per hour. Trustee Kraus seconded the motion which carried unanimously.

**Established Hours for Retirement Reporting:** Trustee Sinsabaugh offered the following resolution, and moved its adoption:

BE IT RESOLVED, that the Village of Waverly Board of Trustees hereby established the following as a standard workday for the purpose of determining days reportable to the New York State and Local Employees’ Retirement System:

Elected Officials, as Mayor, Board of Trustees, and Justice, six hours for a standard work day, and

Appointed Officials, as Attorney, Acting Justice and Assessor, six hours for a standard work day, and

All Other Employees, eight hours for a standard workday.

Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Keene, Sinsabaugh, Goodwin, Sorensen, Kraus, McDuffee)

Nays - 0

Absent – 1 (Ayres)

The motion carried.

**Part-Time Cemetery Help:** Trustee Keene moved to approve Joseph Terwilliger and Robert Phillips as Part-Time Caretakers at a rate of $8.50 per hour. Trustee Goodwin seconded the motion, which carried unanimously. Terwilliger will start tomorrow, and Phillips will start as soon as possible.

**Village Bells:** Mayor McDuffee stated he would like the bells on display at our new building. He is asking for the media’s help in getting word out to the public for help, with labor, supplies, etc. Trustee Keene will be the lead and Trustee Sinsabaugh will assist.

**Purchase of Police Car:** Trustee Sorensen reviewed the car specs with the board. Stated the money is in the budget and it will replace the 2009 unmarked police car, purchase price $27,784.00. Trustee Sorensen moved to approve purchase of police car as presented. Trustee Sinsabaugh seconded the motion which carried unanimously.

Trustee Goodwin moved that the unmarked police car become the new village car and the current village Taurus be sent to auction. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Fall Tree Plantings:** Trustee Keene moved to approve $600.00 for Marty Borko to purchase trees for fall planting. Trustee Goodwin seconded the motion, which carried unanimously. Deputy Clerk will advertise for residents to call if they would like to be put on list for tree.

**Hotel Update:** Trustee Sinsabaugh stated he spoke with Tom Mullen and engineers are working on plans and a survey is being done. DOT is trying to obtain who owns a piece of property next to the Clark property. Trustee Sinsabaugh stated he would like to go to all pertinent meetings regarding hotel as the village representative and he is very supportive of the project.

**Mayor/Board Comments:** Mayor McDuffee stated he would like to commend Tioga County Legislator Dale Weston for attending our village meeting. There should be a decision tonight regarding vacant Legislator seat. Mayor stated he believes it will be a party issue and not a person issue. Waverly is the largest village in the county and he encourages everyone to get out and vote. He hopes the person they choose to represent us will attend all of our meetings to show support of the village.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:12 p.m. to discuss a personnel issue. Trustee Kraus seconded the motion, which carried unanimously.

The deputy clerk did not attend.

Trustee Kraus moved to enter regular session at 7:41 p.m. Trustee Sorensen seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:41 p.m. Trustee Sorensen seconded the motion, which carried unanimously.

Respectfully submitted,

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Kerri Hazen, Deputy Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, SEPTEMBER 25, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Kraus, Keene, Goodwin, Sinsabaugh, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Chris Brewster of 138 Chemung Street, and William Dimmick III of 19 Lincoln Street

Press: Amanda Renco of the Daily Review, Kristy Westbrook of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comment:** No comments were offered.

**Letters and Communications:** The clerk presented a new liquor license application from Bobby and Randy Talada stating their intention to apply for a liquor license for Bottoms Up Bar & Grill (formerly known as the Saddle Inn) located at 403 Broad Street. The clerk stated Chief Updyke has not reviewed the application. Trustee Sinsabaugh moved to accept application contingent upon Chief Updyke’s review. Trustee Kraus seconded the motion, which carried unanimously.

The clerk read a letter from County Legislator Ray Case introducing himself as our new representative and stating he is looking forward with working together for the betterment of the Village.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of September 11, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $70,294.52; and Dental Trust $1,489.65; for a total of $71,784.17. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Ithaca Street Asbestos Abatement Change Order:** The clerk submitted change order A-001 from Sullivan Contracting for pipe joint insulation removal as directed by the project monitor at a cost of $3,215. Trustee Ayres moved to deny payment of the change order as the project monitor was not acting on authority of the Village of Waverly. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Keene, Sinsabaugh, Goodwin, Kraus, McDuffee)

Nays - 0

Absent – 1 (Sorensen)

The motion carried.

**FEMA Projects Update:** The clerk submitted a letter from Christina Brush, of Hunt Engineers, explaining the risks involved with delaying the retaining wall project for FEMA approval, and risks by awarding the contract prior to receiving FEMA approval. The consensus of the Board was to proceed with the project as previously motioned.

**Blighted Properties:** The clerk stated Code Enforcement Officer Chisari submitted a letter regarding two blighted properties at the last meeting, these properties are: 9 Lincoln Avenue and 424 Loder Street. Trustee Ayres gave his copy of letter to Attorney Keene. Attorney Keene stated the owner of 9 Lincoln Avenue is in court with code issues. She stated 424 Loder Street has been vacant for many years and we are unable to locate owner. A certified letter was sent to owner at the last known address and was returned as undeliverable. Attorney Keene recommended having a structural engineer inspect the property and the Board to pursue an unsafe building procedure. Discussion followed. Trustee Keene moved to table discussion for information on property tax history. Trustee Ayres seconded the motion, which carried unanimously.

**Village Hall Generator Maintenance Agreement:** The clerk submitted a quote from Penn Power Systems to perform maintenance on the Village Hall generator for $695 annually. She stated Penn Power Systems currently has maintenance agreements for generators at the sewer plant and water wells. Trustee Ayres moved to table discussion for more information regarding the cost. Trustee Goodwin seconded the motion, which carried unanimously.

**Village Car (Taurus):** Trustee Kraus moved not to proceed with sale of the Ford Taurus at this time. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Leaf Vacuum System for Ferris Mower:** The clerk submitted two quotes for a leaf vacuum system attachment for the Ferris mower that is used in the parks. They are as follows: Joseph Swantak, Inc. $2,295, and Middendorf Tractor $2,209. She stated this is in budget under parks equipment. Trustee Goodwin moved to approve the purchase from Middendorf Tractor for $2,209 as presented. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Keene, Sinsabaugh, Goodwin, Kraus, McDuffee)

Nays - 0

Absent – 1 (Sorensen)

The motion carried.

**Tree Bids:** The clerk stated two bids were received for the request dated 9/19/2012 for tree removal/trimming and stump removal, as per the recommendations of the Tree Committee. Mayor McDuffee opened the bids, and read as follows:

Mattison’s Bucket Service $7,650

Quinlan Tree Service $4,050

Trustee Goodwin moved to award the bid to Quinlan’s Tree Service in the amount of $4,050, and recommended Jack Pond, of the Street Department, inspect work before payment. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Loan Modifications (Palumbo and Schutt):** The clerk stated a modification has already been approved for the Schutt loan in June, 2012. Trustee Keene moved to discuss in executive session. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Loan Determinations:** Trustee Ayres moved to write-off a rehab loan (AR100) with a remaining balance amount of $2,310 as it was deemed uncollectable after a bank foreclosure. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to write-off a business loan for Evola-Ferro with a remaining balance amount of $7,340.19 as it was deemed uncollectable after many years of collection attempts and unable to locate parties. Trustee Ayres seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Mayor McDuffee stated he and Trustee Ayres are meeting with BCC and discussing the future of the Village Hall wing.

Mayor McDuffee stated he and Trustee Ayres are looking for a location on the grounds of Village Hall to place the bell from the old Village Hall and two other bells.

Trustee Sinsabaugh stated we need to look at options regarding allowing lighted, digital signage to be used in the Village.

Trustee Keene stated FEMA has guidelines for disasters regarding separation of debris. Separation of wood, vegetation, paper, hazardous materials, etc. must be separated after a disaster in order to apply for FEMA funding. He stated Tioga County is working on a plan to assist with separation and monitoring. They are asking municipalities to participate. Tioga County will present at a later date.

Trustee Sinsabaugh thanked Tom and Josh Bellinger, Don Mitchell, Jack Pond, and everyone involved with the recent car show on Broad Street. He stated it was a huge success.

Trustee Kraus stated the Street Department has used the new skid steer to clear the upper end of Erie Street.

**Executive Session:** Trustee Kraus moved to enter executive session at 7:45 p.m. to discuss two contractual issues. Trustee Keene seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sinsabaugh moved to enter regular session at 8:08 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Ayres moved to table discussion regarding a loan modification for Greg Palumbo for further information from the loan committee. Trustee Keene seconded the motion, which carried unanimously.

Trustee Ayres moved to approve Roseanne Van Wie to run the adult swim program. This program runs in 15-week increments. Ms. Van Wie will collect funds (checks only, made payable to the Village) from swimmers for an entire 15-week increment and bring to the clerk for deposit. The clerk will then pay lifeguards at a rate of $12 per hour, as directed by Ms. Van Wie. Lifeguards include: Abby Kopatz, Grace McClelland, Maria Sisto, and Brighton Wood. Trustee Goodwin seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:20 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M.**

**ON TUESDAY, OCTOBER 3, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:00 p.m.

**Role Call:** Present were Trustees; Keene, Kraus, Goodwin, Sinsabaugh, Sorensen, Attorney Keene and Mayor McDuffee

Also present was Deputy Clerk Treasurer Hazen, Linda Vogel of 201 Broad Street, Cristina Brush of Hunt Engineers, 100 Hunt Center, Horseheads.

Press: Warren Howeler of the Morning Times and Ron Cole of WATS Radio

**Executive Session:** Trustee Kraus moved to enter executive session at 6:01pm. to discuss a personel issue. Trustee Keene seconded the motion, which carried unanimously.

The deputy clerk did not attend.

Trustee Sinsabaugh moved to enter regular session at 6:11p.m. Trustee Kraus seconded the motion, which carried unanimously.

**Recreation/Parks Director:** Trustee Sorensen moved to appoint Charles Havens as Recreation/Parks Director with a starting salary of $40,000.00 on a provisional basis and it will become permanent upon his passing of the civil service test and must be in the top 3. After passing the test his salary will increase an additional $1,000. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Sorensen, Keene, Sinsabaugh, Goodwin, Kraus, McDuffee)

Nays - 0

Absent – 1 (Ayres)

The motion carried.

Mayor McDuffee stated he would like to thank Dr. Picco and Trustee Sorensen for their assistance during the interview and selection process. Mayor McDuffee also stated Havens will begin employment on Monday October 7th and Kyle Traub’s last day is October 9th. Trustee Goodwin moved to approve an overlap of employment of two days for Recreation/Parks directors Traub and Havens. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Sorensen, Keene, Sinsabaugh, Goodwin, Kraus, McDuffee)

Nays - 0

Absent – 1 (Ayres)

The motion carried.

**FEMA Project Update:** Trustee Keene gave background information and updated board on current status of project. He is concerned that FEMA will not reimburse the village for the difference between the approved cost of the project and the accepted bid cost. He also inquired when the pedestrian bridge construction will begin. Cristina Brush of Hunt Engineers stated FEMA reimburses for “actual” project costs on large projects over $69,000. The estimated project cost was $500,000. She also stated that FEMA allows for replacement ‘in kind”, which means to put back as it was before, also the pedestrian bridge project is part of the wall project and will begin once board approves. Attorney Keene stated that Hunt Engineers are recommending that the village go ahead with the project and their professional opinion is we will be reimbursed for the difference. There is an 18 month timeline to complete the project which is March 23, 2013. Trustee Goodwin moved to approve to award the bid to LC Whitford Co. with no stipulations. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Kraus, Keene, Goodwin, Sorensen, Sinsabaugh McDuffee)

Nays – 0

Absent – 1 (Ayres)

The motion carried.

**Adjournment**: Trustee Kraus moved to adjourn at 6:28 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Kerri Hazen, Deputy Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 9, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance. .

**Role Call:** Present were Trustees; Keene, Sinsabaugh, Kraus, Ayres, and Mayor McDuffee

Also present was Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Ray Case

Visitors included Marty Borko of 17 Lyman Avenue, Jim Page of 441 Fulton Street, Tom McLean of 128 Center Street, and Linda Vogel of 201 Broad Street

Press included Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Tioga County Legislative Update:** Tioga County Legislator Ray Case introduced himself. He stated he met with Bob Wright, of the Planning Board, and he is trying to get help from the County for the Planning Board. He stated NYSERDA has Green Energy Grants available. This is for purchases of energy efficient products bought after 9/30/12 and could be 75% reimbursable. He stated there are Economic Loans available (0% interest) for façade projects. Teresa Saraceno is the contact person for these loans. He also stated a new Main Street program will be coming around again in the summer, and stated they would need a contact person from the Village.

**Public Comments:** Jim Page stated concern with his neighborhood as he lives near the business district. He stated the Police are responding to night time disturbances. These disturbances are quite frequent. Mr. Page stated he feels our police officers are well trained and responsible and strongly recommends they be issued Tasers. He feels this would help with any liability issues in the future.

Marty Borko asked the Board to consider installing a skatepark in back of the Village Hall. He offered to help with any research necessary.

Tom McLean thanked the Board for putting up “End School Zone” signs near Lincoln Street School. He says this is helping in the confusion of the school zone.

Linda Vogel stated the Main Street Program has been offered in the past, however, most businesses don’t qualify.

**Letters and Communications:** The clerk submitted the sales results from the auction. The dump truck sold for $14,250, and the bicycles $444.50.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of September 25, 2012 as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Department Reports:** The Board reviewed reports from the Code Enforcement, Recreation, Street, and Police Departments. The clerk also submitted a monthly complaint log.

**Treasurer's Report:** The following was presented:

General Fund 9/01/12 – 9/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 329,510.94 | Current Revenues | 81,521.53 |
| Deposits | 114,653.32 | Year to Date Revenue | 189,871.34 |
| Disbursements | 212,578.80 | Current Expenditures | 203,139.48 |
| Ending Balance | 231,585.46 | Year to Date Expended | 862,468.42 |

\*General Capital Reserve Fund $83,583.81

Cemetery Fund 9/01/12 – 9/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 19,495.70 | Current Revenues | 2,062.16 |
| Deposits | 2,050.29 | Year to Date Revenue | 6,865.43 |
| Disbursements | 3,300.78 | Current Expenditures | 3,336.10 |
| Ending Balance | 18,245.21 | Year to Date Expended | 20,167.29 |

Loan Programs 9/01/12 – 9/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** |  | **Rehab Loans** |  |
| Beginning Balance | 22,085.93 | Beginning Balance | 24,729.12 |
| Deposits | 4,761.83 | Deposits | 588.48 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 26,847.76 | Ending Balance | 25,317.60 |
| Total Fund Balance | 284,779.48 | Total Fund Balance | 181,390.74 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $102,098.20; Cemetery $704.54; Dental Trust $931.49 for a total of $103,734.23. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**FEMA Projects:** The clerk stated the projects will need a construction inspector. She read a letter from Hunt Engineers with an estimated cost for a construction inspector, if they provide one. The Board asked the clerk to check with Hunt Engineers and see what qualifications are needed for this position, and advertise for candidates.

**Digital Signs:** Trustee Sinsabaugh stated the Methodist Church is still inquiring about installing a digital sign. Mayor McDuffee stated he is hearing concerns with the church being in a residential zone. Trustee Ayres stated the Planning Board is reviewing the sign laws with help from the county. Attorney Keene asked the Board to look at other municipalities regarding signs in residential districts.

**Dump Truck Financing:** The clerk presented two proposals to finance the purchase of the new dump truck in the amount of $80,878. Chemung Canal Trust Company offered 3.25%, and First Niagara Bank offered 2.674%. Trustee Sinsabaugh moved to approve financing a 2012 International Dump Truck in the amount of $80,878 through First Niagara Bank at a rate of 2.674% with annual payments for a term of 5 years. Trustee Ayres seconded the motion, which carried unanimously.

**Village Hall Generator Maintenance:** The clerk presented a new proposal from Penn Power Systems for annual maintenance on the village hall generator in the amount of $390 per year. Trustee Sinsabaugh moved to approve Penn Power System’s proposal as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Blighted Property (424 Loder Street):** The clerk stated she researched the tax history of 424 Loder Street and no delinquent taxes were found at the county. Attorney Keene stated we could proceed with the unsafe building code and file for an administrative search warrant. She recommended we have a structural engineer observe the condition of the building. Discussion followed. Trustee Ayres moved to get an administrative warrant and to proceed with the unsafe building code. Trustee Keene seconded the motion, which carried unanimously.

**Waverly Recreation Eligibility:** Mayor McDuffee stated, after discussions with Recreation Director Havens, and the Recreation Commission, they would like to limit eligibility of recreation sports programs to children only within the recreation district. Trustee Sinsabaugh stated the Recreation Commission is in favor of limiting the eligibility. Mayor McDuffee stated the recreation district is the same as the school district. This would also allow kids from the entire Towns of Barton and Chemung as they provide aid for recreation. The programs are currently getting many kids from outside the district, and he feels that is hurting the chances for the district kids to participate. Discussion followed. Trustee Ayres stated we could impose higher fees for kids outside the district to participate. He also stated the set-up and functions of the Recreation Commission needs to be reviewed. Trustee Keene moved to limit eligibility of the recreation youth sports programs to the district and Towns kids as presented, for the upcoming basketball and wrestling programs. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 ((Kraus, Keene, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 2 (Goodwin, Sorensen)

The motion carried.

**Loan Subordination Request:** The clerk submitted a request from Alan & Brie Burgess to subordinate their loan with an original amount of $20,500. The clerk stated the Burgess’ have two loans with the Village and their loan with an original amount of $13,000 was subordinated by the Board on June 12, 2012. Trustee Ayres stated that it is important to protect our interest before approving. He stressed that following procedures implemented by us, due to the State Comptroller’s recent audit, should be done to justify approval. Trustee Ayres moved to have the loan committee review request and offer a recommendation. Trustee Keene seconded the motion, which carried unanimously.

**Extend Erie Street:** Trustee Kraus stated the Street Department has cleared out the end of Erie Street to the dead end. They cleared it as there is a water main shut off and they could use the area for snow removal. Trustee Sinsabaugh moved to change the distance of Erie Street from .18 miles to .30 miles and to maintain the increased roadway. Trustee Kraus seconded the motion, which carried unanimously.

**Employee Health Insurance:** Trustee Ayres stated options should be discussed with our insurance broker. Mayor McDuffee asked Trustee Ayres, Trustee Keene, and Clerk Treasurer Wood to review health insurance options with our insurance agent. They accepted.

**Mayor/Board Comments:** Mayor McDuffee stated Waverly High School would be using the Glen and the reservoir to teach students several things. This event will be on October 10th. The school has submitted an insurance waiver.

Mayor McDuffee recommended Marty Borko discuss skate park options with Recreation Director Havens.

**Adjournment**: Trustee Ayres moved to adjourn at 7:45 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 23, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Keene, Goodwin, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, and Attorney Keene

Visitors included Chris Brewster of 138 Chemung Street, Michael Kerr of Barton NY, Samantha Menning of 330 Chemung NY, David Langdon of 146 Center Street, Anna and Lisa Bailey of 136 Center Street, Michelle Roney of 71 Pine Street, Deb and Dylan Gutierrez of 106 Tracy Road, Mattison Seymour of 69 Pine Street, Victoria Cron of Barton NY, Linda Vogel of 201 Broad Street, and Josh Sinsabaugh of 8 Cooper Street

Press: Kristy Westbrook and Warren Howeler of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comment:** Tioga County Legislator Case stated it may be a good time to refinance the new Village Hall project as rates are very low. He also stated he had a complaint from a resident concerning the leaf debris from the leaf picker and asked if the top of the picker could be closed when picking to better contain the debris. Mayor McDuffee stated he would discuss with the Street Department.

**Waverly Cares Day Proclamation:** Many Waverly High School students attended the meeting. Lisa Bailey asked the Village for its support for their new endeavor to bring community back together after the recent assembly at the High School. The assembly was viewed as having a negative impact by many people. Ms. Bailey stated Waverly Cares was created this month to show that the positive impacts outweigh the negative. She stated they are holding the Waverly Heart Day on November 18, 2012 in the Waverly Stadium beginning at 2:00 p.m.

Anna Bailey stated she was upset with recent judgments of Waverly High School and wants people to be proud of Waverly, as she is.

Victoria Cron and Mattison Seymour stated the Leadership Program has become involved with Waverly Cares because they feel Waverly is so much more than what is being portrayed. The Leadership Program along with many students assisted families during the September 2011 flood, other disasters, and help families in need. Dylan Gutierrez stated the football team also helped flood victims.

Mayor McDuffee stated he is very proud of Waverly High School and of the students pulling together to turn the negative into positive. Mayor McDuffee presented a proclamation to Waverly Cares and proclaimed November 18, 2012 as Waverly Cares Day in the Village of Waverly.

**Letters and Communications:** The clerk presented a liquor license renewal application from the VFW Waverly Memorial Post, located at 403 Broad Street, stating their intention to renew their license. The clerk stated Chief Updyke had no concerns. Trustee Ayres moved to accept application. Trustee Keene seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of October 9, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Sinsabaugh presented bills for in the amount of General Fund $12,944.06; CDBG (FEMA Project) $5,866.02; and Dental Trust $41.97; for a total of $18,852.05. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**COG:** Trustee Keene updated the Board regarding the Tioga County Council of Governments. He stated there were no pressing issues and submitted a copy of their minutes.

**FEMA Projects Update:** Trustee Ayres stated there was a pre-construction meeting and submitted minutes of that meeting. He stated a change order may be possible due to there may be an inspection of the buildings near the retaining wall. He stated this inspection would be done prior to beginning work to check the pre-existing structural conditions of the buildings.

Trustee Ayres moved to approve Hunt Engineers to supply a construction inspector for the retaining wall and glen bridge repair projects, at a cost of $72 per hour. Trustee Sorensen seconded the motion, which carried unanimously.

**Blighted Properties:** Attorney Keene stated we found the owner of 424 Loder Street and Code Enforcement is working with owner to repair property.

**Back-up Server:** The clerk submitted a quote for CQ Services to purchase a back-up server at a cost of $1,127.91. Trustee Goodwin moved to approve the purchase as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Board of Sewer Commissioners Appointment:** Mayor McDuffee appointed David Breese to the Board of Sewer Commissioners to fill a vacancy left by William Soprano. Trustee Sinsabaugh moved to approve the appointment of David Breese. Trustee Ayres seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:26 p.m. to discuss litigation, personnel, and two contractual issues. Trustee Keene seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to enter regular session at 7:57 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Ayres moved to subordinate both village loans of Al and Brie Burgess as they are taking a loan from IDA to pay down their original mortgage. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Goodwin moved to hire Chad Sackett as a Full-Time Police Officer at the contractual rate of a 3-year officer, effective November 16, 2012. He would be replacing Officer Doug Vaughn as he will be retiring. Trustee Sorensen seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Keene, Goodwin, Sorensen, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 1 (Kraus)

The motion carried.

**Adjournment**: Trustee Keene moved to adjourn at 8:02 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 5:30 P.M.**

**ON WEDNESDAY, OCTOBER 31, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 5:30 p.m.

**Roll Call:** Present were Trustees: Sinsabaugh, Keene, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, and Colin Hogan of the Morning Times

The clerk submitted a quote from Hager Engineering to perform a building condition survey for the three buildings closest to the retaining wall project. All three buildings are owned by Ray Tyrell. The cost for the survey would be $$2,437. Discussion followed. Trustee Keene moved to approve having the building condition survey done as presented. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Keene, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 3 (Kraus, Sorensen, Goodwin)

The motion carried.

**Adjournment**: Trustee Keene moved to adjourn at 5:40 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**JOINT MEETING OF THE BOARD OF SEWER COMMISSIONERS**

**AND BOARD OF TRUSTEES OF THE VILLAGE OF WAVERLY**

**HELD ON TUESDAY, NOVEMBER 6, 2012 AT 6:30 P.M.**

**IN THE TRUSTEES' ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Roll Call:** Present were Trustees: Sinsabaugh, Goodwin, Keene, Kraus, Ayres, and Mayor McDuffee. Present were Sewer Commissioners: Engelbert, Millage, Heidig, Hughes, Breese, and Senior Commissioner Kahn. Senior Commissioner Kahn welcomed and introduced newly appointed Sewer Commissioner David Breese.

Also present were Clerk Treasurer Wood, Sewer Plant Operator Killgore, Mike Ohman and Dan Fagnani of Delaware Engineers, and Kristy Westbrook from the Morning Times.

**Sewer Plant Clarifier Project:** Dave Ohman, of Delaware Engineers, explained that there are two clarifiers at the sewer plant. One clarifier is offline due to failure and the other one is taking on the entire load. Previously the Board of Trustees declared an emergency to order the parts needed to save time. He stated we have bid out the construction phase of the project and has the results. They are as follows:

|  |  |
| --- | --- |
| **General Construction** |  |
| Milnes Company | 474,500 |
| Spensieri Diversified | 364,212 |
| Streeter & Associates | 467,000 |
| Standard Construction | 479,000 |
| Vacri Construction | 407,000 |
| **Electrical Construction** |  |
| Matco | 29,700 |
| Blanding | 32,864 |
| John Mills Electrical | 44,100 |
| Vacri Construction | 26,000 |

Dave Ohman stated he has reviewed all bids and recommended both low bidders. He stated he has had experience with both and workmanship is good. This project is to repair both clarifiers and a new bulk storage tank to hold non-regulated chemical. He stated the first clarifier would be online by February 2013, and second one should be back online by April. Commissioner Engelbert moved to recommend to the Village Board, awarding both low bidders for project. Commissioner Hughes seconded the motion, which carried unanimously. Trustee Goodwin moved to award the general construction contract to Spensieri Diversified at a cost of $364,212, and the electrical contract to Vacri Construction at a cost of $26,000, and the Mayor to sign both contracts. Trustee Kraus seconded the motion, which

led to a roll call vote, as follows:

Ayes – 6 (Sinsabaugh, Ayres, Goodwin, Kraus, Keene, McDuffee)

Nays – 0

Absent - 1 (Sorensen)

The motion carried.

**Construction Inspector for Clarifier Project:** Commissioner Millage stepped out of meeting. Senior Commissioner stated that Commissioner Millage has shown interest in inspecting the project. He stated Mr. Millage has many years and knowledge of the plant and feels very confident that he would be an asset to have. Discussion followed. Commissioner Engelbert moved to recommend approval that Norman Millage is awarded the construction inspector position. Commissioner Heidig seconded the motion, which carried unanimously. Trustee Sinsabaugh moved to award the construction inspector position Norman Millage for the project contingent upon legal review of possible conflict of interest. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Sinsabaugh, Ayres, Goodwin, Kraus, Keene, McDuffee)

Nays – 0

Absent - 1 (Sorensen)

The motion carried.

**Village Board Adjournment:** Trustee Ayres moved to adjourn the meeting for the Village Board at 7:08 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 13, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Kraus, Goodwin, Sorensen, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, and Attorney Keene.

Visitors included William Dimmick III or 19 Lincoln Street, Mark Bakley of 306 Chemung Street, Marty Borko of 17 Lyman Avenue, and Chris Brewster of 138 Chemung Street.

Press: Ron Cole of WATS/WAVR

**Public Comments:** Marty Borko asked the Board for approval to form a committee to research a skate and Bike Park to be located behind Village Hall. He stated all costs would be picked up from an outside source, therefore, would not cost taxpayers. Trustee Goodwin asked Attorney Keene about any liability issues. She stated that would be a covered usage. Mayor McDuffee stated he would like to have Mr. Borko discuss his ideas with Recreation Director Havens. Trustee Goodwin moved to approve Mr. Borko form a committee to research plans and feasibility of the proposed skate park. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Ayres, Keene, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Letters and Communications:** The clerk submitted a notice form for a new application for a liquor license being filed with New York State. The notice was submitted by Brian and Laurie Kelley for Kelley’s Too (currently known as The Saddle Inn) at 403 Broad Street. The clerk stated Chief Updyke has not reviewed. Trustee Sinsabaugh moved to accept the notice with no comment to the State contingent upon Chief Updyke’s review. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department report from the Police Department. A monthly complaint log was also submitted.

**Treasurer’s Report:** The clerk stated she was unable to do report due to the computer system being down and hopefully would have it at the next meeting.

**Finance Committee:** Trustee Kraus moved to approve the bills in the amount of: General Fund $29,253.20; Cemetery $790.36; and Dental Trust $284.97; for a total of $30,328.53. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Returned Tax List:** The clerk submitted a list of unpaid village taxes that were returned to Tioga County on November 1st. The amount of unpaid taxes was $131,587.91.

**No Parking Request:** The clerk submitted a request for a No Parking space on Orchard Street. She stated Chief Updyke reviewed and agreed it would help the situation. Discussion followed. Trustee Sinsabaugh moved to table for more information. Trustee Ayres seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Mayor McDuffee reminded everyone that the Waverly Cares Day Event will be this Sunday at 2:00 at the stadium, and encouraged all to attend.

Mayor McDuffee stated the workshop meeting in December would fall on Christmas Day. Trustee Goodwin moved to cancel the December 25th meeting. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Kraus submitted two quotes from Bradco Supply to purchase a salt spreader. They are as follows: A slightly-used one for $3,500, and a brand new one for $7,264. Trustee Goodwin moved to approve the purchase of the used salt spreader from Bradco Supply in the amount of $3,500. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Goodwin, Sinsabaugh, Sorensen, McDuffee)

Nays – 1 (Keene)

The motion carried.

**Executive Session:** Trustee Sorensen moved to enter executive session at 7:02 p.m. to discuss a contractual issue. Trustee Kraus seconded the motion, which carried unanimously.

The clerk joined the executive session and was dismissed from it at 7:59 p.m. The clerk was invited back into executive session at 8:09 p.m.

Trustee Sinsabaugh moved to enter regular session at 8:12 p.m. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment:** Trustee Kraus moved to adjourn at 8:12 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 27, 2012 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Keene, Kraus, Goodwin, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, and Attorney Keene

Visitors included Chris Brewster of 138 Chemung Street, and Dana Parkhurst of 115 ½ Chemung Street

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Dawn Campbell of WATS/WAVR

**Tioga County Legislative Update:** Tioga County Legislator Case updated the Board regarding the following:

* Tioga County Planning Board reviewed the hotel plans for the Village of Waverly
* Bathsalts are a serious problem. The county is looking into adopting a law to ban possession of the substance.
* The county is in discussion with Senator Libous and Assemblyman Friend to try to accelerate the 17C bridge repair project.

**Public Comments:** Dana Parkhurst stated concerns that complaints are not being followed up on.

**Letters and Communications:** The clerk read a letter from Norman Millage resigning his position as Sewer Commissioner, effective immediately, due to personal reasons.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of November 13, 2012 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $41,331.10; and Dental Trust $148.00; for a total of $41,479.10. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**COG:** Trustee Keene submitted a copy of the Tioga County COG minutes of their last meeting.

**Mayor/Board Comments:** Trustee Keene thanked Wendy Walsh, Tioga County Water & Soil, for all of her help in getting the work done on the banks of Dry Brook Creek. He also thanked Doug Barton, Tioga County Economic Planning.

Trustee Keene asked about BCC and their plans for classes in our Village Hall. Mayor McDuffee stated BCC has not committed to anything yet. They are waiting on student interest. Trustee Ayres stated if there is enough interest, BCC may try to hold one class, one night per week here. He explained that this may bring more interest within our community and classes may grow from there.

**Executive Session:** Trustee Kraus moved to enter executive session at 7:10 p.m. to discuss litigation, and two contractual issues. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sinsabaugh moved to enter regular session at 7:57 p.m. Trustee Keene seconded the motion, which carried unanimously.

**Adjournment**: Trustee Ayres moved to adjourn at 8:00 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, DECEMBER 11, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Kraus, Goodwin, Sorensen, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, Street Equipment Operator Jack Pond, and Attorney Keene.

Visitors included William Dimmick III or 19 Lincoln Street, Marty Borko of 17 Lyman Avenue, Andrew and Marilee Quinlan of 515 Chemung Street, and Chris Brewster of 138 Chemung Street.

Press: Dawn Campbell of WATS/WAVR

**Public Comments:** Marty Borko stated his committee is continuing to work on the skate park plan.

Andrew Quinlan, former Tioga County Legislator, stated he feels Waverly is on the back burner with the county. He will propose a 2-year term for county legislators, and asked the Board for their support.

**Letters and Communications:** The clerk read a letter from Waverly Police Officer Doug Vaughn giving official notification of his retirement, effective November 30, 2012. Mayor McDuffee stated Mr. Vaughn worked for 30+ years with the Waverly Police Department and stated he would be missed. The Board wished him well in his future.

**Minutes:** Trustee Sinsabaugh moved to approve the minutes of October 23, October 31, November 6, and November 13, 2012 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department report from the Court, Recreation, Street, and Police Departments. There was no report from Code Enforcement as he was unable to access it due to computers being down. A monthly complaint log was also submitted.

**Treasurer's Report:** The following was presented:

General Fund 10/01/12 – 10/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 231,585.46 | Current Revenues | 122,515.23 |
| Deposits | 209,664.83 | Year to Date Revenue | 2,020,586.57 |
| Disbursements | 249,613.65 | Current Expenditures | 203,157.09 |
| Ending Balance | 191,636.64 | Year to Date Expended | 1,065,625.51 |

\*General Capital Reserve Fund $83,602.65

Cemetery Fund 10/01/12 – 10/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 18,245.21 | Current Revenues | 14.29 |
| Deposits | .29 | Year to Date Revenue | 6,879.72 |
| Disbursements | 4,575.25 | Current Expenditures | 4,575.25 |
| Ending Balance | 13,670.25 | Year to Date Expended | 24,707.22 |

Cemetery Fund 11/01/12 – 11/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 13,670.25 | Current Revenues | 1,112.92 |
| Deposits | 1,100.19 | Year to Date Revenue | 7,992.64 |
| Disbursements | 4,837.06 | Current Expenditures | 4,837.06 |
| Ending Balance | 9,933.38 | Year to Date Expended | 29,544.28 |

Loan Programs 10/01/12 – 10/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 26,847.76 | Beginning Balance | 25,317.60 |
| Deposits | 15,846.85 | Deposits | 2,181.73 |
| Disbursements | 111.11 | Disbursements | 5,866.02 |
| Ending Balance | 42,583.50 | Ending Balance | 21,633.31 |
| Total Fund Balance | 300,456.92 | Total Fund Balance | 177,671.17 |

\*The report outlined the status of individual loan repayments.

Loan Programs 11/01/12 – 11/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 42,583.50 | Beginning Balance | 21,633.31 |
| Deposits | 19,597.08 | Deposits | 1,700.68 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 62,180.58 | Ending Balance | 23,333.99 |
| Total Fund Balance | 320,223.61 | Total Fund Balance | 156,140.50 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented the bills in the amount of: General Fund $45,550.65; Cemetery $331.16; and Dental Trust $376.80; for a total of $46,258.61. Trustee Goodwin moved to approved payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Ayres summarized the loan program activities. He stated there has been a lot of improvement and there are substantially fewer delinquent accounts.

**FEMA Projects Update:**  Building Survey: The clerk presented the results of building surveys for the properties at 504-508 Cayuta Avenue**.** Discussion followed, and the Board would like to be better updated on project. The clerk presented a bill in the amount of $2,437 from Hager Engineering for providing the building surveys. Trustee Ayres moved to approve the payment as presented. Trustee Goodwin seconded the motion, which carried unanimously.

Change Order #1: The clerk presented change order #1 for contractor’s request to use a welded steel channel top cap on the retaining wall instead of a reinforced concrete cap. This change results in a decrease in costs of $4,740. Trustee Ayres moved to approve change order #1 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

Change Order #2: The clerk presented change order #2 for relocation of the retaining wall due to unforeseen underground conditions that prevented driving the sheet pile retaining wall in the planned location. This change results in an increase of $58,505.83. Discussion followed. Trustee Keene moved to table for more information from engineer. Trustee Sorensen stated concern with dragging the project

and the need to trust the engineer’s knowledge and recommendations. Trustee Sinsabaugh seconded the motion, which carried unanimously.

L. C. Whitford, Payment Estimate #1: The clerk submitted pay estimate #1 from L. C. Whitford in the amount of $182,789.33. Trustee Sinsabaugh moved to approve payment as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Village Hall Asbestos Abatement in Wing:** Trustee Sinsabaugh moved to direct the clerk to contact Hunt Engineers and move forward with the window/asbestos removal. Trustee Keene seconded the motion, which carried unanimously.

**Justice Court Audit:** Trustee Ayres moved to include auditing the Justice Court during upcoming annual audits. Trustee Goodwin seconded the motion, which carried unanimously.

**“No Parking” Spot Request on Orchard Street:** Trustee Sinsabaugh moved to table request for more information. Trustee Goodwin seconded the motion, which carried unanimously.

**DPW Operator:** Trustee Kraus moved to promote Lance Fraley to Equipment Operator at the contractual rate of pay. Trustee Keene seconded the motion, which carried unanimously.

Trustee Kraus stated the Town of Barton has donated steel to the DPW to build a rack to hold the salt machine and the leaf machine when not in use. He stated the Town of Barton has also assisted us with hanging Christmas decorations. The Board thanked the Town for all their help.

**Recreation Enrollment:** Mayor McDuffee stated Recreation Director Havens has recommended the Spring recreation programs be temporarily opened back up to all kids. He stated kids from outside the district with be charged an additional $10 for enrollment. Trustee Keene moved to approve as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Planning Board Recommendations:** Trustee Keene moved to discuss the recommendations in executive session. Trustee Sorensen seconded the motion, which carried unanimously.

**SEQR-Intent to Become Lead Agency for Rezoning:** Trustee Ayres moved to approve the Board of Trustees become lead agency for SEQR in the rezoning of 114 Chemung Street. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**KVS Backup and Tech Support Plus Proposal:** The clerk presented a proposal from KVS for the following: Remote back-up of KVS software at an annual cost of $1,320 with a one-time setup charge of $250, and Technical Support Plus at an annual cost of $1,320. Trustee Goodwin moved to approve both proposals as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Loan Program Updates:** Trustee Ayres moved to discuss in executive session as this would involve individual borrowers. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Trustee Sinsabaugh thanked the Tioga County Sheriff’s Department and Waverly DPW for their help in cleaning trash off of Broad Street Extension.

Trustee Keene stated the Friends of the Waverly Cemeteries and the Waverly VFW will be placing wreaths at all cemeteries on December 15th, and everyone is invited to come.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:22 p.m. to discuss a contractual issue, and a litigation issue. Trustee Kraus seconded the motion, which carried unanimously.

The clerk joined the executive session.

Trustee Sinsabaugh moved to enter regular session at 8:22 p.m. Trustee Keene seconded the motion, which carried unanimously.

Trustee Ayres moved to authorize Attorney Keene to take legal action to collect outstanding loan debt for account HU100. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Ayres moved to authorize Attorney Keene to ament current loan agreement and combine loan balances of $20,559.07 for repayment of 10 years. If the loan gets delinquent, however, all penalties will be applied, including all penalties from current loan. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Ayres moved to direct Attorney Keene to draft a local law to rezone the municipal property on Spaulding Street from residential to commercial. Trustee Sorensen seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to direct Attorney Keene to draft a local law to rezone 114 Chemung Street from residential to commercial. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment:** Trustee Keene moved to adjourn at 8:28 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 5:30 P.M.**

**ON WEDNESDAY, DECEMBER 19, 2012 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 5:30 p.m.

**Roll Call:** Present were Trustees: Sinsabaugh, Kraus, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, Attorney Keene, and Angela Verano of the Morning Times

**Executive Session:** Trustee Kraus moved to enter executive session at 5:30 p.m. to discuss a litigation issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The clerk joined the executive session.

Trustee Sinsabaugh moved to enter regular session at 5:42 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Ayres moved to refund Tioga Properties, Elderwood Nursing Home, $38,764.67 for over assessing of property. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Kraus, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 3 (Keene, Sorensen, Goodwin)

The motion carried.

Trustee Sinsabaugh moved to authorize Attorney Richard James to sign settlement agreement for Tioga Properties for the amount of $38,764.67. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Kraus, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 3 (Keene, Sorensen, Goodwin)

The motion carried.

Trustee Sinsabaugh moved to approve payment to Attorney Richard James, MacKenzie Hughes LLP, in the amount of $7,350. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Kraus, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 3 (Keene, Sorensen, Goodwin)

The motion carried.

Trustee Ayres moved to reduce the assessments the assessment on the Nursing Home to $3,337,500 and the Assisted Living Facility to $1,166,200. These assessments will stay intact for 3 years unless they build onto building or a re-evalution takes place. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Kraus, Sinsabaugh, Ayres, McDuffee)

Nays – 0

Absent – 3 (Keene, Sorensen, Goodwin)

The motion carried.

**Adjournment**: Trustee Kraus moved to adjourn at 5:56 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 8, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Kraus, Sorensen, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Ray Case

Visitors included Dan Leary of 63 Pine Street, and Chris Brewster of 138 Chemung Street.

Press: Ron Cole of WATS/WAVR, Kristy Westbrook of the Morning Times, and Amanda Renco of the Daily Review

**Public Comments:** Dan Leary commended the DPW for their work in clearing the snow from the streets after the last storm. He also stated concern with cars being parked on the street and not moved as this interferes with plowing.

**Minutes:** Trustee Sinsabaugh moved to approve the minutes of November 27, December 11, and December 19, 2012 as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Justice Court, Street Department, Code Enforcement, and Police Department. A monthly complaint log was also submitted.

**Treasurer's Report:** The following was presented:

General Fund 11/01/12 – 11/30/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 191,636.64 | Current Revenues | 30,468.80 |
| Deposits | 72,342.24 | Year to Date Revenue | 2,051,055.37 |
| Disbursements | 192,859.65 | Current Expenditures | 183,738.88 |
| Ending Balance | 71,119.23 | Year to Date Expended | 1,249,364.39 |

\*General Capital Reserve Fund $83,583.81

General Fund 12/01/12 – 12/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 71,119.23 | Current Revenues | 6,699.09 |
| Deposits | 275,870.68 | Year to Date Revenue | 2,057,754.46 |
| Disbursements | 203,803.85 | Current Expenditures | 172,310.72 |
| Ending Balance | 143,186.06 | Year to Date Expended | 1,421,675.11 |

\*General Capital Reserve Fund $83,637.49

Cemetery Fund 12/01/12 – 12/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 9,933.38 | Current Revenues | 13.29 |
| Deposits | .13 | Year to Date Revenue | 8,005.93 |
| Disbursements | 3,740.70 | Current Expenditures | 3,740.70 |
| Ending Balance | 6,192.81 | Year to Date Expended | 33,284.98 |

Loan Programs 12/01/12 – 12/31/12

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 62,180.58 | Beginning Balance | 23,333.99 |
| Deposits | 3,618.47 | Deposits | 18,629.56 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 65,799.05 | Ending Balance | 41,963.55 |
| Savings/Moneymarket | 228,123.99 | Savings/Moneymarket | 916.15 |
| Total Fund Balance | 293,923.04 | Total Fund Balance | 42,879.70 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented the bills in the amount of: General Fund $79,343.07; Cemetery $110.68; and Dental Trust $122.48; for a total of $79,576.23. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** Legislator Ray Case updated the Board in regards to the Main Street Grant Program and stated Deb Twigg offered to help with program and getting business owners’ interested in applying for the grant. The Board offered no concerns.

**FEMA Projects Update:**  The clerk previously forwarded projects updates from Hunt Engineers to the Board.

Change Order #2: The clerk presented change order #2 for relocation of the retaining wall due to unforeseen underground conditions that prevented driving the sheet pile retaining wall in the planned location. This change results in an increase of $58,505.83. Trustee Ayres moved to approve change order #2 as presented. Trustee Keene seconded the motion, which carried unanimously.

Change Order #3: The clerk presented change order #3 for additional grouted tie-back and vertical anchor required due to additional length of retaining wall from the relocation of the wall due to unforeseen underground conditions. Bracing and flowable fill required to prevent and/or repair damage to adjacent structures due to driving operations for the steel sheet pile retaining wall. This change results in an increase in costs of $31,397.00. Trustee Ayres moved to approve change order #3 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

L. C. Whitford, Payment Estimate #2: The clerk submitted pay estimate #2 from L. C. Whitford in the amount of $69,087.82. Trustee Sinsabaugh moved to approve payment as presented. Trustee Kraus seconded the motion, which carried unanimously.

Mayor McDuffee stated concern with the older drain to Cayuta Creek and the need to research where the drain is connected.

Trustee Ayres moved to direct Attorney Keene to draft a local law to rezone the municipal property on Spaulding Street from residential to commercial. Trustee Sorensen seconded the motion, which carried unanimously.

**Draft Local Law, Rezone 114 Chemung Street:** Attorney Keene presented a proposed draft local law to rezone 114 Chemung Street from residential to commercial. Trustee Keene moved to schedule a public hearing for January 22, 2013 at 6:30 and the clerk to advertise the same. Trustee Kraus seconded the motion, which carried unanimously.

SEQR reviews will be performed following the public hearing.

**Tioga County Multi-Jurisdictional All-Hazard Mitigation Plan:** Trustee Ayres offered the following

resolution and moved its adoption.

**WHEREAS**, all of Tioga County has exposure to natural hazards that increase the risk to life, property, environment and the County’s economy; and

**WHEREAS**; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Tioga County municipalities and special purpose districts with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Tioga County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Waverly:

1. Adopts in its entirety, the Tioga County Multi-Jurisdictional All-Hazard Mitigation Plan (the “Plan”) as the district’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
4. Will continue its support of the Mitigation Planning Committee as described within the Plan.
5. Will help to promote and support the mitigation successes of all participants in this Plan.
6. Will incorporate mitigation planning as an integral component of government and partner operations.
7. Will provide an update of the Plan in conjunction with the County no less than every five years.

Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Keene, Ayres Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent - 1 (Goodwin)

The motion carried.

**“No Parking” Sign Request for Orchard Street:** Attorney Keene stated she needed to have distances for proposed “no parking” area on Orchard Street. Mayor McDuffee stated concern with granting this request as it may lead to many more request in the future.

**Assistant Code Inspector (PT) Classification:** Trustee Sorensen moved to adopt the Civil Service classification of Assistant Code Inspector (PT) as described by Civil Service. Trustee Ayres seconded the motion, which carried unanimously.

**Part Time Police Officer** – Trustee Sinsabaugh moved to hire Bradley Rayle as a Part Time Police Officer at the contractual rate of pay, effective January 9, 2013. Trustee Kraus seconded the motion, which carried unanimously.

**NYCOM Winter Legislative Meeting** – The clerk stated NYCOM is holding their Annual Winter Legislative Meeting on February 10-11, 2013 in Albany. Trustee Kraus moved the Mayor, the Attorney, and any Trustee be authorized to attend. Trustee Ayres stated he would be interested. Trustee Sorensen seconded the motion, which carried unanimously.

**Annual Election Resolution:** Trustee Ayres offered the following resolution and moved its

adoption:

WHEREAS, the Annual Election of the Village of Waverly be held in the Trustees’ Room in the Village Hall, at 32 Ithaca Street, Waverly, New York, between the hours of 12:00 o’clock noon and 9:00 o’clock in the afternoon of Tuesday, March 19, 2013, and

WHEREAS, the following be designated as Inspectors of Election: Laura Hoppe, Donna Rolfe, Janet Keene, and Nila Rumsey, be paid $100.00 each, and

WHEREAS, Laura Hoppe be and she hereby is appointed Chairman of the Board, and

WHEREAS, that the Board of Trustees of the Village of Waverly accepts the voting machine custodians designated by the Town of Barton, namely Joseph Satterly and James Deming, and be paid $100.00 each, and

BE IT RESOLVED, the Village of Waverly will hold their General Election on Tuesday, March 19, 2013 for the purpose of electing a Mayor, three Trustees, each for a term of two years, and a Village Justice for a term of four years.

The resolution was seconded by Trustee Sinsabaugh, and led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Abstain – 1 (Keene)

Absent - 1 (Goodwin)

The motion carried.

**Grievance Day Resolution:** Trustee Sorensen offered the following resolution and moved its adoption:

WHEREAS, The Board of Trustees is required by the Real Property Tax Law to provide a Grievance Day on the third Tuesday, of February, 2013, and

WHEREAS, such third Tuesday falls on the 19th day February, 2013, and

WHEREAS, the Board of Assessment Review is required to meet for at least four hours to hear grievances,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved that the Board of Assessment Review meet on the 19th day of February, 2013, in the Trustees’ Room, in the Village Hall, between the hours of 4:00 and 8:00 P.M. to hear complaints with respect to the Assessment Roll to be filed by the Assessor with the Clerk of the Village, on or before February 1, 2013, and the Clerk of the Village is further directed to publish statutory notice of such meeting required by the Real Property Tax Law.

The resolution was seconded by Trustee Keene and on voice vote, unanimously carried.

**Board of Assessment Review Appointment:** Mayor McDuffee appointed Troy Campbell to the Board of Assessment Review for a three-year term. Trustee Kraus moved to approve the appointment of Mark Bakley as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Budget Committee:** Mayor McDuffee asked Trustees: Sinsabaugh, and Keene to help develop the 2013-2014 budget. They agreed. He stated he would also ask Trustee Goodwin.

**2013 Main Street Program:** Trustee Kraus offered the following resolution, and moved its adoption:

##### SUPPORT OF THE APPLICATION MADE BY THE TIOGA COUNTY

**ECONOMIC DEVELOPMENT AND PALNNING OFFICE FOR THE**

**TARGETED AREA WITHIN THE VILLAGE OF WAVERLY TO THE**

**NEW YORK STATE HOUSING TRUST FUND CORPORATION FOR**

**THE 2013 NEW YORK STATE MAIN STREET PROGRAM**

**WHEREAS,** the Tioga County Legislature has demonstrated support for revitalization of commercial

and residential uses that make up the downtown or “Main Street” areas of the county as per Resolution 159-03; and

**WHEREAS**, Tioga County Economic Development and Planning, is applying for up to $250,000 in grant funding from the 2013 New York Main Street Program for the targeted contiguous “Main Street” area along Broad Street, per attached map (Attachment #1), in the central business area of the Village of Waverly’s downtown business district, and

**WHEREAS**, the goals of this funding source are to assist NYS communities with their main street/downtown revitalization efforts and specifically in Waverly in the program category of Interior and Exterior Building Renovations and Streetscape Improvements. It will assist in stimulating reinvestment, preserving mixed-use (commercial/civic and residential) “main street buildings, addressing code compliances, and building the Village of Waverly’s capacity to further implement their Main Street revitalization efforts and target this area to prospective businesses and residents, and

**WHEREAS,** The Village of Waverly has continually envisioned this targeted area of the Village to be the core of their downtown area as well as to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan.  Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University and New York Main Street Alliance to bring that Downtown Action Plan to life.  This NYMS grant will be the next effort to address these plans regarding downtown revitalization goals; and

**WHEREAS**, the intent of the Tioga County Economic Development and Planning application is to further such Main Street revitalization efforts in the Village of Waverly with focus on the properties in this targeted area.

**NOW THEREFORE**, the Village of Waverly Board of Trustees, duly convened at a meeting hereby does:

**RESOLVE,** that the Village of Waverly Board of Trustees fully support said grant application

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Kraus, Ayres, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

Trustee Ayres offered to be the contact person for the program. Trustee Kraus moved to approve Trustee Ayres be the contact for the Main Street Program. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 ((Kraus, Keene, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Abstain - (Ayres)

Absent – 1 (Goodwin)

The motion carried.

**CHIPS, Budget Amendment:** The clerk stated she received the CHIPS reimbursement of $112,798.33. Trustee Sinsabaugh moved to amend the 2012-2013 Budget by increasing revenues (A3501) and increasing expenditures (A5112.200) by $42,951. Trustee Sorensen seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Trustee Keene stated concern with seeing ad seeking proposals for IT Services and he was unaware of it. Trustee Sorensen stated this was discussed with the Board and the clerk was given permission to seek proposals.

Trustee Keene stated concern with property transfer to the Village. Attorney Keene stated the property (alley) near the railroad on Broad Street was purchased many years ago, however, the transfer just got recorded.

Trustee Ayres stated concern with who is responsible to shovel the crosswalks. Discussion followed.

**Executive Session:** Trustee Keene moved to enter executive session at 7:48 p.m. to discuss a contractual issue. Trustee Ayres seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sorensen moved to enter regular session at 8:26 p.m. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment:** Trustee Keene moved to adjourn at 8:27 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, JANUARY 22, 2013 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON PROPOSED LOCAL LAWS: 1-2013 and 2-2013: REZONING**

Mayor McDuffee declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Ayres, Kraus, Sinsabaugh, Sorensen, Goodwin, Keene, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, Attorney Keene, and Teresa Saraceno with Tioga County Economic Development

Visitors included Chris Brewster of 138 Chemung Street, William Dimmick III of 19 Lincoln Street, Jenny & Jim Bronson of 7 Pine Street, Fred & Deb Kennedy of 213 Howard Street, Mary Gorman of 120 Center Street, Richard Rynone of 12 Ithaca Street, and Dave Perry of 41 Orchard Street

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Proposed Local Law 01-2013: Rezoning 114 Chemung Street:** Mayor McDuffee stated this proposed local law would change the zoning for 114 Chemung Street (166.18-3-3) from Residential to Commercial Zoning. He opened the floor for comments. Jim Bronson stated his property adjoins 114 Chemung Street and stated concern with future property tax assessment increases. Attorney Keene stated that no assessments have been increased to date. No other comments were given.

**Proposed Local Law 02-2013: Rezoning 134 Spaulding Street:** Mayor McDuffee stated this proposed local law would change the zoning for 134 Spaulding Street (166.20-1-44) from Residential to Commercial Zoning. He opened the floor for comments. Fred Kennedy stated his property adjoins 134 Spaulding Street and four property owners on Howard Street have been using the lot to get to their driveways located behind their homes for many decades. He stated he would like the Village to consider putting in an alley so the residents could still get to their driveways. He stated they have no driveways off of Howard Street. No other comments were given.

With no one else wishing to be heard Mayor McDuffee closed the hearing at 6:37 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:38 P.M.**

**ON TUESDAY, JANUARY 22, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Keene, Kraus, Goodwin, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, Attorney Keene, and Teresa Saraceno with Tioga County Economic Development

Visitors included Chris Brewster of 138 Chemung Street, William Dimmick III of 19 Lincoln Street, Jenny & Jim Bronson of 7 Pine Street, Fred & Deb Kennedy of 213 Howard Street, Mary Gorman of 120 Center Street, Richard Rynone of 12 Ithaca Street, and Dave Perry of 41 Orchard Street

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comments:** Mary Gorman stated she put her water bill payment in the night depository and it slipped through and out of the depository. She felt the depository was not secure. She requested the Village consider accepting online and credit/debit card payments.

**Main Street Program:** Teresa Saraceno stated the Village of Waverly is supporting the 2013 Grant Application. She stated the target destination was previously limited to 3-4 blocks of the business district, however, that could be changed to include more area. She stated a business owner outside the current target area is interested in the program. She submitted an amended target area map, which targets the Business District on Broad Street, between Pine Street and Pennsylvania Avenue. Trustee Keene moved to approve amending the target area as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of January 8, 2013 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $286,722.06; and Dental Trust $954.87; Cemetery $98.12; for a total of $287,775.05. The clerk stated this includes the annual retirement and semi-annual workers compensation bills. Trustee Ayres moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Proposed Local Law 01-2013: Rezoning 114 Chemung Street (166.18-3-3)/SEQR Review:** Attorney Keene stated a SEQR Review must be completed. She stated rezoning must be done in accordance with the Village’s comprehensive plan. She stated she has not reviewed the plan as she does not have a copy of it. She stated Hunt Engineers helped with the SEQR review and found a negative declaration. The Board reviewed the SEQR. Trustee Ayres moved to approve a negative declaration for parcel 166.18-3-3. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 ((Kraus, Keene, Ayres, Sinsabaugh, Goodwin, Sorensen, McDuffee)

Nays – 0

The motion carried.

Trustee Keene moved to adopt Local Law 1-2013: Rezoning 114 Chemung Street (166.18-3-3) from Residential Zoning to Commercial Zoning and to amend Chapter 153-4 as presented. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 ((Kraus, Keene, Ayres, Sinsabaugh, Goodwin, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Proposed Local Law 02-2013: Rezoning 134 Spaulding Street (166.20-1-44/SEQR Review:** Attorney Keene stated a SEQR Review must be completed. She stated rezoning must be done in accordance with the Village’s comprehensive plan. She stated she has not reviewed the plan as she does not have a copy of it. The Board reviewed the SEQR. Trustee Sinsabaugh moved to approve a negative declaration for parcel 166.20-1-44. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 ((Kraus, Keene, Ayres, Sinsabaugh, Goodwin, Sorensen, McDuffee)

Nays – 0

The motion carried.

Trustee Ayres moved to adopt Local Law 2-2013: Rezoning 134 Spaulding Street (166.20-1-44) from Residential Zoning to Commercial Zoning and to amend Chapter 153-4 as presented. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 ((Kraus, Keene, Ayres, Sinsabaugh, Goodwin, Sorensen, McDuffee)

Nays – 0

The motion carried.

**Tioga County COG:** Trustee Keene submitted Minutes of the last COG meeting. He stated their next meeting would be on February 23, 2013 at 3:00 and they would discuss gas development activities and anyone is welcome to attend.

**Letters and Communications:** The clerk read a letter from Mark Bakley resigning his position to the Board of Assessment Review, effective immediately, due to personal reasons.

**Procurement Policy Review:** The clerk submitted the current procurement policy for review. Trustee Ayres moved to table for further review. Trustee Goodwin seconded the motion, which carried unanimously.

**Proposed Skate Park:** Dave Perry submitted engineer designs for the proposed skate park. He stated the deadline to file for the Tony Hawk Grant is January 31, 2013. Trustee Goodwin moved to support Mr. Perry grant application. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Shared Services:** Mayor McDuffee stated he met with the Waverly School Superintendent Yelich to discuss possible shared services. He stated there is a grant for a feasibility study with a deadline of March 13, 2013. Discussion followed. Trustee Kraus moved to proceed with grant application for feasibility study. Trustee Goodwin seconded the motion, which carried unanimously.

**Secondhand Dealer License Applications:** The clerk submitted two license applications for Secondhand Dealers. She stated Chief Updyke is currently processing a background investigation. She asked if it would affect current operations of these businesses by waiting on license. Attorney Keene stated it would not affect their current operations. The clerk would bring back applications once investigation has been completed.

**Mayor/Board Comments:** Mayor McDuffee stated the Village should research the use of online payments and debit/credit card payment. The clerk stated there is a lot of information available through NYCOM regarding these issues. She also stated there are charges incurred with these services. The clerk stated that most banks offer a bill-pay service that is free for their clients to use. We currently accept a lot of payments made through bill-pay services. A bank issues a check from a client’s account and sends it to the Village for payment. There is no cost to the Village for these services.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:57 p.m. to discuss a contractual issue. Trustee Keene seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sorensen moved to enter regular session at 8:40 p.m. Trustee Keene seconded the motion, which carried unanimously.

**Board of Assessment Review Appointment:** Mayor McDuffee appointed Thomas Bellinger to the Board of Assessment Review for a one-year term. Trustee Keene moved to approve the Mayor’s appointment as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:41 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 12, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Kraus, Goodwin, Ayres, and Mayor McDuffee.

Also present were Clerk Treasurer Wood, Attorney Keene, Recreation Director Havens, and Tioga County Legislator Ray Case

Visitors included William Dimmick III of 19 Lincoln Street, Mark Bakley of 306 Chemung Street, Tom Bellinger of 474 Pennsylvania Avenue, and Chris Brewster of 138 Chemung Street

Press: Ron Cole of WATS/WAVR, and Kristy Westbrook of the Morning Times

**Public Comments:** Ray Case stated the Tioga County Legislation approved the Main Street Program Grant Application. He also stated there is interest for installation of trail markers at Waverly Glen.

**Minutes:** Trustee Goodwin moved to approve the Minutes of January 22, 2013 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, and Code Enforcement. A monthly complaint log was also submitted.

**Treasurer's Report:** The following was presented:

General Fund 1/01/13 – 1/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 143,186.06 | Current Revenues | 6,699.09 |
| Deposits | 436,166.23 | Year to Date Revenue | 2,057,754.46 |
| Disbursements | 423,371.75 | Current Expenditures | 172,310.72 |
| Ending Balance | 143,980.54 | Year to Date Expended | 1,421,675.11 |

\*General Capital Reserve Fund $83,655.20

Cemetery Fund 1/01/13 – 1/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 6,192.81 | Current Revenues | 25,013.49 |
| Deposits | 25,000.33 | Year to Date Revenue | 33,019.42 |
| Disbursements | 2,267.49 | Current Expenditures | 2,267.49 |
| Ending Balance | 28,925.65 | Year to Date Expended | 35,552.47 |

Loan Programs 1/01/13 – 1/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 65,799.05 | Beginning Balance | 41,963.55 |
| Deposits | 2,170.51 | Deposits | 900.51 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 67,969.56 | Ending Balance | 42,864.06 |
| Savings/Moneymarket | 116,320.50 | Savings/Moneymarket | 916.34 |
| Total Fund Balance | 18,290.06 | Total Fund Balance | 43,780.40 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented the bills in the amount of: General Fund $56,261.18; and Cemetery $92.24; for a total of $56,353.42. Trustee Ayres moved to approved payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Procurement Policy: Trustee Sinsabaugh moved to approve the Procurement Policy, as follows:

PROCUREMENT POLICY

Each Department Head will be responsible to make a good faith effort to determine whether it is known or can reasonably be expected the aggregate amount to be spent on an item of supply or services is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. When it is determined that supplies or equipment will surpass the bidding limit as set forth in Section 103 of the General Municipal Law, the Department Head will notify the treasurer and a recommendation will be made to the proper Board as to the availability of purchase under state or county contract or to advertise for open bid.

The following method of purchase will be used in order to achieve the highest savings:

Estimated Amount of Purchase Contract Method

I. $1,000 - $4,999 2 written quotations

II. $5,000 - $9,999 3 written or fax quotations or written request for proposals

Estimated Amount of Public Works Contract Method

III. $2,500 - $7,499 2 written quotations

IV. $7,500 - $34,999 3 written or fax quotations or written request for proposals

Each Department Head is to complete a memorandum, setting forth the service to be provided or item(s) to be purchased, price quotation, and identifying the person or company making the quotation.

Each such written quotation or request for proposal must contain the service to be provided or item(s) to be purchased, price quotation, and identifying the person or company making the quotation.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Department Head is unable to obtain the required number of proposals or quotations, the Department Head will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible.

This policy shall go into effect February 12, 2013 and will be reviewed annually.

The respective head of each department shall submit all documentation required by this Procurement Policy with the monthly expense vouchers for review.

Trustee Goodwin seconded the motion, which carried unanimously.

**FEMA Projects Update:**  The clerk previously forwarded projects updates from Hunt Engineers to the Board.

The clerk stated that Hunt Engineers recommends filing a time extension request to the State Emergency Management Office for the retaining wall project because the project is not 100% complete and the deadline is fast approaching. The current deadline is March 23, 2013 and the extension would go to September 23, 2013. Trustee Ayres moved to file a time extension for the project as recommended. Trustee Goodwin seconded the motion, which carried unanimously.

The clerk presented a bill from Hunt Engineers for construction inspection of the retaining wall project in the amount of $11,289.08. Trustee Goodwin moved to approve the bill as presented. Trustee Ayres seconded the motion, which carried unanimously.

L. C. Whitford, Payment Estimate #3: The clerk submitted pay estimate #3 from L. C. Whitford in the amount of $90,087.19. Trustee Sinsabaugh moved to approve payment as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Fire Sprinkler Inspection Contract:** The clerk submitted a fire sprinkler inspection proposal from Allied Inspection Services, LLC. It stated they would perform semi-annual inspections (May & November) at a cost of $640 annually for three years. She stated they are currently providing the service. Discussion followed. Trustee Ayres moved to approve the contract with Allied Inspection Services, LLC as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Art VanRiper of Broad Street Exchange at 368 Broad Street. The clerk stated the code inspection and background investigation were completed. Trustee Sinsabaugh moved to approve the application as presented. Trustee Kraus seconded the motion, which carried unanimously.

The clerk presented a Secondhand Dealer application from Diane Reinhardt of Angie’s Closet at 446 Broad Street. The clerk stated the code inspection and background investigation were completed. Trustee Ayres moved to approve the application as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Computer IT Services:** Mayor McDuffee and Trustee Keene offered to review proposals and interview

candidates for computer services.

**NYS DOT Undertaking Agreement:** The clerk submitted an Undertaking Agreement from NYS DOT. Discussion followed. Trustee Ayres moved to table discussion for more information. Trustee Kraus seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Mayor McDuffee stated the school district has hired consultants to do some fact finding and a feasibility study in the hopes of sharing services in the future.

Recreation Director Havens stated he had conversation with our previous Director, John Hogan, regarding the land exchange with Alfred Spadaro in the East Waverly Park. Havens proposed clearing back the lot near the playground to expand the park. He has a proposal from Clint Callear who would clear the area at no cost to the Village. He explained that Mr. Callear is trying to expand his would take the wood, and would also provide insurance to the Village. Attorney Keene recommended he sign a contract. Trustee Sinsabaugh moved to approve Clint Callear to clear the area, contingent upon having insurance and reviewing a contract. Trustee Goodwin seconded the motion, which carried unanimously.

Trustee Kraus commended the Street Department for their plowing after recent storm. He also stated Jack Pond, Pat Roney, and Doug Killgore are not supervisors, but team leaders.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:05 p.m. to discuss two contractual issues. Trustee Ayres seconded the motion, which carried unanimously.

Mayor McDuffee asked the clerk to attend.

Trustee Sinsabaugh moved to enter regular session at 8:09 p.m. Trustee Keene seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to approve payment application #1 to Sullivan Contracting for the asbestos abatement in the Village Hall wing at a cost of $39,900. Trustee Goodwin seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Kraus, Keene, Ayres, Sinsabaugh, Goodwin, McDuffee)

Nays – 0

Absent – 1 (Sorensen)

The motion carried.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 8:10 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:38 P.M.**

**ON TUESDAY, FEBRUARY 26, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Keene, Kraus, Sinsabaugh, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Chris Brewster of 138 Chemung Street, William Dimmick III of 19 Lincoln Street, Mike Steck of 171 Center Street, Carol & Brian Wallace of 313 Pennsylvania Avenue, and Tom Bellinger of 474 Pennsylvania Avenue

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comments:** No comments were offered.

**Letters and Correspondance:**  The clerk presented a liquor license renewal application from Brie Burgess for the Railhouse Restaurant and Tap Room, located at 366 Broad Street, stating her intention to renew their license. The clerk stated Chief Updyke had no concerns. Trustee Ayres moved to accept application. Trustee Keene seconded the motion, which carried unanimously.

**Main Street Program:** Trustee Ayres stated the business owners are meeting with Teresa Saraceno, of Tioga County Economic Development, tomorrow at 6:00 to begin the initial outreach. He stated the WBA has been notified.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of February 12, 2013 as presented. Trustee Keene seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Police Department, and Court.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $98,268.53; and Dental Trust $446.44; for a total of $98,714.97. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Resolution to Support Susquehanna Rain and Stream Gages:** Trustee Sinsabaugh offered the

following resolution and moved its adoption:

WHEREAS: There are currently a series of sixteen rain gages and eighteen stream gages in the Susquehanna River Basin all of which are federally funded; and

WHEREAS: Three rain gages and three stream gages are located within in Tioga County – 2 each in Owego and 1 each in Waverly; and

WHEREAS: All these stream and river gages are maintained and operated by the US Geological Survey to generate real-time data needed by the National Weather Service in forecasting river levels and consequently issuing timely, accurate early flood warnings; and

WHEREAS: Data collected from the gages are used by emergency managers, local officials, and citizens to make critical decisions to protect life and property; and

WHEREAS: The Susquehanna River is one of the most flood prone river basins of the country, with more than 80 percent of the over 1,400 municipalities in the basin region located within the designated flood-prone area; and

WHEREAS: Tioga County was subject to a devastating record flood in 2006, which was exceeded by the second, more damaging flood of record in 2011; and

WHEREAS: The 2011 flood event alone caused hundreds of millions in damage due to property loss, economic impacts, and infrastructure damage; and

WHEREAS: The community is still recovering from the 2011 flood; and

WHEREAS: We were fortunate not to have experienced loss of life during the 2011 flooding, due in substantial part to have sufficient advance warning to allow for orderly evacuations; and

WHEREAS: According to our recently adopted Hazard Mitigation Plan there is the potential for $6.6 billion in damage in Tioga County alone from a future flood event; and

WHEREAS: The annual cost to the Federal government to maintain this vital gage system for the entire Susquehanna River is approximately $215,000;

WHEREA: Funding for these vital gages is uncertain from year to year; therefore be it

RESOLVED: That the Village of Waverly’s Board of Trustees do hereby urgently call for the Federal Government make a firm, long-term commitment to funding this critical rain and stream gage system and directs submittal of this resolution to Tioga County’s federally elected representatives.

Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Kraus, Keene, Ayres, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**NYS DOT Undertaking Agreement:** Former Superintendent Mike Steck stated an Undertaking Agreement for NYS DOT permits the Village to dig on state roadways, such as Cayuta Avenue. Discussion followed. Trustee Kraus moved to enter into an undertaking with NYS DOT. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Keene, Ayres, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**Part Time Police Officer** – Trustee Sorensen moved to hire Michael Shane Guilford as a Part Time Police Officer at the certified contractual rate of pay, effective February 27, 2013. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Code Enforcement Conference:** The clerk stated Bob Chisari, Code Officer, would like to attend the NYSBOC Annual Educational Conference to earn his 24-hours of training needed. The conference will be on April 2-5, 2013 in Liverpool, NY at a cost of $350 plus room and board. Trustee Sinsabaugh moved to approve Bob Chisari and James Bentley, Assistant Code Officer, to attend the conference as presented. Trustee Sorensen seconded the motion, which carried unanimously. Trustee Sinsabaugh stated they must utilize the village car.

**Shared Services:**  Mayor McDuffee stated he met with the School Superintendent and we are looking for opportunities for sharing services. The application deadline is March 12, 2013. Trustee Sinsabaugh motioned that the Village of Waverly does hereby approved their support of the application of the Local Government Efficiency Grant Program and approves the proposed project. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 ((Kraus, Keene, Ayres, Sinsabaugh, Sorensen, McDuffee)

Nays – 0

Absent – 1 (Goodwin)

The motion carried.

**HVAC Maintenance Agreement:** The clerk presented an agreement for maintenance of HVAC from Trane in the amount of $6,863, effective March 1, 2013 through February 28, 2013. Trustee Sinsabaugh moved to approve the agreement as presented. Trustee Sorensen seconded the motion, which carried unanimously.

**Tioga County COG:** Trustee Keene stated the County is reviewing health care plans. Municipalities are pulling out of the consortium and getting HSA plans. He also stated TING is reviewing road use agreements.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Carol Wallace of The Price is Right Store, located at 334 Broad Street. The clerk stated the code inspection and background investigation were completed. Trustee Sinsabaugh moved to approve the application as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Annual Audit and Financial Reports:** The clerk submitted the annual audit and financial reports from EFP Rotenberg, LLP for review of the Board of Trustees and the public.

Trustee Sorensen moved that the classification of governmental fund balances, the Village considers an expenditure to be made from budgetary appropriation first when more than one classification is available. The Village established and modifies fund balance commitments by a passage of a resolution in meeting of the Village Board. Assigned fund balance is established by the Village through adoption or amendment of the budget as intended for specific purposes (such as the purchase of capital assets, construction, debt service, or for other purposes). The Village Mayor is responsible for all the purchasing activities of the Village and encumbrances at year end, which be considered assigned funds and therefore, the Village Mayor is designated as having the authority to assign amounts intended to be used for specific purposes. The Village Board approves the adoption and amendment of the budget and has the authority of final review of all assignments of fund balance. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 6:55 p.m. to discuss a contractual issue. Trustee Sorensen seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Sinsabaugh moved to enter regular session at 7:16 p.m. Trustee Ayres seconded the motion, which carried unanimously.

**Computer IT Services:** Trustee Keene moved to table discussion for the next meeting. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Trustee Keene stated concern with the retaining wall project going over budget. He stated we are meeting with the engineers and the contractors on Friday to discuss concerns.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:24 p.m. to discuss a contractual issue. Trustee Keene seconded the motion, which carried unanimously.

The clerk attended.

Trustee Kraus moved to enter regular session at 7:34 p.m. Trustee Keene seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:35 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 12, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Kraus, Goodwin, Ayres, Sorensen, and Mayor McDuffee

Also present were Clerk Treasurer Wood, DPW Lead Jack Pond, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Sterling Dimmick of 311 Chemung Street, Mike Steck of 171 Center Street, Dan Leary of 63 Pine Street, Chris Brewster of 138 Chemung Street, and Thurman Blanchard of Leprino Foods

Press: Dawn Campbell of WATS/WAVR, and Kristy Westbrook of the Morning Times

**Public Comments:** No comments were offered.

**Minutes:** Trustee Ayres moved to approve the Minutes of February 26, 2013 as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, Code Enforcement, and Police. A monthly complaint log was also submitted.

**Treasurer's Report:** The following was presented:

General Fund 2/01/13 – 2/28/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 143,980.54 | Current Revenues | 47,284.71 |
| Deposits | 214,134.41 | Year to Date Revenue | 2,387,382.74 |
| Disbursements | 364,362.40 | Current Expenditures | 350,180.79 |
| Ending Balance | -6,247.45 | Year to Date Expended | 2,193,015.77 |

\*General Capital Reserve Fund $83,671.20

Cemetery Fund 2/01/13 – 2/28/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 28,925.65 | Current Revenues | 562.32 |
| Deposits | 550.43 | Year to Date Revenue | 33,581.74 |
| Disbursements | 2,150.85 | Current Expenditures | 2,150.85 |
| Ending Balance | 27,325.23 | Year to Date Expended | 37,703.32 |

Loan Programs 2/01/13 – 2/28/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 67,969.56 | Beginning Balance | 42,864.06 |
| Deposits | 2,418.52 | Deposits | 1,658.58 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Ending Balance | 70,388.08 | Ending Balance | 44,522.64 |
| Savings/Moneymarket | 14,966.26 | Savings/Moneymarket | 916.52 |
| Total Fund Balance | 85,354.34 | Total Fund Balance | 45,439.16 |

\*The report outlined the status of individual loan repayments.

**Finance Committee:** Trustee Kraus presented the bills in the amount of: General Fund $165,476.42; Dental Trust $70.00; CDBG Funds $11,103.03; and Cemetery $700.69; for a total of $177,350.14. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**FEMA Projects Update:**  The clerk previously forwarded projects updates from Hunt Engineers to the Board members.

Trustee Keene stated he, Trustee Ayres, and the clerk met with Hunt Engineers to discuss issues with a change order for the extra grout used in the tiebacks. He stated the project is almost complete. Trustee Kraus stated concern with putting top soil in now due to the weather. Trustee Ayres stated the contractor is collecting documentation to provide to Hunt Engineers regarding the grout issue. This would be helpful when requesting reimbursement from FEMA. He also stated the tension testing of the tiebacks has been done.

**Computer IT Services:** Trustee Keene moved to discuss in executive session as a contractual matter. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village General Election:** Mayor McDuffee reminded people that March 19th is the Village Election Day and urged people to vote.

**Leprino Food’s Request:** Thurman Blanchard, of Leprino Foods, asked permission of the Board to close down the alley (eastern portion) behind Broad Street to accommodate a crane to assist Leprino Foods with construction on their building. He stated it would be on April 20th for 10 days, and May 20th for 10 days. He also stated he would accommodate the building owners there as much as possible, and any would repair any damage to roadway. Discussion followed. Jack Pond, DPW Lead, stated he doesn’t have any concerns with their request. Trustee Goodwin moved to approve the alley closure as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Parking:** Jack Pond, DPW Lead, asked the Board about the “no parking” spot request on Orchard Street. He also stated a concern with parking on Pennsylvania Avenue, between Providence Street and Park Place. Discussion followed. Mayor McDuffee stated parking as a whole should be reviewed and asked that this topic be put on the agenda in April so the new Board could pursue if they wished.

The clerk asked that a two or three “15 Minute Parking” signs be installed at the Village Hall. She stated when outside groups use the Hall, they tend to park in the most convenient spots for a long time, which hinders people coming to pay their water bills and such. Trustee Ayres moved to approve two signs be installed in front of Village Hall as requested. Trustee Keene seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Trustee Kraus thanked Mayor McDuffee for his years of service and wished him well in the future. The Board concurred.

Mayor McDuffee thanked all of the Board members (past and present) for their support in the endeavors throughout his terms and stated he couldn’t have done it alone. He also thanked Dan Leary, and the Media for their support. Mayor McDuffee stated the Village has great employees and thanked them for their help. He also thanked Trustee Goodwin and Trustee Sorensen for their roles as Deputy Mayors.

Mayor McDuffee talked about some highlights from his time as Mayor. They included, the new Village Hall, the demolition of the Wagner Hotel, the “alien” light posts in Muldoon Park, the rehabilitation of the Muldoon Building, the closing of the transfer station, and he enjoyed visiting the elementary schools, and the Veterans.

Mayor McDuffee wished the new Mayor and Trustees the best of luck in the future. He also stated he would keep involved with the Village in any way he could.

**Executive Session:** Trustee Keene moved to enter executive session at 7:26 p.m. to discuss two contractual issues. Trustee Kraus seconded the motion, which carried unanimously.

Mayor McDuffee asked the clerk to attend.

Trustee Sinsabaugh moved to enter regular session at 8:25 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Goodwin moved to approve Pyramid Business Systems to maintain our computer systems at an hourly rate of $70. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Sorensen moved to adjourn at 8:26 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:15 P.M.**

**ON FRIDAY, MARCH 15, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor McDuffee called the meeting to order at 6:15 p.m.

**Roll Call:** Present were Trustees: Sinsabaugh, Kraus, Keene, and Mayor McDuffee.

Also present was Clerk Treasurer Wood

**Election Inspectors:** The clerk stated two previously appointed election inspectors decided not to work the election on March 19th. The clerk recommended Roberta Hollenbeck and Joan Case. Mayor McDuffee appointed Roberta Hollenbeck and Joan Case as Election Inspectors to replace Janet Keene and Donna Rolfe. Trustee Sinsabaugh moved to approve the Mayor’s appointments. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to authorize the clerk to replace any inspector, if needed before the election. Trustee Kraus seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 6:19 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 26, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Sorensen called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Keene, Kraus, Goodwin, and Deputy Mayor Sorensen

Also present were Clerk Treasurer Wood, Trustees-Elect Mike Steck and Chris Brewster, Tioga County Legislator Case, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, and Sterling Dimmick of 311 Chemung Street

Press: Kristy Westbrook of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comments:** No comments were offered.

**Letters and Correspondance:**  The clerk presented a letter from Deb Twigg of the SRAC, requesting a street closure for a fundraising event on August 11, 2013. Discussion followed. The Board directed the clerk to get comment from Chief Updyke.

**Legislative Update:** Tioga County Legislator Ray Case offered the following updates:

Tioga Downs applied and was approved for a PILOT Agreement for a new hotel next to the Racino. This will add jobs and tax base to the county and will also bring attraction to the area.

Alfred College is volunteering help to Tioga County Soil & Water regarding the flood of 2011. They will be looking at Dry Brook Creek to see where help is needed. Deputy Mayor Sorensen recommended they talk with the Town of Barton to get them onboard with discussions also.

The Conservation Planning Program has bird boxes and planting materials available.

The Tioga County Legislators have sent a letter of support regarding the study between the Village of Waverly and the Waverly School District.

The Main Street Program application is ready and will be filed when the program opens.

Grants may be available for aging infrastructure. Mr. Case offered to work with the new administration regarding any possible grants.

Mr. Case wished Mayor McDuffee well in his future. He also thanked Deputy Mayor Sorensen and Trustee Goodwin for their years on the Village Board.

**Approval of Minutes:** Trustee Goodwin moved to approve the Minutes of March 12, and March 15, 2013 as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Kraus presented bills for in the amount of General Fund $32,065.24; and Dental Trust $620.27; for a total of $32,685.51. Trustee Ayres moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Tioga County COG:** Trustee Keene stated COG discussed health insurance. He stated several municipalities have pulled out of the consortium and enrolled in high deductible plans.

**Farmers’ Market:** Andy Fagen stated the vendors are still interested in holding a farmers’ market at Muldoon Park this summer. He stated they would prefer to hold it on Mondays between 4:00 and 7:00 p.m. to coincide with the concerts in the park. The market would begin the second week of June and end in October. Trustee Goodwin moved to approve the farmers’ market as presented. Trustee Kraus seconded the motion, which carried unanimously.

**FEMA Update:** The clerk presented the following:

L. C. Whitford, Payment Estimate #4: The clerk submitted pay estimate #4 from L. C. Whitford in the amount of $218,128.11. Trustee Ayres moved to approve payment as presented. Trustee Kraus seconded the motion, which carried unanimously.

Change Order #4: The clerk presented change order #4 for additional fence and embankment were the result of the relocation of the wall. These items were not captured in the original change order due to the exact quantities unknown at that time. This change results in an increase in costs of $27,887.60. Trustee Keene stated concern that this costs was in a previous change order. Deputy Mayor Sorensen stated there was talk that this would be additional costs, however, it has not been part of any change orders until now. Trustee Goodwin moved to approve change order #4 as presented. Trustee Ayres seconded the motion, which carried unanimously.

Substantial Completion: The clerk presented a certificate of substantial completion for the Flood Damage Repairs – Cayuta Creek Retaining Wall and Waverly Glen Pedestrian Bridge, Dated March 21, 2013. Trustee Ayres moved to approve that substantial completion for this project has been met by L. C. Whitford, Inc. as presented. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Keene, Goodwin, Sorensen)

Nays – 0

Absent – 2 (Sinsabaugh, McDuffee)

The motion carried**.**

Trustee Keene stated the engineers and contractor did a very good job and he was very pleased with the outcome. He stated they went the extra mile and cleaned up the area once they were complete.

The clerk read a letter from Christina Brush, Hunt Engineers, requesting that a supplemental agreement be approved by the Village to cover additional fees that were accrued dealing with the challenges of the construction. These charges are as follows: Design Time $12,712.86 and Field Inspection $8,938.25. The Board recommended she submit paperwork regarding these charges.

**Purchase of Police Vehicle:** Deputy Mayor Sorensen stated Chief Updyke is ready to order the new police vehicle. He stated the money is in the budget and it will replace the 2009 unmarked police car. The purchase price is $28,134.60, which will be three annual payments of 10,079.65. Trustee Goodwin moved to approve the purchase of a 2013 Ford Interceptor Utility Police Vehicle as presented. Trustee Ayres seconded the motion which carried unanimously.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Samuel Kolesnik III, for his business known as Sammy’s Swap Shop, located at 435 Broad Street. The clerk stated the code inspection and background investigation were completed. Trustee Kraus moved to approve the application as presented. Trustee Goodwin seconded the motion, which carried unanimously.

**Fair Housing Month:** The clerk read the proclamation declaring the Month of April as Fair Housing Month. Trustee Goodwin moved to approve the proclamation. Trustee Ayres seconded the motion, which carried unanimously.

**2013-2014 Tentative Budget Public Hearing:** Trustee Ayres moved to schedule a public hearing to hear comments regarding the 2013-2014 tentative budget on April 9, 2013 at 6:30 p.m. Trustee Kraus seconded the motion, which carried unanimously.

**Reorganization Meeting:** Trustee Keene moved to schedule the Reorganization Meeting for April 1, 2013 at 6:30 p.m. with the swearing in of new officials to take place in the courtroom. Trustee Kraus seconded the motion, which carried unanimously.

**Mayor/Board Comments:** Trustee Keene thanked the Sheriff’s Department and the Village DPW for their help in cleaning Broad Street and Broad Street Extension.

Trustee Kraus stated that Trustee Sinsabaugh could not be here tonight and that he asked that the new IT people get time clocks running and that employees use them. He stated Trustee Sinsabaugh also requested the departments cut back on spending.

Trustee Kraus thanked Mayor McDuffee, Deputy Mayor Sorensen, and Trustee Goodwin for their service and commitment to the Village of Waverly.

Trustee Keene moved to put the 2007 Ford Taurus (currently being used as village car) out to bid. Trustee Goodwin seconded the motion, which carried unanimously.

**Executive Session:** Trustee Keene moved to enter executive session at 7:12 p.m. to discuss a contractual issue. Trustee Kraus seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Kraus moved to enter regular session at 7:15 p.m. Trustee Goodwin seconded the motion, which carried unanimously.

Change Order #1, Sullivan Contracting, Inc.: Trustee Kraus moved to approve change order #1 for Sullivan Contracting, Inc. to provide pipe joint insulation removal as directed by the project monitor in the amount of $1,607.50. Trustee Goodwin seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:16 p.m. Trustee Goodwin seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REORGANIZATION MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT**

**6:30 P.M. ON MONDAY, APRIL 1, 2013 IN THE**

**TRUSTEES’ ROOM, IN THE VILLAGE HALL**

Many family and friends of the newly-elected attended the swearing in ceremony that was held in the Village of Waverly Courtroom.

**Oaths of Office:**  Justice Koons administered the Oaths of Office to Trustees-Elect Sinsabaugh and Brewster. Justice Koons administered the Oath of Office to Mayor-Elect Leary, who was surrounded by his grandchildren.

The new officials then moved the meeting to the Village Board Room.

**Call to Order:** Mayor Leary called the meeting to order at 6:45 p.m.

Present were Trustees; Kraus, Keene Ayres, Sinsabaugh, Brewster, and Mayor Leary

Also Present: Clerk Treasurer Wood, Deputy Clerk Treasurer Hazen, Attorney Keene, and many family and friends.

**Mayor’s Appointments:** The following appointments were made by Mayor Leary.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Appointment** | **Term** | **Motioned by Trustee:** | **Seconded by Trustee:** | **Result** |
| Michele Wood | Clerk Treasurer | 2 years | Ayres | Sinsabaugh | Approved Unanimous |
| Kerri Hazen | Deputy Clerk Treasurer | 1 year | Kraus | Keene | Approved Unanimous |
| Betty J. Keene | Village Attorney | 1 year | Sinsabaugh | Brewster | Approved Unanimous |
| Patrick Ayres | Deputy Mayor | 1 year | Brewster | Kraus | Approved Unanimous |
| Robert Chisari | Code Enforcement/  Building Inspector | 1 year | Sinsabaugh | Keene | Approved Unanimous |
| James Bentley | Assistant Code Enforcement/  Building Inspector | 1 year | Kraus | Ayres | Approved Unanimous |
| David Cowles | Water Board Commissioner | 5 years | Brewster | Sinsabaugh | Approved Unanimous |
| Dr. Ronald Kahn | Sewer Board  Commissioner | 5 years | Keene | Brewster | Approved Unanimous |
| Laura Hoppe | Sewer Board  Commissioner | 5 years | Kraus | Ayres | Approved Unanimous |
| Billie Jo Jennings | Justice Court Clerk | 1 year | Sinsabaugh | Kraus | Approved Unanimous |
| David Boland | Acting Justice | 1 year | Brewster | Keene | Approved Unanimous |
| Julie Dugan | Assessor | 1 year | Keene | Sinsabaugh | Approved Unanimous |
| Bill Millhollen | Planning Board | 5 years | Brewster | Keene | Approved Unanimous |
| Todd Atchison | Zoning Board of Appeals | 5 years | Ayres | Sinsabaugh | Approved Unanimous |
| Gerald Keene, Sr. | Cemetery Coordinator | 1 year | Kraus | Brewster | Approved Unanimous |
| Pauline Cleveland | Historian | 1 year | Ayres | Brewster | Approved Unanimous |
| Teresa Fravel  George Greeno  Tom McLean | Crossing Guards | 1 year | Kraus | Keene | Approved Unanimous |
| The Morning Times | Official Publication | 1 year | Sinsabaugh | Keene | Approved Unanimous |
| HSBC Bank  Chemung Canal Trust  Chase Bank  Tioga State Bank | Official Depositories | 1 year | Brewster | Keene | Approved Unanimous |
| Regular Meeting | 2nd Tuesday @ 6:30 p.m. | 1 year | Ayres | Kraus | Approved Unanimous |

Check Signature Resolution: Trustee Sinsabaugh offered the following resolution and moved its adoption:

RESOLVED, that checks drawn on the Village Funds be payable on signatures of two out of the four of the following persons: Mayor Dan Leary, Clerk Treasurer Michele Wood, Deputy Clerk Treasurer Kerri Hazen, Trustee Patrick Ayres, and Trustee Ronald Keene. Trustee Brewster seconded the motion, which carried unanimously.

**Committee Appointments: 4/1/13 – 4/6/14**

|  |  |  |  |
| --- | --- | --- | --- |
| Police | Sinsabaugh |  |  |
| Street | Kraus |  |  |
| Bldgs, Grounds, Cemetery | Keene | Sinsabaugh |  |
| Recreation | Brewster |  |  |
| Sewer | Steck |  |  |
| Water | Steck |  |  |
| Planning | Kraus | Ayres |  |
| Technology | Brewster |  |  |
| Tioga County (COG) | Keene |  |  |
| Finance | Sinsabaugh | Kraus | Brewster |
| Merchants | Ayres |  |  |
| Town of Barton (2 per year) | Ayres  Kraus | Sinsabaugh  Keene | Brewster  Steck |

The Town of Barton meetings are held on the 2nd Monday of the Month at 6:30 p.m. at the

Town of Barton Hall.

Town of Barton Meeting Attendance Schedule:

January - Sinsabaugh May - Keene September - Ayres

February - Sinsabaugh June - Keene October - Kraus

March - Brewster July - Steck November - Kraus

April - Brewster August - Steck December - Ayres

Mayor Leary asked the Trustees to attend their scheduled meetings as chosen.

**Adjournment**: Trustee Ayres moved to adjourn at 6:50 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, APRIL 9, 2013 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON THE 2013-2014 TENTATIVE BUDGET**

Mayor Leary declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Keene, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Ray Case. Visitors included William Dimmick III of 19 Lincoln Street, and Sterling Dimmick of 311 Chemung Street. Press included, Ron Cole of WAVR/WATS, Kristi Westbrook of the Morning Times, and Amanda Renko of the Daily Review.

Mayor Leary opened the floor and asked if anyone had any comments regarding the tentative 2013-2014 tentative budget.

Mayor Leary thanked the budget committee for all their work on the budget.

With no one wishing to be heard, Mayor Leary closed the hearing at 6:42 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 9, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance. He asked for a few moments of silence to wish Trustee Kraus a good recovery from a recent illness.

**Role Call:** Present were Trustees: Keene, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Ray Case. Visitors included William Dimmick III of 19 Lincoln Street, and Sterling Dimmick of 311 Chemung Street.

Press included, Ron Cole of WAVR/WATS, Kristi Westbrook of the Morning Times, and Amanda Renko of the Daily Review.

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a request from Deb Twigg to close Park Avenue along the side of SRAC and Broad Street from Waverly Street to Pennsylvania Avenue for a fundraising event for SRAC and other non-profit organizations. The event is planned for Sunday, August 11, 2013 between 8:00 a.m. and 8:00 p.m. Trustee Keene stated concern that no fundraising would go to WBA. Brewster stated other business would have opportunity to join in with the event. Trustee Sinsabaugh moved to approve the street closure request as presented. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Ayres, Brewster, Sinsabaugh, Leary)

Nays – 0

Abstain – 1 (Keene)

Absent – 2 (Kraus, Steck)

The motion carried.

Mayor Leary stated he received a letter at his home from North American Power promising residents with electric power savings. He stated this is not eligible for Penelec users, which is throughout the Village, and is very misleading.

**Minutes:** Trustee Ayres moved to approve the Minutes of March 26, and April 1, 2013 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, Code Enforcement, and Police. A monthly complaint log was also submitted. Trustee Ayres stated concern with overtime in Street Department for several sewer blockages on Broad Street possibly coming from Leprino Foods. Mayor Leary stated he is meeting with Thurman Blanchard, of Leprino Foods, to discuss this issue.

**Treasurer's Report:** The following was presented:

General Fund 3/01/13 – 3/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | -6,247.45 | Current Revenues | 69,204.47 |
| Deposits | 434,842.97 | Year to Date Revenue | 2,456,587.21 |
| Disbursements | 199,017.83 | Current Expenditures | 184,925.73 |
| Ending Balance | 229,577.69 | Year to Date Expended | 2,377,941.50 |

\*General Capital Reserve Fund $83,687.78

Cemetery Fund 3/01/13 – 3/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 27,325.23 | Current Revenues | 2,045.73 |
| Deposits | 2,033.41 | Year to Date Revenue | 35,627.47 |
| Disbursements | 3,229.51 | Current Expenditures | 3,229.51 |
| Ending Balance | 26,129.13 | Year to Date Expended | 40,932.83 |

Loan Programs 3/01/13 – 3/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 70,388.08 | Beginning Balance | 44,522.64 |
| Deposits | 2,694.54 | Deposits | 1,141.64 |
| Disbursements | 0.00 | Disbursements | 1.13 |
| Ending Balance | 73,082.62 | Ending Balance | 45,663.15 |
| Savings/Moneymarket | 31,407.52 | Savings/Moneymarket | 916.70 |
| Total Fund Balance | 104,490.14 | Total Fund Balance | 46,579.85 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $40,770.72; Dental Trust $430.00; and Cemetery $461.13; for a total of $41,661.85. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**2013-2014 Budget Adoption:** Trustee Sinsabaugh moved to approve the 2013-2014 Tentative Budget as final. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Keene, Ayres, Brewster, Sinsabaugh, Leary)

Nays – 0

Absent – 2 (Kraus, Steck)

The motion carried.

**FEMA Projects Update:**  The clerk previously forwarded projects updates from Hunt Engineers to the Board members.

The clerk stated she talked with Cristina Brush, of Hunt Engineers, and the supplemental agreement is much like a change order. The project had many challenges and Hunt provided additional design in the amount of $12,712.86, and construction inspection in the amount of $8,938.25. Discussion followed. Trustee Sinsabaugh moved to approved in increased charges for the project as presented. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Keene, Ayres, Sinsabaugh, Leary)

Nays – 0

Abstain – 1 (Brewster)

Absent – 2 (Kraus, Steck)

The motion carried.

The clerk stated Jim Flynn, from SEOM, will be coming down to discuss the first reimbursement of the project on April 25, 2013.

**Shared Services:** Trustee Sinsabaugh moved to appoint Kyle McDuffee to act as the Village Representative regarding the shared services program with the Waverly School District. Trustee Brewster seconded the motion, which carried unanimously. Mayor Leary stated the grant application has been filed.

**“Spring Into Action with Your Neighbor”:** Mayor Leary stated he has been working with Legislator Ray Case to tackle some issues, such as repairs to Route 17C bridge and William Donnelly Parkway. He stated Town of Barton Supervisor Dick Cary is also working with them on the bridge and parkway.

Mayor Leary stated he is an advocate of neighbors helping neighbors. He also is working with Town of Barton to get us working together more. This keeps budget costs down and benefits all residents in both the village and the town. Mayor Leary stated residents need to clean up garbage, keep grass cut, and get rid of junk cars. We need to keep our village beautiful.

Mayor Leary stated Muldoon Gardens is coming together and should be completed in the fall. This is a big asset to the village. He meets with merchants daily, and the WBA wants to be more involved with the village.

**NYCOM Village Officials Workshop:** Mayor Leary stated he is an advocate of NYCOM and wants to maintain our good relationship. He recommended the Board, the Clerk, and Attorney Keene should attend some of their workshops and training activities. The clerk stated the NYCOM’s Village Officials Workshop is scheduled for April 19, 2013 in Fairport, NY at a cost of $95. Mayor Leary stated he would be attending. Trustee Sinsabaugh moved to approve any village official to attend. Trustee Keene seconded the motion, which carried unanimously.

**NYCOM Annual Meeting:** The clerk stated the NYCOM’s Annual Meeting will be held on May 5-7, 2013 in Saratoga, NY at a cost of $250, plus room and board. Trustee Keene moved to approve the Mayor, Trustees, Clerk, and Attorney to attend, if they are interested. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**ERIE ALLEY RESOLUTION:** Trustee Ayres offered the following resolution and moved its adoption:

WHEREAS, Erie Alley is an alley that runs east and west from Fulton Street, behind the buildings located on the south side of Broad Street; and

WHEREAS, Erie Alley has been maintained by the Village of Waverly’s DPW for several decades, and

WHEREAS, **t**he Village of Waverly’s Board of Trustees accepts and will maintain Erie Alley in the future, and

NOW THEREFORE, BE IT RESOLVED, that the Village of Waverly’s Board of Trustees authorizes Erie Alley to be added to the Village of Waverly’s street inventory for the purpose of authorizing future allocations of CHIPS funding.

Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Ayres, Keene, Brewster, Sinsabaugh, Leary)

Nays – 0

Absent – 2 (Steck, Kraus)

The motion carried

**Mayor/Board Comments:** Trustee Ayres stated he and Recreation Director Havens will be attending the Rotary Meeting to discuss the Main Street “streetscape” grant of $15,000, if awarded, and how best to use it in the mini park with possibly resetting the stones.

Legislator Ray Case stated the legislation passed a resolution for recycle bins for parks through “Keep America Beautiful” program. Recreation Director Havens has already applied for grant.

Trustee Keene thanked Ray Case and Marty Borko for their help with Tioga County Soil and Water for removing a downed tree from Dry Brook Creek on West Pine Street.

**Executive Session:** Trustee Ayres moved to enter executive session at 7:25 p.m. to discuss a contractual issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:46 p.m. Trustee Keene seconded the motion, which carried unanimously.

Rehab Loan HU100: Trustee Ayres moved to authorize Attorney Keene to file a lawsuit against the borrower to enforce loan note. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Rehab Loan ZI100: Trustee Ayres moved to authorize Attorney Keene to file a lawsuit in Village Court against the borrower to enforce loan note. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 7:48 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 23, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Ayres called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Keene, Sinsabaugh, Brewster, and Deputy Mayor Ayres

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, and Tom Bellinger of 474 Pennsylvania Avenue

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comments:** Tom Bellinger stated concern that the spillway behind his home is still blocked. Deputy Mayor Ayres stated he would look into the problem and see what could be done.

The clerk stated Athens Township in Pennsylvania will be applying for a grant that would help low-moderate income residents with home repairs. She stated their grant could be used throughout the Valley, including Waverly. She stated she would keep the Board notified of progress.

**Approval of Minutes:** Trustee Keene moved to approve the Minutes of April 9, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $14,583.00; and Dental Trust $248.00; for a total of $14,831.00. Trustee Brewster moved to approve payment of the bills as presented. Trustee Keene seconded the motion, which carried unanimously.

**Tioga County COG:** Trustee Keene stated he was unable to attend COG meeting but would get the minutes to distribute.

**FEMA Update:** The clerk presented the following:

Change Order #5: The clerk presented change order #5 for extra material and installation costs for the additional grout placed as part of the grouted tie-back items due to unforeseen conditions. The cost was calculated based on 350 additional bags of grout at $62.83/bag. This change order results in an increase in costs of $21,990.50. Trustee Keene stated concern that the engineer stated a lower cost around $18,000. Trustee Brewster moved to table for more information. Trustee Keene seconded the motion, which carried unanimously.

Hunt Engineers: The clerk submitted a bill from Hunt Engineers in the amount of $22,418.71. She stated this is based on the supplemental agreement that was passed at the last meeting in the amount of $21,651.11 and reimbursable expenses in the amount of 767.60. Due to Trustee Brewster abstaining from a vote, Trustee Keene withdrew his motion to approve. The Board directed the clerk to bring it back to the next meeting.

**Village Car Bid Award:** Deputy Mayor Ayres opened the bids for the 2007 Ford Taurus (1FAFP53U97A137644), and were as follows: Chicago Motors, Inc. $2,407; Grace Quality Used Cars $1,158; Bay Ridge Motors $1,255; Joseph Polzella $2,750, Barb Heinzelman $600; and Yousef Dabbagh $1,808. Trustee Sinsabaugh moved to award the bid to Joseph Polzella in the amount of $2,750. Trustee Brewster seconded the motion, which carried unanimously.

**Broad Street Mini Park:** Deputy Mayor Ayres stated that he and Trustee Brewster met with Rotary to discuss ideas of beautifying the Mini Park with grant funds from the Main Street Program, if awarded. He stated beautifying the Mini Park would enhance the downtown area and it is within the area for the program. He also stated he would be forming a committee to formulate ideas and for the best use of the funds in the park.

**Seasonal Part-Time Cemetery Help:** Trustee Keene moved to approve Robert Phillips as a Seasonal Part-Time Caretaker at a rate of $9.00 per hour, up to 30 hours per week, and not more than 30 weeks. He will begin on April 26, 2013. Trustee Sinsabaugh seconded the motion, which carried unanimously.

(NOTE: A new motion to change the hours from 30 to 28 per week was made at the next meeting.)

**Curb Cut Application:** The clerk presented a curb cut application from Tom Mullen for the Elm Street side of his home at 468 Pennsylvania Avenue. The clerk stated it was approved by Chief Updyke and Equipment Operator Pond. Trustee Keene moved to approve the curb cut as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Keene moved to adjourn at 6:59 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 14, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, Street Equipment Operator Pond, Tioga County Legislator Ray Case, and Teresa Saraceno with Tioga County ED&P.

Visitors included William Dimmick III of 19 Lincoln Street, Sterling Dimmick of 311 Chemung Street, Andrew Harding of Elmira Heights, Margaret Prinzi of 447 Chemung Street, and Linda Vogel of 201 Broad Street

Press included, Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Public Comments:** Margaret Prinzi stated appreciation for the Police Department for recently helping her out. She also asked that the new proposed Laundromat at the corner of Ball Street and Chemung Street should close by 11:00 p.m. due to noise. Andrew Harding stated he is working with the property owner and they do shut down at 10:00 p.m.

Andrew Harding asked about the secondhand dealer application for his client, Jerry White. The clerk stated the police are working on the background investigation portion of the application at this time.

Linda Vogel stated there are skunks living in a vacant house on Loder Street. Mayor Leary stated both vacant houses on Loder Street are being addressed by Code Enforcement. Ms. Vogel also stated the Rotary and volunteers have painted the “Welcome to Waverly” signs on Route 17C and Route 34. Mayor Leary thanked them for their work in helping to beautify Waverly.

**Letters and Communications:** The clerk read a letter from Sewer Commissioner Dave Breese stating that he is resigning his position, effective immediately, due to his inability to commit the time needed, and thanked the Board for the opportunity. Mayor Leary stated he has several people that may be interested in fulfilling the position.

**Minutes:** Trustee Sinsabaugh moved the cemetery seasonal part-time caretaker be changed to 28 hours per week. Trustee Brewster seconded the motion, which carried unanimously. Trustee Brewster moved to approve the Minutes of April 23, 2013 as presented, with the change as discussed. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, Code Enforcement, and Police. A monthly complaint log was also submitted.

**Treasurer's Report:** The following was presented:

General Fund 4/01/13 – 4/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 229,577.69 | Current Revenues | 54,693.84 |
| Deposits | 200,314.50 | Year to Date Revenue | 2,511,281.05 |
| Disbursements | 159,972.40 | Current Expenditures | 140,279.63 |
| Ending Balance | 269,919.79 | Year to Date Expended | 2,518,221.13 |

\*General Capital Reserve Fund $83,703.14

Cemetery Fund 4/01/13 – 4/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 26,129.13 | Current Revenues | 4,011.91 |
| Deposits | 4,000.50 | Year to Date Revenue | 39,636.38 |
| Disbursements | 2,519.74 | Current Expenditures | 2,519.74 |
| Ending Balance | 27,609.80 | Year to Date Expended | 43,452.57 |

Loan Programs 4/01/13 – 4/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 73,082.62 | Beginning Balance | 45,663.15 |
| Deposits | 4,372.55 | Deposits | 1,721.01 |
| Disbursements | 1.13 | Disbursements | .71 |
| Checking Balance | 77,454.04 | Checking Balance | 47,383.45 |
| Savings/Moneymarket | 31,413.30 | Savings/Moneymarket | 916.86 |
| Total Fund Balance | 108,867.34 | Total Fund Balance | 48,300.31 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $55,106.93; Dental Trust $1,167.00; and Cemetery $1,798.09; for a total of $58,072.02. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Main Street Program:** Teresa Saraceno stated the Main Street Program has been delayed by the State, however, it is still moving forward. There may be a decrease in award, and more competitive. She feels Waverly has a good application.

She also stated there is a county-wide, 0% loan, facade program available for commercial buildings within the business district. She encourages business owners to take advantage of the program.

Trustee Ayres stated he is soliciting interest to help gather input and ideas for the beautification of the mini-park.

**Tioga County Legislative Update:** Legislator Ray Case stated the Village of Waverly will be receiving $9,217.93 in mortgage tax soon.

Mr. Case stated the Hooker Foundation, in Owego, has funds available for children activities. He discussed with Recreation Director Havens, and he is researching it.

Mr. Case stated he is working with Congressman Tom Reid to have a town hall meeting, which is tentatively scheduled for June 8, 2013 at 1:30 p.m. at the Waverly High School.

**FEMA Projects Update:**  The clerk submitted the following:

Change Order #5, LC Whitford Company: The clerk presented change order #5 from LC Whitford Company for extra material and installation costs for the additional grout placed as part of the grouted tie-back items due to unforeseen conditions. The cost was calculated based on 350 additional bags of grout at $62.83/bag. This change order results in an increase in costs of $21,990.50. Mayor Leary stated he, Trustee Ayres, Trustee Keene, and Clerk Treasurer Wood had a conference call with Cristina Brush, of Hunt Engineers, who stated she felt very confident that these costs are well documented and should be reimbursed from FEMA. Trustee Steck moved to approve change order #5 as presented. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Keene, Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

Hunt Engineers: The clerk submitted a bill from Hunt Engineers in the amount of $22,418.71. She stated this is based on the supplemental agreement that was passed at a previous meeting in the amount of $21,651.11 and reimbursable expenses in the amount of 767.60. Trustee Steck moved to approve the supplemental agreement payment, as presented. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Sinsabaugh, Steck, Leary)

Nays – 1 (Keene)

Abstain – 1 (Brewster)

The motion carried.

**Parking:** Mayor Leary stated parking problems in the Village is not a new issue. The parking spot that was requested to be “no parking” on Orchard Street is not an isolated case. Mayor Leary stated there have been many discussions and studies throughout the years, dating back to when he was previously Mayor, and there have never been any viable solutions. He stated he would listen to any input or ideas from anyone. Trustee Ayres stated concern that piece-mealing parking would cause more issues as a whole.

**CHIPS:** Equipment Operator Pond stated we were awarded $111,419.46 in CHIPS funds. He presented the following paving projects, which are scheduled to begin on June 24, 2013:

Ball Street (between Spring Street and Cooper Street)

Liberty Street (between Waverly Street and Lincoln Street)

Loder Street

Pennsylvania Avenue (between Howard Street and Broad Street)

\*if funding allows, Spaulding Street (between Ithaca Street and Barker Avenue)

\*Broad Street (between Loder Street and Pennsylvania Avenue) will get resurfaced, on June 10, 2013.

Pond stated Vestal Asphalt would be resurfacing Broad Street, and Broome Bituminous would be doing all the other paving. Also, the DPW personnel would be assisting with these projects. Pond stated both contractors are under the NYS bid pricing. Trustee Steck moved to approve the paving projects, contractors, and schedule as presented. Trustee Kraus seconded the motion, which carried unanimously.

Pond also stated the concrete around the flagpole at Village Hall is in rough shape. He stated he would do some repairs to it. Pond also requested that Dylan Arnold be promoted to Equipment Operator. Discussion followed. Mayor Leary stated it would be discussed and asked the clerk to put it on the next agenda.

**Summer Employment in Parks:** The clerk stated Recreation Director Havens is requesting to hire two seasonal part-time people to help in the parks. They are Kevin Gorman and Tyler Bowman, both for 11 weeks, 28 hours per week, at a rate of $8.25 per hour. She stated both positions were included in the budget. Discussion followed.

Trustee Ayres moved to hire Tyler Bowman as presented, effective May 17, 2013. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Ayres moved to hire Kevin Gorman as presented, effective May 12, 2013. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Keene, Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**2013 Poll Site Agreement:** The clerk presented a poll site agreement from Tioga County Board of Elections for elections to be held, as follows: Primary Election on September 10, 2013 (unofficial date) and the General Election on November 5, 2013. They will use our community room to accommodate 4 polling districts. Trustee Brewster moved to approve the agreement as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tax Rate Resolution:** Trustee Keene offered the following resolution and moved its adoption:

WHEREAS, the Board, by resolution passed at the Regular Meeting held April 09, 2013, adopted its annual budget for the fiscal year, commencing June 1, 2013 and ending May 31, 2014, and,

WHEREAS, the total of taxable property in said Village as shown on the current assessment roll has been determined to be $69,463,395, and,

WHEREAS, the Board of Trustees of the Village of Waverly, by resolution dated the same date appropriated the sum of $2,759,977 less estimated revenues of $998,046 or a balance of $1,761,931 to be raised by real estate taxes, said Board of Trustees hereby levies the following tax pursuant to the provisions of the Real Property Tax Law of the State of New York upon the taxable property of the Village of Waverly, to wit: upon all taxable property of the Village of Waverly, and,

BE IT RESOLVED, that the tax rate on account of said levy be set at the rate of $25.365 for each $1,000 of assessed valuation, and,

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer be directed to extend and carry out upon the tax roll of the Village of Waverly, the amount to be levied against the value of each parcel of real property owed thereon, and,

It further appearing that the Board of Water Commissioners of the Village of Waverly has filed with the Clerk of the Board of Trustees its certificate in writing, indicating certain unpaid water rents and penalties thereon, as of May 1, 2013, with the properties against which said unpaid water rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid water rents in the amount of $18,568.54 be levied pursuant to the provision of the Village Law against said properties, as set forth, on said certificate, and in the amount set forth, and,

It further appearing that the Board of Sewer Commissioners of the Village of Waverly has filed with the Clerk, its certificate in writing, indicating certain unpaid sewer rents and penalties thereon, as of May 1, 2013, with the properties against which said unpaid sewer rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid sewer rents in the amount of $13,948.11 be levied pursuant to the provision of the Village Law against said properties, as set forth on said certificate, and in the amount set forth, and,

NOW, THEREFORE, BE IT RESOLVED, that a total amount of $157.00 of unpaid grass and weeds be levied pursuant to the provision of the Village Law against said properties, as set. Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $97.58 of unpaid snow removal charges be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $201.61 of prorated tax bills be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

BE IT FURTHER RESOLVED, that the Village Clerk be directed to extend and carry out upon said tax roll of the Village of Waverly the amount so levied against the several parcels of real property:

Trustee Steck seconded the motion, and duly put to a roll call vote, resulting as follows:

Ayes – 7 (Keene, Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Tree Board Appointment:** Mayor Leary appointed Jason Munn to the Tree Committee. Trustee Keene moved to approve the Mayor’s appointment of Jason Munn. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Spring Tree List:** The clerk presented a list of trees that need to be removed or trimmed. She stated they have been reviewed by Tree Committee, and the list is ready to bid. Discussion followed. The Board had

a few more trees and stumps they would like added to the list and they would get to the clerk. Mayor Leary asked the clerk to bring back to the next meeting.

**Village Hall Wing Windows:** Trustee Sinsabaugh moved to table discussion for more information. Trustee Keene seconded the motion, which carried unanimously.

**Police Chief Committee:** Mayor Leary asked the Board for volunteers to review and research data needed to fill the upcoming police chief vacancy. Trustee Ayres, Brewster, and Sinsabaugh volunteered. Mayor Leary stated we should get an updated Civil Service list soon.

**Property Waiver:** Mayor Leary asked Attorney Keene to draw up a temporary easement, for 474 Pennsylvania Avenue, that would allow the DPW to dig a small area to research and repair possible storm sewer drainage leaks.

**Mayor/Board Comments:** Mayor Leary stated the Glen Park is open and already has some damage. He stated he will not put up with vandalism or illegal dumping in the Village Parks, and will prosecute to the fullest extent of the law.

Mayor Leary asked that the cemeteries be in good shape for Memorial Day.

Trustee Keene stated the Friends of the Waverly Cemeteries would like permission to install a decorative fence at East Waverly Cemetery, along Ball Street. He stated the organization will pay for the fence. Trustee Ayres moved to grant permission for the fence as presented. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

Abstain – 1 (Keene)

The motion carried.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 8:17 p.m. to discuss a contractual issue. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 9:01 p.m. Trustee Ayres seconded the motion, which carried unanimously. When executive session ended, Trustee Keene was absent.

**Adjournment:** Trustee Kraus moved to adjourn at 9:02 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 28, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Recreation Director Havens, Tioga County Legislator Case, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Sandy Gumble of Apalachin NY, Linda Vogel of 201 Broad Street, and Don Merrill of 535 Waverly Street

Press: Kristy Westbrook of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Presentation, Sandy Gumble:** Sandy Gumble introduced herself as a member of the NYS Liberty Coalition. She submitted handouts regarding Agenda 21 which came from the UN in the 1970’s. She stated the agenda attacks freedoms and municipalities should refuse “green” grant money. Mayor Leary stated small villages such as the Village of Waverly are dependent on grants and help from the State.

**Public Comments:** Don Merrill stated the Rotary is taking on the Mini Park project. He offered personal funding for the project with the terms that the Village of Waverly would sign agreement and name the part the *Robert Merrill Memorial Park*. Attorney Keene explained that the Village could change the name of the park, however, there could not be any guarantee that the name would not be changed in the future. She stated the law prohibits the Village from entering into an agreement to accept donation with conditions attached. Discussion followed. Mayor Leary stated other people and entities want to be involved with the park and stated Trustee Ayres would discuss the highlights of the meeting with the Rotary.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of May 14, 2013 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $15,561.92. Trustee Brewster moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County COG:** Trustee Keene stated he was unable to attend COG meeting. He asked Mayor Leary to appoint someone else to COG as he is unable to attend the meetings.

**FEMA Update:** The clerk presented the following:

L. C. Whitford, Payment Estimate #5: The clerk submitted pay estimate #5 from L. C. Whitford in the amount of $54,989.73. Trustee Ayres moved to approve payment as presented. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 1 (Keene)

The motion carried.

**Village Hall Windows (undeveloped wing):** Trustee Sinsabaugh stated that he, Trustee Steck, and Mayor Leary met and looked at the windows, and feel the windows should be left in place until future development of the wing is decided. The clerk stated she checked with Dave Adams, of Hunt Engineers, and he agreed. She stated Dave Adams would have the contractor remove the costs of the temporary boarding and close out the asbestos abatement project. Trustee Sinsabaugh moved to not remove windows in the wing at this time. Trustee Steck seconded the motion, which carried unanimously.

**Spring Tree and Stump List:** The clerk submitted the tree list and stated that there were no additions made since the last meeting. Several more additions were given to the clerk. The Board asked the clerk to add the new trees to the list, have tree committee review, and bring list back to the next meeting.

**Broad Street Mini Park:** Deputy Mayor Ayres stated that he, Trustee Brewster, and Recreation Director Havens met with Rotary to discuss ideas of beautifying the Mini Park. He stated at this time the committee is still gathering ideas. Trustee Ayres recommended removing stones and storing them, filling area with topsoil, and seeding until future development. The Board was adamantly against removing the stones and storing them. Trustee Ayres stated the Main Street Grant, if awarded, would consist of $15,000 for streetscape enhancement, however, could only be used on fixed assets, such as benches, pots, lights, etc. It could not be used on repairing the park. Trustee Brewster stated they will continue to gather input and work toward stabilizing the park.

Trustee Ayres moved to tape off the park with caution tape and table discussion for more information. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Parking:** Mayor Leary stated during his entire tenure with the Village, parking has always been an issue. He stated unfortunately the parking issues are not going to go away.

**Spaulding Street Municipal Lot:** Mayor Leary stated the lot has been rezoned. He asked the Board for their recommendation for the future of the lot. Trustee Keene recommended the Village keep the lot and the shed as it is currently being used to store mowing equipment in. Attorney Keene stated there has been no official offer to the Board regarding purchasing the property. She stated former Mayor McDuffee was involved in discussions with a business owner about purchasing.

**Sign Proposal-Planning Board:** Attorney Keene stated the Planning Board has not made a decision regarding signs, however, they have been working on it.

**Seasonal Part-Time Water Help:** Trustee Steck moved to approve hiring Jake Hogan as a Seasonal Part-Time Water Help at a rate of $7.25 per hour, up to 28 hours per week, and not more than 6 weeks. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Seasonal Part-Time Street Help:** Trustee Brewster moved to approve Bryant Myers as a Seasonal Part-Time Street Help at a rate of $9.00 per hour, up to 28 hours per week, and not more than 12 weeks. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Seasonal Part-Time Cemetery Help:** The clerk stated Robert Phillips has terminated his position with the Village as he procured a full-time position elsewhere. Trustee Keene stated he would review applications and get back to the Board as soon as possible.

**Executive Session:** Trustee Ayres moved to enter executive session at 7:41 p.m. to discuss a contractual issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:44 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:47 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 9:00 A.M.**

**ON TUESDAY, JUNE 7, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 9:00 a.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Steck, and Mayor Leary

Also present was Deputy Clerk Treasurer Hazen.

**Seasonal Part Time Cemetery Employment:** Trustee Steck moved to approve Eugene Chayrosky as a Seasonal Part-Time Cemetery worker at a rate of $9.50 per hour, up to 28 hours per week. Trustee Ayres seconded the motion, which carried unanimously. Trustee Steck moved to approve Matthew Rote as a Seasonal Part-Time Cemetery worker at a rate of $7.50 per hour, up to 28 hours per week through August. Trustee Ayres seconded the motion, which carried unanimously.

**Broad Street Sidewalks:** Trustee Kraus stated he spoke to the owner of Debon’s Jewelry Store about repairing the sidewalk and she was unclear who is responsible. Discussion followed. Mayor Leary stated it is the owner’s responsibility to repair.

**Adjournment**: Trustee Kraus moved to adjourn at 9:15 a.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

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Kerri Hazen, Deputy Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 11, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Jill Deskins with the Rotary, and Troy Campbell of 25 Lincoln Street

Press included Amanda Renco of the Daily Review, and Kristi Westbrook of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Pastor Daniel Stegeman of the Waverly Christian Missionary Alliance Church requesting street closures on August 5-8, 2013 between 7-8:30 p.m. for their annual Vacation Bible School. He requested Cadwell Avenue between Chemung Street and the north edge of their parking lot be closed. Chief Updyke had no concerns. Trustee Sinsabaugh moved to approve the requested street closures. Trustee Ayres seconded the motion, which carried unanimously.

The clerk read a letter from Mary Perry-Roger, Executive Director of Tioga County Open Door Mission, requesting a street closure on June 28, 2013 between 4:00-10:00 p.m. for a music street festival. She requested closing Park Avenue from Broad Street to Depumpo Lane. The clerk stated Chief Updyke had no concerns. Trustee Steck moved to approve the requested street closures. Trustee Brewster seconded the motion, which carried unanimously.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of May 28, and June 7, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, Code Enforcement, and Police. A monthly complaint log was also submitted.

Trustee Kraus stated the paving work for Broad Street was rescheduled for June 17th & 18th as it was postponed due to weather. He asked the Street Department to keep overtime as low as possible.

**Treasurer's Report:** The following was presented:

Loan Programs 5/01/13 – 5/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 77,454.04 | Beginning Balance | 47,383.45 |
| Deposits | 2,416.05 | Deposits | 1,746.39 |
| Disbursements | 50,000.00 | Disbursements | 0.00 |
| Checking Balance | 29,870.09 | Checking Balance | 49,129.84 |
| Savings/Moneymarket | 4,011.09 | Savings/Moneymarket | 917.02 |
| Total Fund Balance | 33,881.18 | Total Fund Balance | 50,046.86 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills for the budget year 2013, in the amount of: General Fund $21,881.76; and Cemetery $1,632.55; for a total of $23,514.31. Trustee Brewster moved to approved payment as presented. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Brewster presented the bills for the budget year 2014, in the amount of: General Fund $50,727.69; and Cemetery $35.34; Dental Trust $1,673.31 for a total of $52,436.34. Trustee Brewster moved to approved payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**COG Appointment:** Mayor Leary offered to go to the COG Meetings temporarily until an appointment is made.

**Spring Tree List:** The clerk submitted an updated tree list. Trustee Steck moved to approve list as presented and the clerk to advertise for bids to be opened at the June 25th meeting. Trustee Keene seconded the motion, which carried unanimously.

**Broad Street Mini Park:** Trustee Brewster stated the committee met last Thursday and offered a proposal to fill in a 10’ wide path from the Broad and Waverly Streets sides to the building in the center of the park, and that space under the building, with an 18” deep layer of concrete reinforced with steel mesh. The stones currently in those locations would be removed and carefully stacked along the sides. Once the concrete sets, the stones would be laid back in accordance with Rotary. Trustee Brewster moved to approve the proposal and expend $5,550 to complete the work. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Ayres, Sinsabaugh, Brewster, Steck)

Nays – 0

Abstain – 1 (Keene)

The motion carried.

**2012-2013 Budget Transfers, General Fund:** Trustee Ayes moved to approve the budget transfers, as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To: |  |  |  | Transfer From: |  |  |
| A 1110-0145 | court-sick | 1,182.00 |  | A 1110-0100 | court-full time | 1,086.00 |
| A 1110-0148 | court-holiday | 1.00 |  | A 1110-0142 | court-part time | 1,300.00 |
| A 1110-0401 | court-supplies | 250.00 |  | A 1410-0142 | clerk-part time | 1,574.00 |
| A 1325-0145 | treasurer-sick | 39.00 |  | A 1620-0142 | bldg-janitor | 7,350.00 |
| A 1355-0400 | assesser-expense | 20,000.00 |  | A 1620-0200 | bldg-equopment | 2,000.00 |
| A 1410-0144 | clerk-spec comp | 4.00 |  | A 1620-0400 | bldg-expense | 7,500.00 |
| A 1410-0145 | clerk-sick | 107.00 |  | A 1620-0401 | bldg-heat fuel | 4,500.00 |
| A 1410-0402 | clerk-other expense | 1,000.00 |  | A 1910-0400 | unallocated ins | 13,400.00 |
| A 1420-0142 | law-part time | 1.00 |  | A 1930-0400 | Judgement/claims | 2,000.00 |
| A 1420-0400 | law-expense | 2,400.00 |  | A 1990-0400 | contingent acct | 65,398.00 |
| A 1620-0404 | buildings-misc/sup | 750.00 |  | A 3120-0100 | police-full time | 4,186.00 |
| A 1650-0400 | computer systems | 18,000.00 |  | A 3120-0142 | police-part time | 16,900.00 |
| A 1989-0400 | misc other GGS | 18,000.00 |  | A 3120-0149 | police-vacation | 12,000.00 |
| A 1989-0401 | Ithaca st project | 49,885.00 |  | a 3120-0404 | police-car repairs | 1,450.00 |
| A 3120-0145 | police-sick | 27,712.00 |  | A 3620-0142 | code-part time | 5,000.00 |
| A 3120-0146 | police-overtime | 11,183.00 |  | A 5110-0149 | street-vacation | 2,700.00 |
| A 3120-0406 | police-gasoline | 3,500.00 |  | A 7110-0146 | parks-overtime | 2,500.00 |
| A 3620-0400 | code-contractual exp | 300.00 |  | A 7310-0142 | rec-part time | 4,500.00 |
| A 5110-0145 | street-sick | 1,710.00 |  | A 8560-0400 | shade trees | 8,500.00 |
| A 5110-0200 | street-equipment | 10,000.00 |  | A 9010-0800 | emp retirement | 15,460.00 |
| A 5110-0402 | street-uniforms/sup | 2,500.00 |  | A 9015-0800 | police retirement | 30,400.00 |
| A 5110-0403 | street-equip repair | 10,000.00 |  | A 9030-0800 | social security | 4,414.00 |
| A 5110-0406 | street-gasoline | 4,500.00 |  | A 9060-0800 | health insurance | 24,700.00 |
| A 5110-0407 | street-shop lights | 500.00 |  |  |  |  |
| A 5182-0400 | street lighting | 5,000.00 |  |  |  |  |
| A 7110-0100 | parks-full time | 677.00 |  |  |  |  |
| A 7110-0142 | parks-part time | 643.00 |  |  |  |  |
| A 7110-0401 | parks-supplies | 1,500.00 |  |  |  |  |
| A 7110-0402 | parks-electric | 750.00 |  |  |  |  |
| A 7310-0100 | rec-full time | 1,039.00 |  |  |  |  |
| A 7620-0400 | adult recreation | 750.00 |  |  |  |  |
| A 9040-0800 | workmans comp | 2,803.00 |  |  |  |  |
| A 9901-0902 | trans dental trust | 132.00 |  |  |  |  |
| A 9951-0900 | trans to cap projects | 42,000.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | 238,818.00 |  | TOTAL |  | 238,818.00 |

Trustee Sinsabaugh seconded the motion, which carried unanimously.

**2012-2013 Budget Amendments: General Fund:** Trustee Sinsabaugh moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A 510 Estimated Revenues |  |  |  | A 960 Estimated Appropriations |  |  |
| A 3089 | DCJS (grant) | 14,750.00 |  | A 3120-0200 | police-equipment | 14,750.00 |
|  |  |  |  |  |  |  |
| TOTAL |  | 14,750.00 |  | TOTAL |  | 14,750.00 |

Trustee Brewster seconded the motion, which carried unanimously.

**2012-2013 Budget Transfers: Cemetery Fund:** Trustee Steck moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To |  |  |  | Transfer From |  |  |
| C 8810-0145 | sick | 37.00 |  | C 8810-0200 | equipment | 10,037.00 |
| C 8810-0400 | contractual exp | 10,000.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | $10,037.00 |  | TOTAL |  | $10,037.00 |

Trustee Sinsabaugh seconded the motion, which carried unanimously.

**2012-2013 Budget Amendments: Cemetery Fund:** Trustee Steck moved to approve as presented.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| C 510 - Appropriated Revenue |  |  |  | C 960 - Appropriated Expense |  |  |
| C 5031 | interfund transfer | 2,385.00 |  | C 8810-0401 | perpetual care exp | 2,385.00 |
|  |  |  |  |  |  |  |
| TOTAL |  | 2,385.00 |  | TOTAL |  | 2,385.00 |

Trustee Brewster seconded the motion, which carried unanimously.

**Sewer Commissioner Appointment:** Mayor Leary appointed Robert Bidlack to the Board of Sewer Commissioners to fill the vacancy left by Ron Heidig. The term of this vacancy will expire in 2016. Trustee Steck moved to approve the Mayor’s appointment. Trustee Keene seconded the motion, which carried unanimously.

**Fulton Street Railroad Crossing:** Mayor Leary stated the Fulton Street Railroad Crossing is getting in bad shape. He talked with a representative from the railroad and they will begin work on the crossing once Leprino’s construction is complete.

**Sign Proposal-Planning Board:** Troy Campbell stated the Methodist Church on Chemung Street would like to install a LED sign. Attorney Keene stated the Planning Board has been reviewing this for several months, and they propose adopting a local law to allow churches, located in the residential district, to display larger signs. The Planning Board also proposes that LED/Digital sings not be allowed in the residential district. Mr. Campbell introduced a technician who explained how the brightness could be set by the factory, and that it can be set to dim to very low at night. He submitted a handout. Discussion followed. Mayor Leary recommended the Board review all the information for the next meeting.

**Summer Employment in the Street Department:** Trustee Kraus moved to hire Andrew Roney as Temporary Part-Time Labor in the Street Department at a rate of $7.25 per hour, up to 28 hours per week. He would replace Bryant Myers who has left. Trustee Steck seconded the motion, which carried unanimously.

**Summer Employment in the Cemeteries:** Trustee Keene moved to hire Niq Sinsabaugh as Temporary Part-Time Labor in the Cemeteries at a rate of $7.25 per hour, up to 28 hours per week. He would replace Matt Rote who was unable to take position. Trustee Kraus seconded the motion, which carried unanimously.

**Summer Employment in Recreation:** Recreation Director Havens recommended the following persons be hired for the 2013 Summer Recreation Program, the program is for five weeks beginning on July 1, 2013 and ending on August 2, 2013. They are as follows:

Dawn Miller Director 28 hours $9.00 per hour

Brittany Kipling Asst. Director 28 hours $8.75 per hour

Mattison Seymour Counselor 28 hours $8.75 per hour

Harley Winklemen Counselor 28 hours $8.75 per hour

Makayla Bean Counselor 28 hours $8.75 per hour

Anthony Girolamo Counselor 28 hours $8.75 per hour

Sara Doan Counselor 28 hours $8.75 per hour

Dana Langdon Counselor 28 hours $8.75 per hour

Cody Marchese Counselor 28 hours $8.75 per hour

Brandon Wilson Counselor 28 hours $8.75 per hour

Victoria Cron Counselor 28 hours $8.75 per hour

Christopher Raupers Counselor 28 hours $8.75 per hour

Patric Bronson Counselor 28 hours $8.75 per hour

Zachary Cooney Counselor 28 hours $8.75 per hour

Trustee Brewster moved to approve the recommendation as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Standard Work Day Resolution:** Trustee Sinsabaugh offered the following and moved its adoption:

BE IT RESOLVED, that the Village of Waverly Board of Trustees hereby established the following as a standard workday for the purpose of determining days reportable to the New York State and Local Employees’ Retirement System:

Elected Officials, as Mayor, Trustee, and Justice, six hours for a standard work day, and

appointed officials, as Attorney, Acting Justice and Assessor, six hours for a standard work day, and

all other employees, eight hours for a standard workday.

Trustee Steck seconded the motion, which carried unanimously.

**Curb Cut Application:** The clerk presented a curb cut application from Jason Van Dyke for the property located at 133 William Donnelly Parkway, known as Granite Works. The clerk stated it was reviewed by Chief Updyke and Equipment Operator Pond, and no concerns were stated. Trustee Keene moved to approve the curb cut as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Contract for Auditing Services:** The clerk submitted a proposal for auditing services from EFP Rotenberg, LLP. She stated they have done our audits in the past. Their proposal is $19,500. The clerk stated that the Village may need a single audit done also as we received over $500,000 in federal funds due to the FEMA Projects. She stated these costs would be in addition to stated costs. Trustee Sinsabaugh moved to approve EFP Rotenberg, LLP to perform annual audit as presented. Trustee Brewster seconded the motion, which carried unanimously.

The clerk submitted a proposal from EFP Rotenberg, LLP to perform an audit for the Justice Court at a cost of $1,500. Discussion followed. Trustee Keene moved to table discussion for more information. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Jerry Brian White for the property located at 450 Chemung Street. The clerk stated this is a new business and is not yet open. The clerk stated the background investigation was completed, and code enforcement will inspect property once he is ready to open. Trustee Sinsabaugh moved to table discussion until business is ready. Trustee Keene seconded the motion, which carried unanimously.

**Buy Back Cemetery Lot:** The clerk stated Karen Cerio has requested the Village to buy back cemetery lots in Glenwood Cemetery (Section M, Lot 403) as they are no longer needed. These lots were purchased by Edwin and Mary Phillips, however, both are deceased and buried elsewhere. Ms. Cerio is the beneficiary of the lots, and the original deed has been returned to Village. Trustee Keene moved to approve buying back said cemetery lot as requested in the amount of $250 which is what they was originally purchased for. Trustee Steck seconded the motion, which carried unanimously.

**Dog Walking in Parks:** Mayor Leary stated our Village Parks look great, however, it was brought to his attention that some dog walkers are not cleaning up after their dogs. He asked that dog walkers respect our parks and clean up after their dogs.

**Mayor/Board Update:** Mayor Leary stated he and Trustees Keene and Ayres met with Congressman Tom Reid and discussed our FEMA reimbursement. He also stated Muldoon Gardens is moving along and they are starting to interview for residency, as they already have 19 applications.

**Executive Session:** Trustee Ayres moved to enter executive session at 8:08 p.m. to discuss a contractual issue. Trustee Keene seconded the motion, which carried unanimously.

Trustee Kraus moved to enter regular session at 8:49 p.m. Trustee Brewster seconded the motion, which carried unanimously.

**Rehab Loan Application:** Trustee Ayres stated the loan committee reviewed an application and the applicant meets the criteria and purpose of the program. The applicant submitted two contractor estimates. This will be a construction loan to repair/replace roof, some windows, and a Bilco door. He stated the village would be in first position on the mortgage. Trustee Ayres moved to approve a rehab loan application, named JI100, in the amount up to $15,000. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment:** Trustee Kraus moved to adjourn at 8:50 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON THURSDAY, JUNE 20, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Steck, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Police Officer Dan Gelatt, and Kristy Westbrook with The Morning Times.

**Executive Session:** Trustee Ayres moved to enter executive session at 6:31 p.m. to discuss an employment/personnel issue. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 6:47 p.m. Trustee Kraus seconded the motion, which carried unanimously.

**Appointment of Chief of Police:** Mayor Leary stated Police Chief Grady Updyke is retiring on June 27th. A committee was formed to review potential candidates to fill the position. These candidates were chosen from the civil service list. Trustee Sinsabaugh moved to promote Police Officer Dan Gelatt as the new Chief of Police for the Village of Waverly at an annual salary of $64,000. He will take the position effective June 28, 2013. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

Mayor Leary and the Board of Trustees congratulated Mr. Gelatt on his promotion.

**Adjournment**: Trustee Kraus moved to adjourn at 6:52 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 25, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Police Officer Dan Gelatt, Police Officer Dave Dekay, Tioga County Legislator Case, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Mike Rice with Leprino Foods, and Robert Smith of Sayre, PA

Press: Kristy Westbrook of the Morning Times, and Amanda Renco of the Daily Review

**Public Comments:** Mike Rice stated the crane would be back to help with the construction at Leprino Foods on July 22, 2013 and will need to park along Erie Alley. He stated it would be in the same position as the previous time. Mayor Leary stated he has talked with Neil Brown, of Leprino Foods, and he stated major equipment will be in place by the beginning of August. Mayor Leary stated the railroad has agreed to repair the crossing once Leprino’s construction is complete.

**Letters and Communications:** The clerk read a letter from Kim Depew, Tioga State Bank, stating they are having their annual car show on July 10, 2013 at East Waverly Park, and requested the Village to pay for a port-a-potty to be placed in the lower field for handicapped persons at a cost of $150. Trustee Steck moved to approve request as presented. Trustee Kraus seconded the motion, which carried unanimously.

The clerk presented a request from Jason Zimmer asking permission to close down a block on July 4, 2013 between 9:00 a.m. until 8:00 p.m., to have a block party. The clerk stated Chief Updyke had no concerns. The area is from the corner of Florence Street to Moore Street. Trustee Kraus moved to allow the residents to close the streets and have a block party at the above place and time. Trustee Steck seconded the motion, which carried unanimously.

**Treasurer's Report:** The following was presented:

General Fund 5/01/13 – 5/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 269,919.79 | Current Revenues | 94,355.59 |
| Deposits | 116,898.28 | Year to Date Revenue | 2,605,636.64 |
| Disbursements | 237,284.31 | Current Expenditures | 191,914.82 |
| Ending Balance | 149,533.76 | Year to Date Expended | 2,710,135.95 |

\*General Capital Reserve Fund $83,717.32

Cemetery Fund 5/01/13 – 5/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 27,609.89 | Current Revenues | 3,160.51 |
| Deposits | 3,149.44 | Year to Date Revenue | 42,799.89 |
| Disbursements | 7,063.77 | Current Expenditures | 7,063.77 |
| Ending Balance | 23,695.56 | Year to Date Expended | 50,516.34 |

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $4,661.93; and Dental Trust $2,465.19; for a total of $7,127.12. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

**Tioga County COG:** Mayor Leary stated the COG meets on the third Thursday of each month, however, the meeting was cancelled for this month.

**Spring Tree and Stump Bid Opening:** Mayor Leary gave the bids to the clerk to open. They were as follows: Mattison’s Bucket Service $5,950, and Quinlan Tree Service $4,790. Trustee Keene moved to award Quinlan Tree Service the bid in the amount of $4,790. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Broad Street Mini Park:** Trustee Ayres stated the stones have been removed and stacked, and digging has started today. Some donations have already been made. All activity on the park will be listed on the Main Street Grant Application to enhance it.

**Sign Proposal – Planning Board Recommendation:** Mayor Leary asked the Board if they had a chance to review the information that was received by the LED representative at the last meeting. Trustee Ayres stated the recommendation from the planning board was to not allow LED signs in the residential district. Trustee Keene argued that LED signs should be allowed. Discussion followed. Trustee Sinsabaugh moved to direct Attorney Keene to draft a local law to allow LED signs for religious institutions in the residential district. Attorney Keene stated she would need more information from the Board to better define the proposed law. Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Keene, Sinsabaugh, Brewster, Steck)

Nays – 1 (Ayres)

The motion carried.

**Police Department Promotion:** Officer Dan Gelatt requested that Officer Dave Dekay be promoted to Sergeant to fill the position being vacated per his promotion. He stated Officer Dekay has been with the Waverly Police Department for 23 years and has been very beneficial to the department. He also stated that he was civil service eligible. Trustee Sinsabaugh moved to promote Officer Dave Dekay to Police Sergeant at the contractual rate, effective June 26, 2013. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Hire Full Time Police Officer:** Trustee Sinsabaugh moved to discuss in executive session. Trustee Keene seconded the motion, which carried unanimously.

**Mayor’s Update:** Mayor Leary stated representatives from Muldoon Gardens will be holding a presentation on Thursday, June 26, 2013 at 6:00 p.m. in the Village Hall and invited everyone to attend.

Mayor Leary stated there is a large limb hanging over the street on Cadwell Avenue. Penelec was there today to trim the branches, however, the property owner would not let them work on the tree. The tree is located on his property and not a village tree. The police were called to help diffuse the situation.

Mayor Leary stated we received a check in the amount of $2,850 from Leonard’s Transportation for repairs caused by the incident on Broad Street that caused two trees to be removed.

Trustee Keene stated another mower is needed to mow the cemeteries. He submitted a quote from Athens Agway in the amount of $3,300 for a GTX 1054, and a quote from Tractor Supply for a Cub Cadet 1054 in the amount of $2,340. He stated both mowers are slightly used. Trustee Steck moved to approve the purchase of the mower from Tractor Supply in the amount of $2,340. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:45 p.m. to discuss a personnel issue and invited Officer Gelatt to attend. Trustee Sinsabaugh seconded the motion, which carried unanimously. Officer Gelatt was dismissed from executive session at 7:55 p.m.

Trustee Brewster moved to enter regular session at 8:05 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to hire Bradley Rayle as Full Time Police Officer as a first-year, non-certified officer per contract. This will be effective June 26, 2013. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Adjournment**: Trustee Kraus moved to adjourn at 8:10 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JULY 9, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, Police Chief Gelatt, Tioga County Legislator Ray Case, and Teresa Saraceno with Tioga County ED&P.

Visitors included William Dimmick III of 19 Lincoln Street, Andrea Giovenco of 452 Pennsylvania Avenue, Robert Smith of Sayre PA, Mark Bakely of 306 Chemung Street, William Millhollen of 439 Waverly Street, Troy Campbell of 25 Lincoln Street, and Tom Bellinger of 447 Pennsylvania Avenue

Press included, Ron Cole of WAVR/WATS, and Kristi Westbrook of the Morning Times

**Presentation:** Teresa Saraceno presented the Rural Area Revitalization Program. She stated this program could be used to revitalize 150 Broad Street as it houses several businesses, in addition to the Main Street Program. She stated Tioga County Local Development Corporation would be the applicant, as it must be a not-for-profit organization. The grant is for $120,000 and the property owner is responsible for 25%. She stated this is a very competitive grant, but feels Waverly is a good candidate.

Trustee Sinsabaugh offered the following resolution, and moved its adoption:

SUPPORT OF AN APPLICATION TO BE SUBMITTED BY THE TIOGA COUNTY LOCAL DEVELOMENT CORPORATION AND ADMINISTERED BY THE TIOGA COUNTY ECONOMIC

DEVELOPMENT OFFICE FOR THE 2013 RURAL AREA REVITALIZATION PROGRAM FOR

150 BROAD STREET, WAVERLY, NY

WHEREAS, the Tioga County Legislature has demonstrated support of the revitalization of commercial and residential properties that make up the downtown or “Main Street” areas of the county as per Resolution 159-03; and

WHEREAS, the Tioga County Local Development Corporation, is preparing a submittal of an application for up to $150,000.00 in grant funding from the 2013 New York Rural Area Revitalization Program for the exterior renovations of nine commercial units at 150 Broad Street, Waverly, NY site, per attached map (Attachment #1) in the central business area of the Village of Waverly’s downtown business district, and

WHEREAS, the goals of this funding source are to assist New York State rural communities with the restoration and improvement of commercial areas, and

WHEREAS, the Village of Waverly has continually envisioned the Broad Street area of the Village to be the core of their downtown area as well and for it to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and more recent 2005 Downtown Action Plan. Subsequently, the Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University and New York Main Street Alliance to bring that Downtown Action Plan to life. The award of a 2013 RARP grant will be an important facet in efforts to realize their downtown revitalization goals; and

WHEREAS, it is the intent of the Tioga County Local Development Corporation application to further such rural downtown restoration and improvement efforts in the Village of Waverly and have an agreement in place for the Tioga County Economic Development Office to administer this grant, if awarded.

NOW THEREFORE, the Village of Waverly Board of Trustees, duly convened at a meeting hereby does:

RESOLVE, that the Village of Waverly Board of Trustees does support the application to be submitted by the Tioga County Local Development Corporation and administered by the Tioga County Economic Development Office for the 2013 Rural Area Revitalization Program for 150 Broad Street, Waverly, NY.

Trustee Keene seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Public Comments:** Andrea Giovenco submitted and read a letter with her concerns of the impact that LED signage would have on our Residential District. She requested that the Board carefully considers the intended and unintended consequences that would come from setting aside the Planning Board’s recommendation and allowing LED signage in residential areas.

Troy Campbell stated Little League is hosting District 6 Championships for the first time. This will be held at the Little League field on July 10, 2013 and encouraged people to attend.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of June 11, 20, and 25, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, and Code Enforcement. A monthly complaint log was also submitted. Chief Gelatt offered a new mission statement for the Police Department. He stated he is an advocate for fitness and started a fitness program for the department. He also stated the Police Department will host a meet & greet in October.

**Treasurer's Report:** The following was presented:

General Fund 6/01/13 – 6/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 149,533.76 | Current Revenues | 1,775,814.40 |
| Deposits | 1,243,045.00 | Year to Date Revenue | 1,775,814.40 |
| Disbursements | 228,336.56 | Current Expenditures | 172,221.07 |
| Ending Balance | 1,164,242.20 | Year to Date Expended | 172,221.07 |

\*General Capital Reserve Fund $83,730.13

Cemetery Fund 6/01/13 – 6/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 25,328.11 | Current Revenues | 559.88 |
| Deposits | 800.36 | Year to Date Revenue | 559.88 |
| Disbursements | 5,768.82 | Current Expenditures | 3,886.27 |
| Ending Balance | 20,359.65 | Year to Date Expended | 3,886.27 |

Loan Programs 6/01/13 – 6/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 29,870.09 | Beginning Balance | 49,129.84 |
| Deposits | 1,505.57 | Deposits | 1,425.12 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 31,375.66 | Checking Balance | 50,554.96 |
| Savings/Moneymarket | 4,015.15 | Savings/Moneymarket | 44,206.53 |
| Total Fund Balance | 35,390.81 | Total Fund Balance | 94,761.49 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $53,881.00; Dental Trust $1,340.08; and Cemetery $231.36; for a total of $55,452.44. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Kraus seconded the motion, which carried unanimously.

**Proposed Local Law 3 of 2013:** Attorney Keene submitted a draft local law to amend Section 153-18 Subdivision A, Article VII Supplementary Regulations, regarding the use of LED signs for Religious Institutions in the Residential District. Attorney Keene stated she reviewed several other municipal codes and did not find an instance where LED signs were allowed in residential districts. She recommended the Board members to search other municipal laws. She also stated she talked with Attorney Robert Sinnott from NYCOM and he recommended against proposed signage as it may cause potential litigation. Attorney Keene stated she recommends upholding the Planning Board’s recommendation to not allow any use of LED signs within the residential district. She recommended against enacting this proposed law.

Trustee Ayres stated LED signs are not conducive to residential areas, and disrupts the character of the neighborhoods. He stated the signs would bring a commercial look to the residential area. He also stated concern that the definition of “church” or “religious institutions” in our code has a very broad description and feels this is a very slippery slope for interpretation.

Trustee Keene stated several churches in the Valley area have LED signs and feels Waverly should allow them also.

Mayor Leary stated this topic has taken a lot of time and feels it is the Board’s responsibility to handle this properly. He asked the Board to either move this to public hearing or deny it. Trustee Keene moved to set public hearing for the proposed local law 3 of 2013 and the clerk to advertise the notice. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Keene, Kraus, Sinsabaugh, Brewster, Steck)

Nays – 2 (Ayres, Leary)

The motion carried.

The public hearing was set for Thursday, August 15, 2013 at 6:30 p.m.

**Village Tax Corrections:** Trustee Steck moved to approve a tax correction reduction in the amount of $253.65 for Sandra Fiske for the property located at 7 Ithaca Street. The original assessment included a house which burned and was demolished prior to December 31, 2012. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to approve a tax correction reduction in the amount of $177.55 for Josephine Desivo for the property located at 100 Route 17C. The original assessment included a mobile home which was removed on December 28, 2012. Trustee Kraus seconded the motion, which carried unanimously.

**Community Room Rental Agreement:** The clerk submitted a rental agreement for the community room. She stated Recreation Director has reviewed and approved. It is as follows:

VILLAGE OF WAVERLY

COMMUNITY ROOM RENTAL AGREEMENT

The rental fee is $15.00 per hour plus a cash cleaning deposit of $25.00. Deposit will be refunded after inspection of room during our office hours.

I agree to follow the rules listed and understand if I do not follow them my deposit may not be refunded.

* Room needs to be put back in the condition it was in.
* Garbage needs to be put in dumpster out back
* Floor should be swept
* Tables should be cleaned
* No windows should be left open
* Make sure all door blocks are removed
* Return key fob to office window slot
* No motorized blow up equipment
* If any chairs and tables are used they need to be put back in closet
* Make sure lights are turned off
* Instructions for heat and air conditioning are posted by thermostat on front wall.

Trustee Steck moved to approve using the community room rental agreement as presented. Trustee

Sinsabaugh seconded the motion, which carried unanimously.

**Court Grant Authorization:** The Clerk presented a request from Village Justice Richard Koons for authorization to file a grant application for the 2013-2014 NYS Justice Court Assistance Program (JCAP) for the Justice Court. Trustee Kraus moved to approve Justice Koons’ request to file a grant application to JCAP. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Business Loan Determination:**  Trustee Ayres stated the loan programs have improved significantly and are functioning very well. We have an increase with payments being made on a regular basis and fewer loans are delinquent. He stated the loan for Thomas D’Aloisio has been delinquent for several years. Attorney Keene stated our mortgage has been cut-off during the bank foreclosure of the property, and our note was discharged in Mr. D’Aloisio’s bankruptcy. She stated we have no ability to recuperate this loan. Trustee Ayres moved to write-off the loan for Thomas D’Aloisio in the amount of $61,528.11. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres stated that in the future we could discuss possible uses for the money in the loan funds. He stated a good resource would be Thoma Development, as they oversee our CDBG grants.

Trustee Keene stated the Village needs to get tougher on people who are delinquent on their loans. Trustee Ayres stated the best way to secure future loans is during the application period, to make sure there is collateral enough to put us in a good position to collect if needed, and that is the purpose of the loan committee to review the application process thoroughly.

**Broad Street Mini Park:** Trustee Brewster stated there has been a lot of progress in the park. The stones have all been moved, and concrete is ready to be poured. Mayor Leary stated we have received $1,600 in donations so far, for the work at the Mini Park. This is a community-wide project.

**Mayor/Board Comments:** Mayor Leary stated the presentation for Muldoon Gardens went very well. They have 19 applications already. They will be meeting with people during the next few months. They are planning an open house in mid-August.

Mayor Leary stated the parking spots have been painted on Broad Street, however, he asked Jack Pond to hold up on the spot at the corner of Broad and Loder Streets. He stated all other spots on the corners have been blocked with “no parking”, except for this one. Discussion followed. The consensus of the Board was to have no parking on the corner of Broad and Loder Street. He also stated that storm drains should be cleaned routinely.

Trustee Ayres stated there will be a webinar hosted by the State Comptroller’s Office regarding shared services on July 30, 2013 at 2:00 p.m. He encouraged the Board to participate, if possible.

**Adjournment:** Trustee Ayres moved to adjourn at 7:30 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JULY 25, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, and Troy Campbell of 25 Lincoln Street

Press: Colin Hogan of the Morning Times, and Lloyd Davis of WATS/WAVR

**Public Comments:** No comments were offered.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of July 9, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $52,368.32; and Dental Trust $178.08; for a total of $52,546.40. Trustee Steck moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County COG:** Mayor Leary stated there was no meeting.

**Broad Street Mini Park Update:** Trustee Brewster stated the concrete was poured and stones are being placed. He stated the work is going smoothly and it should be completed soon. He also stated there have been good communications with the Rotary during this process. Trustee Ayres stated the WBA has donated $200 toward the renovations of the Mini Park, and thanked them for their support.

**Justice Court Audit Proposals:** The clerks presented proposals to audit the Justice Court Fund. She stated these were both emailed, however, they would both submit a formal engagement letter when chosen. They were as follows:

CDLM & Company, LLP $1,600

Rick McNeilly, CPA $1,650 – $3,750 (depending on current records)

Trustee Ayres moved to request an engagement letter from CDLM & Company. Trustee Brewster seconded the motion, which carried unanimously.

**Asbestos Abatement, Change Order #2, Sullivan Contracting, Inc.:** Trustee Sinsabaugh moved to approve change order #2 for Sullivan Contracting, Inc. in the amount of -$7,500. This will decrease the contract price by $7,500 by deleting the asbestos abatement, removal and infill of the openings at the exterior window system. Trustee Steck seconded the motion, which carried unanimously.

**Tree Status-Broad Street Jewelry Store:** Mayor Leary stated he asked Marty Borko to look at all of the trees on Broad Street and review with the Tree Committee. He is waiting for a recommendation from the committee. Trustee Ayres stated they should also include Penelec in their review.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Jerry Brian White, for his business known as Tom & Jerry’s Trading Post, located at 450 Chemung Street. The clerk stated the code inspection and background investigation were completed. Attorney Keene stated the Planning Board approved the special permit. Trustee Ayres moved to approve the application as presented, contingent upon code compliance and getting a certificate of occupancy. Trustee Brewster seconded the motion, which carried unanimously.

**Sidewalk Program:** Trustee Ayres stated the loan committee will be meeting with Thoma Development in September to research some programs that could be offered from the CDBG rehab funds.

**Letter of Resignation:** The clerk read a letter from Mark Bakley stating he is resigning from his duties on the Planning Board, effective immediately. Mayor Leary thanked him for his service and efforts.

**Farmers’ Market Banner Request:** The clerk stated she received a request from Andy Fagen asking the Village for permission and assistance in hanging pole banners for the farmers’ market at the corner of Broad Street and Pennsylvania Avenue, and Chemung Street and Pennsylvania Avenue. Trustee Ayres stated this request should go through the Planning Board.

**Traffic Study:** Mayor Leary stated due to the increase in traffic with Muldoon Gardens, he, Chief Gelatt, and Tioga County DPW Commissioner Ken Del Bianco, will be conducting a traffic study at the intersection of Park Avenue, Lincoln Avenue, and Tioga Street. He stated this is an intersection that may need a traffic control device.

**Police Tasers:** Mayor Leary stated other police departments in the area have tasers. He stated in discussions with Chief Gelatt, there have been a couple of recent situations where tasers would have been useful. Trustee Sinsabaugh stated he and Chief Gelatt are researching outside financial assistance.

**Authorization to Sell Vehicles:** Trustee Ayres moved to approve the clerk to advertise for sealed bids for the sale of the 2009 Ford Crown Vic (code enforcement) and the 2003 Ford F150 Truck (sewer) to be opened at the August 27th meeting. Trustee Steck seconded the motion, which carried unanimously.

**Use of Community Room:** The clerk stated a lady requested use of the community room for yoga classes. The Board recommended she supply a detailed plan.

**Mayor’s Update:** Mayor Leary stated the Town of Barton will be installing a gate near the creek on Broad Street and will keep the culvert cleared out.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:20 p.m. to discuss a personnel and a contractual issue. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:56 p.m. Trustee Kraus seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 7:57 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 13, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance. He requested a moment of silence for Water Commissioner Art Ayres, who passed away earlier in the day.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, and Mayor Leary. Trustee Ayres arrived at 7:40 p.m.

Also present were Clerk Treasurer Wood, Attorney Keene, Police Chief Gelatt, Street Equipment Operator Pond, and Tioga County Legislator Ray Case

Visitors included William Dimmick III of 19 Lincoln Street, Troy Campbell of 25 Lincoln Street, and Former Mayor Kyle McDuffee of 22 Lyman Avenue

Press included Colin Hogan of the Morning Times

**Letters and Communications:** The clerk read a letter from Kristy Westbrook stating she has resigned from the Morning Times to take a position at the Ithaca Journal. She thanked the Village for all of their support.

Mayor Leary stated he talked with Dennis Lamberti as Mr. Lamberti believes the street sweeper has dislodged a chunk of pavement from his driveway approach in 2011 during the paving of Elm Street. Mayor Leary stated he does not believe that this was caused by the sweeper, and questioned why this hasn’t been brought to the Village’s attention before now. He referred this to Trustee Kraus.

**Public Comments:** No comments were offered.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of July 25, 2013 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Recreation, Court, Code Enforcement, and Police. A monthly complaint log was also submitted.

Chief Gelatt explained that he and Jack Pond have been involved with a traffic study and submitted a handout with proposed traffic controls in the Park Avenue, Tioga Street, and Lincoln Avenue intersection. He recommended the placement of Stop Signs on the North and South ends of Park Place at the intersection. He also recommended putting in crosswalks.

Chief Gelatt stated Officer Nichols has made an arrest for the vandalism of the parks. Officer Rayle has finished his certification and doing bike patrols. Chief Gelatt gave a presentation on safe driving to the driving education class and would like that to be an ongoing practice. He also stated he is waiting on outside responses for financing tazers.

**Treasurer's Report:** The following was presented:

General Fund 7/01/13 – 7/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 1,164,242.20 | Current Revenues | 59,904.37 |
| Deposits | 421,808.65 | Year to Date Revenue | 1,835,718.77 |
| Disbursements | 1,015,149.83 | Current Expenditures | 207,805.91 |
| Ending Balance | 570,901.02 | Year to Date Expended | 380,026.98 |

\*General Capital Reserve Fund $83,749.01

Cemetery Fund 7/01/13 – 7/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 20,359.65 | Current Revenues | 1,861.65 |
| Deposits | 1,850.34 | Year to Date Revenue | 2,421.53 |
| Disbursements | 6,280.33 | Current Expenditures | 6,280.33 |
| Ending Balance | 15,929.66 | Year to Date Expended | 10,166.60 |

Loan Programs 7/01/13 – 7/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 31,375.66 | Beginning Balance | 50,554.96 |
| Deposits | 2,818.77 | Deposits | 1,576.81 |
| Disbursements | 1.51 | Disbursements | 0.00 |
| Checking Balance | 34,192.92 | Checking Balance | 52,131.77 |
| Savings/Moneymarket | 4,025.84 | Savings/Moneymarket | 44,206.88 |
| Total Fund Balance | 38,218.76 | Total Fund Balance | 96,338.65 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $191,087.05; Dental Trust $878.63; and Cemetery $3,119.89; for a total of $195,085.57. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** Tioga County Legislator Ray Case stated the applications for the Main Street Grant and the Rural Revitalization Grant have been submitted early and should have a response in October.

Mayor Leary stated Rynone Industries is looking to relocate outside of the Village. He stated he is working with Ray Case, Town of Barton Supervisor Dick Cary, and Tioga County Economic Developer LeAnn Tinney to discuss ways and means to keep Rynone’s here.

**Tree Contract Amendment:** Mayor Leary stated Quinlan Tree Service has finished the work on the trees and Street Equipment Operator Pond has verified the work. Mayor Leary stated two trees have been added to the original contract, one at the corner of Orchard and Chemung Streets, and one at 445 Fulton Street as these were determined to be detrimental by Marty Borko. Trustee Brewster moved to approve the amendment as presented. Trustee Steck seconded the motion, which carried unanimously.

**Annual Audit for Justice Court:** The clerk submitted an engagement letter from CDLM & Co. to perform an annual audit on the Justice Court at a cost of $1,600. She stated, however, if during the audit they become aware of such reportable conditions, they would communicate them to us. Trustee Steck moved to approve using the community room rental agreement as presented. Trustee

Sinsabaugh seconded the motion, which carried unanimously.

**Update of Sewer Treatment Plant Truck:** Mayor Leary stated we authorized to bid the sewer truck at the last meeting. The truck passed inspection and is road worthy. It needs very minor repairs. Discussion followed. Trustee Steck moved to repeal authorization to bid and keep truck to be used at the sewer plant. Trustee Brewster seconded the motion, which carried unanimously.

**Broad Street Mini Park Update:** Trustee Brewster stated 75% of the stones have been installed. They were delayed due to the vandalism in other parks. He stated they are doing a great job.

**FEMA Project Update:** The clerk presented the following:

L. C. Whitford, Final Payment: The clerk submitted the final payment request from L. C. Whitford in the amount of $32,372.75 and stated this is the release of funds retained (5%) by the Village throughout the project. Trustee Brewster moved to approve payment as presented. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Sinsabaugh, Brewster, Steck, Leary)

Nays – 1 (Keene)

Absent – 1 (Ayres)

The motion carried.

**Community Room Use:**  The clerk stated Sandy Crain has inquired about holding yoga classes in our community room and would like to know if that is acceptable. Discussion followed. Attorney Keene stated she would research laws regarding someone running a business from our village hall.

**2014 Tax Cap:**  Mayor Leary stated Governor Cuomo gave a press release stating the 2014 Tax Cap will be 1.66%. He stated the Town of Barton is currently working on overriding that for their next fiscal year as it may not be achievable, and recommended our Board look at it also as a protective measure.

**NYCOM Fall Training School:** Trustee Steck moved to approve Clerk Treasurer Wood and Attorney Keene to attend the NYCOM Fall Training School in Saratoga Springs, NY on September 9-13, 2013 at a cost of $260 each, plus room and board. Trustee Brewster seconded the motion, which carried unanimously.

**Clerk Retirement Request:** Mayor Leary stated he talked with Civil Service and there are no conflicts with hours or job description if Clerk Lopreste wishes to retire and stay working for the Village. The only stipulation is that her salary stays under $30,000 per year. Attorney Keene asked if that included the cost of health insurance. Mayor Leary stated he would research and get back to the Board.

**Village Hall WIFI:** The clerk presented a quote from Pyramid Business Systems to hook up a WIFI system at a cost of $1,831. This includes a unit installed in the public areas, one in the police conference room, and one for the police cars. Trustee Keene moved to approve Pyramid to install WIFI as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Rehabilitation Act, Section 504 Resolution:** Trustee Sinsabaugh offered the following resolution and

moved its adoption:

SECTION 504 RESOLUTION, VILLAGE OF WAVERLY

WHEREAS, Section504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the Village of Waverly not to discriminate against any individual, person or group on the basis of disability and the intent of the Village to address any complaints that may arise pursuant to Section 504,

NOW, THEREFORE, BE IT RESOLVED that the Village of Waverly does hereby adopt by resolution internal grievance procedures (the “Procedure”) providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the U.S. Department of Health and Human Services regulations implementing the Act, and

BE IT FURTHER RESOLVED, that the Village of Waverly does hereby designate the Mayor as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereto, and

BE IT FINALLY RESOLVED, that the Village of Waverly will place its employee, the public, and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to (1) providing a copy of the grievance procedure to its employees, (2) putting the public on notice by placing a notice in the Village’s official newspaper subsequent to adoption of this Procedure, (3) placing copies of the Procedure in Office of the Village Clerk for review and dissemination, and (4) adding language to federal program brochures to insure all potential program beneficiaries are aware of the Village’s adopted grievance procedures.

Procedure for Filing Complaints

**BACKGROUND**: Section 504 of the Rehabilitation Act of 1973 (the “Act”) as amended, prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant Program (CDBG) funded by HUD, and under which the Village of Waverly has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) establishes provisions for assuring equality of opportunity, full participation, independent living and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities and multi-family housing.

**SECTION 504 POLICY/COMPLIANCE**: Part 8 of Title 24 of the Code of Federal Regulations (24CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Sections 8.53 and 8.54, respectively. Therefore, be it known that it is the policy of the Village of Waverly not to discriminate on the basis of disability.  Towards that end, the Village of Waverly has adopted by resolution an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act.   The subject law and implementing regulations may be examined in the Waverly Village Hall.The Mayor for the Village of Waverly has been designated to coordinate the efforts of the Village of Waverly with respect to Section 504 compliance. This information can also be accessed on the World-wide Web at the following address: <http://www.ada.gov/taman2.html#II-8.2000>. The Waverly Village Hallis located at 32 Ithaca Street in Waverly, New York. The Section 504 Coordinator can be reached at 607-565-8106.

**GRIEVANCE PROCEDURE**: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Village outlined below.

* Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
* A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
* The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Village of Waverly relating to such grievances.
* The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
* The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Village Board within 15 days of receiving the Section 504 Coordinator’s decision. The Village Board shall issue a written decision in response to the appeal no later than 30 days after its filing.
* The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

The Village of Waverly will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the Village of Waverly to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Trustee Steck seconded the motion, which carried unanimously.

**Public Hearing on LED Signs:** Mayor Leary reminded everyone that the Public Hearing regarding LED signs for churches in residential district is scheduled for Thursday, August 15th at 6:30.

**Mayor/Board Comments:** Mayor Leary stated Muldoon Gardens is having an open house on August 15th between the hours of 1:00 – 8:00 p.m.

Mayor Leary stated the Waverly Attic Event was successful and it may turn into an annual event.

**Executive Session:** Trustee Kraus moved to enter executive session at 7:40 p.m. to discuss a contractual issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Ayres asked Former Mayor Kyle McDuffee to attend executive session.

Trustee Kraus moved to enter regular session at 8:45 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment:** Trustee Kraus moved to adjourn at 8:45 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON THURSDAY, AUGUST 15, 2013 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 3-2013 TO AMEND SECTION 153-18**

**TO ALLOW USE OF LED SIGNS BY CHURCHES/RELIGIOUS**

**INSTITUTIONS WITHIN THE RESIDENTAL DISTRICT**

Mayor Leary declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Keene, Sinsabaugh, Brewster, Ayres, Kraus, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Donald Taylor of 425 Pennsylvania Avenue, Pat Henson of 75 Pine Street, Pastor Anne Canfield of the Waverly Methodist Church, Bill Millhollen of 439 Waverly Street, Robert Smith of Sayre PA, Al Engelbert of 477 Waverly Street, Tom Bellinger of 474 Pennsylvania Avenue, Connie Henson of 96 West Pine Street, Marilyn Decker of 27 Barker Place, Beverly Sinsabaugh of 119 Chemung Street, Janet Morrow of 130 Chemung Street, Ann Walsh of 319 Chemung Street, Kathy Diedrich of 52 Pine Street, Troy Campbell of 25 Lincoln Street, Mindy Fritzen of 49 Spring Street, Lanette Wood of 416 Chemung Street, Mary Ann Dougherty of 207 Chemung Street, Debbie Northrup of 520 Ellis Creek Road, Leroy Woodruff of 17 Tioga Street, Brad Zehr of 208 Chemung Street, Laura Hoppe of 523 Clark Street, and John Giovenco of 452 Pennsylvania Avenue

Press included Lloyd Davis of WAVR/WATS, and Amanda Renko of the Daily Review

Mayor Leary stated there has been a lot of discussion concerning LED signs in the residential district. He stated the Waverly Methodist Church came to the Planning Board regarding permission to install a LED sign in front of the Church located on Chemung Street. The Planning Board has had many meetings and reviewed all aspects of the use of such signs. The Planning Board has recommended to the Village Board not to allow LED signs to be used in the residential district. The Village Board discussed their recommendation and voted 5-2 to move to public hearing to hear comments on this topic. At that meeting, Attorney Keene advised the Board against the proposed law and stated NYCOM was also advising against it, as it could open potential litigation. Mayor Leary stated tonight’s meeting is to hear all comments offered by anyone wishing to speak. Mayor Leary stated a petition was turned in supporting the proposed local law and signed by 36 people. Mayor Leary opened the floor and asked if anyone had any comments regarding the proposed local law 3-2013.

Don Taylor stated he is in favor of allowing churches to have LED signs.

Pastor Anne Canfield stated Waverly Methodist Church would like to have a LED sign as she would like to communicate better with the residents. She stated previous signs that were used by the church were stolen. She stated the church wants to be a good neighbor and is trying to give back and help the community.

Robert Smith read the law as written.

Al Engelbert stated he has given a lot of thought to the signs. He stated he felt the sign would be controlled and it would not affect neighbors or property assessments.

Tom Bellinger stated he feels the signs are a good idea. They are a good tool for the Village to use also. WBA could also advertise on the church’s sign.

Connie Henson stated she was ok with the sign as long as it wasn’t offensive.

Marilyn Decker stated the sign would be useful for communications.

Janet Morrow stated she was discouraged with theft of other signs and supports the use of LED.

Ann Walsh stated she is a resident of Chemung Street and feels LED signs are unacceptable in the residential district. She stated this would impact property values and cause visibility issues which could lead to a traffic accident.

Kathy Diedrich stated she is the President of the Methodist Church. She stated their current sign had to be removed and they are trying to get approval for new sign to move toward the future.

Troy Campbell stated he fully supports the Village Codes. He stated the church has been in Waverly for over 200 years and in the current building for 98 years. He submitted pictures of proposed LED sign and letters of support. He read a letter of support from the Town of Chemung Supervisor George Richter stating a church in Chemung just installed a LED sign and finds it attractive to his community.

Mindy Fritzen stated she also supports the use of LED signs. She stated the Waverly Baptist Church is also having issues with communications.

Lanette Wood stated she is a resident and a parishioner of the Methodist Church. She stated she is against the use of a LED sign. She stated the church is in need to replace their sign, however, she believes a different type of sign would be more appealing. She also stated concern that a LED sign would take focus away from drivers in a very active traffic area.

Mary Ann Dougherty stated concern that a LED sign would be a distraction to drivers. She also stated she is a resident of Chemung Street and lives in a historic home and feels a LED sign would not be appropriate in the neighborhood.

Leroy Woodruff stated he attends the Baptist Church and agrees they need better signage. He stated people are more sight-driven and sign would be a useful tool.

Mayor Leary read a letter from Brad Zehr stating he is currently restoring a historic home on Chemung Street and feels a LED sign in a residential district is disrespectful to neighbors and feels Chemung Street and Muldoon Park Area are not the right places for LED signs.

Laura Hoppe stated zoning needs to be respected by everyone. Churches always have been in accordance with the residential district. She stated allowing LED signs in the residential district would bring a commercial feel to the neighborhoods. She also stated concern with drivers being distracted and poor visibility which may come with the installation of a large LED sign.

John Giovenco stated a LED sign is a commercial sign and would bring a commercial character to the residential neighborhoods, if allowed. He stated he is a resident of the Muldoon Park area and potentially there could be three LED signs along the park. This would drastically change the character of the park. He stated zoning should be respected. He asked the Board to stand behind their Planning Board, Village Attorney, and NYCOM and not allow these signs to be used in the residential district.

Trustee Ayres stated he is not in favor of this proposed law. He supports the Planning Board’s recommendation to allow larger signs for churches, however, not LED signs. He stated once this law is passed, it would be very difficult to repeal. He stated we need to preserve the quality of the neighborhoods.

Mayor Leary thanked everyone for coming and giving their comments. He stated the Planning Board worked along time on this and recommended not allowing LED signs in the residential district, and Board of Trustees voted 5-2 to proceed. He stated Attorney Keene also recommended against this law as it could bring potential litigation. He stated it is now up to the Village Board of Trustees to make a decision at their next meeting on August 27, 2013.

With no one wishing to be heard, Mayor Leary closed the hearing at 7:10 p.m.

Respectfully submitted,

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**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 27, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Recreation Director Havens, Code Enforcement Officer Chisari, and Attorney Keene

Visitors included Troy Campbell of 25 Lincoln Street, Laura Hoppe of 523 Clark Street, and Emery Yurasits of 2 ½ Orange Street

Press: Colin Hogan of the Morning Times, and Amanda Renco of the Daily Review

**Public Comments:** Laura Hoppe thanked the Board for bringing zoning to the forefront on issues in the Village. She stated she reviewed the code for signs in the residential district and found lighted signs were not allowed in the residential district. She stated Saint James Church has since turned off their lighting and are complying with the Village Code.

Emery Yurasits stated he has had issues with receiving mail with his address being 2 ½ and asked if it could be changed to 2 Orange Street. Discussion followed. Mayor Leary stated he would check into to see what, if anything could be done.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of August 13, and August 15, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $81,283.17. Trustee Steck moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County COG:** Mayor Leary stated there was no meeting.

**Proposed Local Law 3-2013, LED Signs in the Residential District:** Attorney Keene stated she received an email from Elaine Jardine, Tioga County Planning, stating the proposed local law is required to be reviewed by the County as it is regarding the entire residential district. Attorney Keene recommended not proceeding with action, until the County has reviewed the proposed law and made their recommendations. She stated this is State Law, under the General Municipal Law 239. Mayor Leary stated the action on the proposed law will be postponed for the September meeting and directed the clerk to fill out and send the necessary paperwork to the County.

Attorney Keene made a correction in to the proposed local law. She stated this would be considered a clerical change and would not require another public hearing. It is as follows:

d. All signs allowed under this **section** must conform to all other applicable regulations stipulated in the section of the Zoning Code.

Trustee Steck moved to approve the change from “exemption” to “section” as presented. Trustee Brewster seconded the motion which carried unanimously.

Trustee Brewster stated concern with allowing the sign height being 10’ and suggested it be lowered to 8’. Attorney Keene stated that would be a significant change to the law and would require another public hearing be held. Trustee Brewster withdrew his suggestion.

**Broad Street Mini Park Update:** Trustee Brewster stated all the stones are down and the park looks great. He commended the Parks/Rec Department for their hard work and great job they did.

**Letters and Communications:** The clerk read a letter from Pastor Paul Montague of Waverly First Church of the Nazarene requesting a street closure for Lincoln Avenue from Park Avenue to Chemung Street on September 15, 2013 from 1:00–4:00 p.m. for a block party. The clerk stated Chief Gelatt has not reviewed it yet due to vacation. Trustee Ayres moved to approve the request as presented contingent upon Chief Gelatt’s approval. Trustee Kraus seconded the motion, which carried unanimously.

**Bid Opening for Sale of 2009 Crown Vic Police Car:** Mayor Leary directed the clerk to open the bids for the 2009 Ford Crown Vic (1FAHP71V29X146552), and the results were as follows: Chicago Motors, Inc. $2,207; Grace Quality Used Cars $3,824; Bay Ridge Motors $2,676; and Yousef Dabbagh $1,268. Trustee Keene moved to award the bid to Grace Quality Used Cars in the amount of $3,824. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Use of Community Room:** The clerk stated Sandy Crain has requested the use of the community room to hold yoga classes. She expects approximately 5-10 students at $7 per class. She would like to begin classes in September. She would hold them for one hour (9-10 a.m.) on Mondays and Wednesdays. She would also provide insurance. Attorney Keene stated the room should be used for community uses as not to impose on private businesses. She also stated the Board could look at creating a rent scale for business use. Recreation Director Havens offered to contact Ms. Crain as this could be run as a recreational program and pay her as an instructor. The Board directed him to contact her.

**Clerk Retirement:** Mayor Leary stated Diane Lopreste would like to collect her retirement and continue working for the Village of Waverly as the payroll/billing clerk. She would like approval from the Board to do this, as she will be leaving her position at the Town of Barton and would like to start training someone there. She is eligible for retirement in February 2014. Discussion followed. Trustee Steck had concerns that this request has not been discussed at the water and sewer boards as her salary is divided amongst those funds also. Mayor Leary tabled further discussion for the September meeting.

**Substantial Completion, Sullivan Contracting:** The clerk presented a certificate of substantial completion for Sullivan Contracting for the Village Hall Wing Asbestos Abatement Project. Trustee Keene moved to approve that substantial completion for this project has been met by Sullivan Contracting. Trustee Brewster seconded the motion, which carried unanimously.

**Code Enforcement Review of 531 Waverly Street:** The clerk read a letter from Code Enforcement Officer Chisari explaining an infestation on cockroaches at 531 Waverly Street. Attorney Keene recited Code Section 54 outlining unsafe buildings and that the Board could consider this an unsafe building due to unsanitary conditions. She stated the owner has been notified and the situation has not been remediated.

Code Enforcement Officer Chisari recommended the Board declare 531 unsafe as being unsanitary, unhealthy and premises should be vacated. Mayor Leary stated he called Tioga County Health Department who forwarded him to Social Services. He stated he feels this is a health hazard and feels we need to take it as a serious condition and take action.

Attorney Keene stated she needs to prepare notice and have it served to the owner and tenants to vacate the premises immediately. Then there would be an order to repair or abate as the law provides.

Trustee Keene moved to declare 531 Waverly Street as an unsafe building and direct Code Enforcement Chisari to vacate premises and employ extermination and garbage removal. Trustee Ayres seconded the motion, which carried unanimously. Trustee Ayres stated a copy of all orders should be provided to the Department of Social Services.

**Tree at 45 West Pine Street:** Mayor Leary stated there was a misunderstanding about a tree located at 45 West Pine Street. He would get more information.

**Authorization to Purchase Trees:** The clerk stated Marty Borko has requested up to $1,000 to purchase new street trees to replace some that were taken down. Trustee Ayres moved to approve the purchase of trees as presented. Trustee Steck seconded the motion, which carried unanimously.

**Authorization to Establish/Open Bank Account for USDA Reserve:** The clerk stated there is an agreement with USDA to deposit $19,800 annually into a depreciation reserve for the repairs of water projects done that were financed by USDA. This will be deposited from proceeds from the water billing in the Water Fund. Trustee Brewster moved to establish a depreciation reserve for USDA in the Water Fund as outlined in the Letter of Conditions for the USDA bonding of the water project dated 7/25/2006, and authorize the clerk to open a bank account for the reserve. Trustee Ayres seconded the motion, which carried unanimously.

**Curb Cut Application:** The clerk presented a curb cut application from Kyle Burns for the Moore Street side of his home at 79 Pine Street. The clerk stated it was approved by Chief Updyke and Equipment Operator Pond. Trustee Ayres moved to approve the curb cut as presented. Trustee Steck seconded the motion, which carried unanimously.

**Waverly Schools/Village of Waverly Paving Agreement:** Mayor Leary stated the street lawn section at Elm Street needs to be paved. This is the section where the buses park. He stated the School offered a resolution for cooperative agreement. The School would pay the Village up to $6,000 to repair that section. Trustee Steck moved to approve the agreement with the School as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Muldoon Park Area Parking Proposal:** Mayor Leary stated Attorney Keene and Chief Gelatt are working on a proposed local law for the Muldoon Park Area that would address parking and stop signs.

**Health Insurance:** Trustee Ayres stated the Police and non-contractual employees’ current health insurance through the county will expire in January. He is meeting with Bill Soprano to get a proposal. The Teamsters will allow the non-contractual employees to be covered under their plan with a 5% surcharge; however, we need to review a policy for the Police Department. He will keep the Board informed with information as it is available.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:54 p.m. to discuss a contractual issue. Trustee Steck seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Ayres moved to enter regular session at 8:37 p.m. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Ayres moved to adjourn at 8:38 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON MONDAY, SEPTEMBER 16, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Ayres, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Police Chief Gelatt

Visitors included Jessica Blackwell of 510 Waverly Street, James Willis of 510 Waverly Street, Nicole Spiegel of 511 Waverly Street, Joe Schmieg of 417 Chemung Street, David Janish of 529 Waverly Street, Linda & Eric Boehm of 530 Waverly Street, Georgia Jones of 523 ½ Waverly Street, Don Merrill of 535 Waverly Street, Chad & Alicia Every of 538 Fulton Street, Emery Yurasits of 2 ½ Orange Street, and Mike Baker of 210 Moore Street

Press included Warren Howeler of the Morning Times

**Public Comments:** Eric Boehm stated the Village is poorly handling the roach problem at 531 Waverly Street. He stated accumulated garbage has always been an issue. He also stated that a dumpster should have not been allowed on property and feels like that helped spread the roaches.

Linda Boehm stated their way of life has changed since the roach infestation at the neighboring house.

Lillian Jones stated she has gotten roaches in her home and doesn’t feel appropriate measures are being taken to get rid of the roaches.

David Janish stated roaches have a vicious cycle and constant attention needs to be given. He stated Code Enforcement and the homeowner has not returned his phone calls, and feels they both should be more involved with the neighbor’s concerns. He also stated someone has been sleeping in the shed on the property.

Chad Every stated he has concerns with the chemicals being sprayed in the yards.

Mayor Leary stated when the cockroach issue was brought to his attention; he contacted the Health Department and was told they don’t handle roach issues. He was then put through to Social Services. He says the Village took immediate action and the tenants were put out of the house. The dumpster was brought in to rid the garbage. The next morning he was in contact with the homeowner who contracted with an extermination company, which came in that day. Mayor Leary stated he is also concerned with dumpsters and feels they need to be sealed. He assures residents that he is fully committed and involved with this issue, and will be until it is completely resolved.

Nicole Spiegel stated concern with the chemicals as she has a baby. She also stated she cannot afford to pay for an exterminator service.

Don Merrill stated the Code Enforcement Officer is not doing his job. He feels all codes are not being enforced.

Trustee Keene stated a motion was made at the last meeting for the Village to hire an exterminator and that was not followed. Attorney Keene stated the homeowner contracted with an exterminator the next day and fumigated that day. She stated had the homeowner not done this, the Village would have.

Tom Bellinger stated former Mayor McDuffee and Trustee Ayres agreed to clean the spillway behind his home to mediate flooding issues, and that has never been done. He questioned why that has not been done, and who is responsible to do so. Trustee Ayres stated they have observed the spillway trail and some stuff has been placed by homeowners that may block the path of the spillway. Tom Bellinger stated road grime is what plugs it up. Mayor Leary stated he would put this back on the agenda.

**Orange Street Address Change Request:** Mayor Leary says he is looking into the issue of changing an address on Orange Street from 2 ½ to 2. He is finding out what needs to be done with the 911 system.

**Tioga County Cooperative Extension Presentation:** Robin Baker stated she is the Tobacco Coordinator for Tioga County Cooperative Extension. She suggested to the Board that she present information at another meeting. She felt the Board had a lot on their minds with the roach issue and felt another time would be more beneficial. Mayor Leary thanked her for coming and would reschedule.

**Minutes:** Trustee Brewster moved to approve the Minutes of August 27, 2013 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Court, and Police.

**Treasurer's Report:** The following was presented:

General Fund 8/01/13 – 8/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 570,901.02 | Current Revenues | 34,174.05 |
| Deposits | 91,476.63 | Year to Date Revenue | 1,869,892.82 |
| Disbursements | 391,766.86 | Current Expenditures | 373,433.45 |
| Ending Balance | 270,610.79 | Year to Date Expended | 753,460.43 |

\*General Capital Reserve Fund $83,766.17

Cemetery Fund 8/01/13 – 8/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 15,929.66 | Current Revenues | 1,012.98 |
| Deposits | 1,000.23 | Year to Date Revenue | 3,434.51 |
| Disbursements | 4,792.33 | Current Expenditures | 4,792.33 |
| Ending Balance | 12,137.56 | Year to Date Expended | 14,958.93 |

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $69,662.42; Dental Trust $712.08; and Cemetery $1,571.93; for a total of $71,946.43. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Status of 531 Waverly Street:** Mayor Leary assured the roach issue is not going by the wayside. He stated Pat Hogan, homeowner, is working with the Village to correct the issue.

**Muldoon Park Area Traffic Study/Parking Proposal:** Chief Gelatt submitted measurements to Attorney Keene for placement of stop signs and parking spaces. Trustee Ayres stated concern with the curb cut at the Baptist Church and recommended the Church consider making it a one-way drive. Trustee Ayres moved to direct Attorney Keene draft a proposed local law outlining the parking and stop signs to be implemented. Trustee Brewster seconded the motion, which carried unanimously.

**Harvest Fest:** Trustee Brewster some businesses on Broad Street would like to hold a harvest fest on October 12, 2013 from 12:00-6:00 p.m. He requested Broad Street be closed from Waverly Street to Pennsylvania Avenue and Park Avenue from Broad Street to Depumpo Lane. They would also need electricity. Trustee Keene stated if this event is privately run, they would need to submit insurance. He also stated the WBA should be involved. Tom Bellinger stated this event is on the agenda for the next WBA next meeting on September 18th and feels they would sponsor this event, and provide insurance. Trustee Steck moved to approve the street closures as presented, contingent upon obtaining needed insurance. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Trees:** Mayor Leary stated two trees sustained damage during the last storm and both were determined to be detrimental by Marty Borko, who recommended they should be cut down. These trees are located at 105½ Park Place and 223 William Street. Trustee Keene moved to approve Quinlan to remove trees as presented. Trustee Steck seconded the motion, which carried unanimously.

**Clerk Retirement Request:** The Board discussed Clerk Lopreste’s request to retire and continue to work for the Village. No motions were made.

**Sullivan Contracting, Payment Application #2 (Final):** Trustee Ayres moved to approve payment application #2 to Sullivan Contracting for the asbestos abatement in the Village Hall wing at a cost of $3,207.50. This is the final payment which includes the release of the retained percentage. Trustee Brewster seconded the motion, which carried unanimously.

**Broad Street Mini Park Update:** Trustee Brewster stated the sidewalk has been laid and the ground was seeded. He stated the project has been completed and looks fantastic.

**Disposition of 2010 Ford Crown Vic Police Car:** Police Chief Gelatt stated the new police vehicle is scheduled to be delivered this week. He talked with Manasse Auctioneers and they can auction the 2010 Ford Crown Vic. He stated Manasse charges the purchaser their fees; therefore, they are not deducted from the sale price. Chief Gelatt requested authorization to auction the 2010 Ford and a 1998 Hyuandai that was seized several years ago. Trustee Keene stated we should ask State Line Auto to auction them off. Chief Gelatt stated he would inquire with them. Trustee Ayres moved that both vehicles go to auction. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**STAR Tax Exemption:** Mayor Leary reminded citizens to re-apply for their STAR exemptions. The deadline is December 31, 2013.

**Thoma Development:** Trustee Ayres stated the loan committee met with Bernie Thoma and discussed different housing rehab scenarios and there seems to be a lot of different things we could offer.

**Executive Session:** Trustee Ayres moved to enter executive session at 8:26 p.m. to discuss the Teamster Contract and an extermination contract. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 9:05 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Ayres moved to approve the Teamster Contract, for the period of 6/1/2013 through 5/31/2016, as presented contingent upon adding the word *within* to Section 505, as follows: “if such work is performed *within* two (2) hours preceding or *within* one (1) hour following such employee’s regularly scheduled hours of work.” Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

Trustee Ayres moved to hire Ehrlich to review actions and progress of the roach extermination at 531 Waverly Street on behalf of the Village, and the Mayor to enter into an agreement. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment:** Trustee Brewster moved to adjourn at 9:26 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 8, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Ayres, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Police Chief Gelatt

Visitors Linda Boehm of 530 Waverly Street, Bill Dimmick III of 19 Lincoln Street, Robert Smith of Sayre PA, Troy Campbell of 25 Lincoln Street, and Tioga County Legislator Ray Case

Press included Matt Hicks of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comments:** Linda Boehm stated she would like the Village Board to adopt new laws, such as Elmira has, for rental properties that are more restrictive. She also expressed interest on educating the public on pest control.

Mayor Leary stated the Homecoming Bon Fire Event will be moved to the Waverly-Barton Fire District property as the stadium is under construction. He requested the School representative to contact the fire department. Trustee Keene will verify that this event is approved by the fire department.

**Minutes:** Trustee Keene moved to approve the Minutes of September 16, 2013 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Code, Court, and Police. The clerk also submitted a complaint log. Chief Gelatt summarized the police department report.

**Part Time Police Officer** – Trustee Sinsabaugh moved to hire Michael Gunning as a Part Time Police Officer at the contractual rate of pay, effective October 9, 2013. Trustee Brewster seconded the motion, which carried unanimously.

**Treasurer's Report:** The following was presented:

General Fund 9/01/13 – 9/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 270,610.79 | Current Revenues | 200,530.32 |
| Deposits | 237,700.09 | Year to Date Revenue | 2,070,423.14 |
| Disbursements | 194,893.70 | Current Expenditures | 169,641.44 |
| Ending Balance | 313,417.18 | Year to Date Expended | 923,101.87 |

\*General Capital Reserve Fund $83,783.91

Cemetery Fund 9/01/13 – 9/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 12,137.56 | Current Revenues | 763.10 |
| Deposits | 750.18 | Year to Date Revenue | 4,197.61 |
| Disbursements | 4,910.17 | Current Expenditures | 4,910.17 |
| Ending Balance | 7,977.57 | Year to Date Expended | 19,868.10 |

Loan Programs 8/01/13 – 8/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 34,192.92 | Beginning Balance | 52,131.77 |
| Deposits | 2,938.83 | Deposits | 1,840.59 |
| Disbursements | 160.40 | Disbursements | 47,029.75 |
| Checking Balance | 36,971.35 | Checking Balance | 6,942.61 |
| Savings/Moneymarket | 4,035.56 | Savings/Moneymarket | 44207.07 |
| Total Fund Balance | 41,006.91 | Total Fund Balance | 51,149.68 |

\*The report outlined the status of individual loan repayments

Loan Programs 9/01/13 – 9/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 36,971.35 | Beginning Balance | 6,942.61 |
| Deposits | 2,473.65 | Deposits | 1,758.65 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 39,445.00 | Checking Balance | 8,701.26 |
| Savings/Moneymarket | 4,045.61 | Savings/Moneymarket | 44,207.26 |
| Total Fund Balance | 43,490.61 | Total Fund Balance | 52,908.52 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $55,768.75; Dental Trust $457.00; for a total of $56,225.75. Trustee Brewster moved to approved payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Status of 531 Waverly Street:** Mayor Leary stated he talked with Orkin and they would be willing to meet with neighbors, or anyone interested, to educate on pest control. He stated Terminex and Erlich would also be willing.

Mayor Leary stated the Village has hired Erlich to review the situation at 531 Waverly Street on behalf of the Village. They reported that Orkin has been doing the proper job and the homeowner has been very involved. They also reported that there is no live activity and clean up could begin on October 2, 2013. Mayor Leary stated Pat Hogan has spent approximately $2,700 to remedy the situation and has followed through on everything that was asked of him. Mr. Hogan has had a dumpster put on site and waiting for approval to begin cleaning up. Orkin would work with Mr. Hogan to ensure the clean-up is done properly. Trustee Brewster moved to approve Pat Hogan to begin cleaning up 531 Waverly Street in accordance with Orkin, and removing debris in sealed bags/containers. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

Abstain – 1 (Keene)

The motion carried.

**Proposed Local Law 3-2013: LED Signs in the Residential District (Churches):** Attorney Keene stated Tioga County Planning has reviewed the proposed local law and recommended approval with an additional amendment of… “LED signs shall cycle or change their text messages at a rate no more frequent than once every 30 seconds”. Attorney Keene stated another public hearing would have to be done as this would be a substantial change in the proposed law. She also stated if the Board does not wish to add this additional amendment, it would have to be passed with a super-majority vote. Attorney Keene submitted her written legal opinion, which urges the Board to not allow LED signs in the residential district, as there she believes that there are serious constitutional implications to passage of this amendment and that passage would be contrary to the stated purpose of residential zoning as set forth in our Village Code. Trustee Keene moved to direct Attorney Keene to add this amendment and redraft the proposed law, and bring back to the next meeting. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Keene, Sinsabaugh, Brewster, Steck)

Nays – 2 (Ayres, Leary)

The motion carried.

**Legislative Update:** Tioga County Legislator Ray Case stated the grants from the Youth Bureau is changing and will be competitive. He stated Proposition #1 to establish casinos will be on the ballot of November 5, 2013. If passed, this would have many economic benefits for municipalities. If granted, Tioga Downs would build a new hotel, which in turn would cause more revenue and more jobs for the area. Mr. Case asked the Board for their support.

**FEMA Project Update:** The clerk submitted a summary of project, which outlines the activity for reimbursement. She is waiting on a response from the State Office of Emergency Management for futher direction.

**Parking and Traffic Devices on Park Avenue:** Attorney Keene reviewed draft law. Discussion followed. Some changes were made and Attorney Keene will draft new law and bring back at the next meeting.

**Orange Street Address Change Request:** Mayor Leary stated he talked with the homeowner on the corner that currently has 2 Orange Street as one of his addresses and he may reinstall the apartment that was once there. He also stated the Postmaster stated “1/2’s” are not uncommon in addresses. Mayor Leary stated he felt by changing 2½ Orange Street to 2 Orange Street, would cause undue stress as 911 system would need to be changed, tax information, address changes, and driver’s license changes. Mayor Leary stated 2½ Orange Street has been that address for many years and recommended not changing it. There was no motion to change.

**Spillway off of Pennsylvania Avenue:** Mayor Leary stated he researched the minutes and found that the homeowners are responsible to clean out the spillway. He stated the Village has picked up the debris (brush only) from the clean outs in the past and would continue to do that.

**Appointment to the Board of Sewer Commissioners:** Mayor Leary appointed David Cannavino to the Board of Sewer Commissioners to fill a vacancy left by David Breese. The term of this vacancy will expire in 2017. Trustee Steck moved to approve the Mayor’s appointment. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Community Use Agreement:** The clerk submitted a request from WIC to use the community room several times per month. Mayor Leary stated he would like to research further and would inform the Board of his findings.

**Curb Cut Application:** The clerk presented a curb cut application from Mary Seymour for the Chemung Street side of her home at 3 Ithaca Street. There is currently a curb cut and she is requesting the cut be cut lower and flush with the road. The clerk stated Equipment Operator Pond recommended against approval due to water runoff from Chemung Street. If curb were to be lowered, water would then drain into her yard and into the park. Chief Gelatt also was against approval for the same reasons. Trustee Steck agreed with Pond and moved to deny the curb cut as presented. Trustee Ayres seconded the motion, which carried unanimously. The clerk was directed to send a letter to Ms. Seymour.

**Workers Compensation Estimated Bill:** The clerk stated the workers compensation insurance has increased for 2014 by approximately 19%.

**Mayor’s/Board Update:** Mayor Leary stated repair work will begin on the Fulton Street railroad crossing on October 22, 2013. There will be a temporary road closure during this time.

Mayor Leary stated the Halloween Parade will be held on October 26th at 10:00 a.m. and will start on Loder Street, proceed down Broad Street to Park Avenue, and end at Muldoon Park. Trick or Treat will be on October 31st from 6:30 to 8:00 p.m.

Mayor Leary stated he supports Proposition #1 and will ask the Board for their support at the next meeting.

Mayor Leary thanked the negotiating committee, Trustee Ayres, Kyle McDuffee, Al Engelbert, Angelo Sisto, and Clerk Treasurer Wood for their commitment during negotiations with the Teamsters.

**Police Department Taser Purchase:** Chief Gelatt requested approval to purchase 3 tasers from the Drug Enforcement/Seizure account. The cost is $5,997 and donations have been made. He also requested purchasing a maintenance agreement for $840 per year. Trustee Steck moved to approve the purchase and maintenance as presented. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Executive Session:** Trustee Steck moved to enter executive session at 7:37 p.m. to discuss Greg Palumbo’s Loan, a rehab loan, and employment history of a DPW employee. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Steck moved to enter regular session at 8:50 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**DPW Equipment Operator:** Trustee Steck moved to promote Dylan Arnold-Cron to Equipment Operator at the previous contractual rate of pay of 18.29, effective October 11, 2013. Trustee Kraus seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

The motion carried.

**Adjournment:** Trustee Ayres moved to adjourn at 8:53 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 22, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Ray Case

Visitors included Troy Campbell of 25 Lincoln Street, Bill Dimmick III of 19 Lincoln Street, Ellen Wolcott of 162 Ellis Creek Road, and Cody Chandler of 34 Chemung Street

Press: Matt Hicks of the Morning Times, and Amanda Renco of the Daily Review

**Public Comments:** Mayor Leary introduced and welcomed Cody Chandler and stated he is here working on his Boy Scout Merit Badge.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of October 8, 2013 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $19,077.04; and Cemetery $679.89; for a total of $19,756.93. Trustee Kraus moved to approve payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

**Tioga County COG:** Mayor Leary stated he attended the meeting; however, most of the conversation was in regards to the STAR exemption. He reminded residents to file by December 31, 2013 for their exemption. He thanked the media for their coverage.

**Proposed Local Law 3-2013, LED Signs in the Residential District:** Attorney Keene submitted an amended draft of the proposed local law. She added the county’s recommendation. Trustee Keene moved to schedule a public hearing for proposed local law 3-2013 on November 12, 2013 at 6:00 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Keene, Sinsabaugh, Brewster, Steck)

Nays – 2 (Ayres, Leary)

The motion carried.

**Proposed Local Law 4-2013, Parking and Traffic Devices:** Attorney Keene submitted an amended draft of the proposed local law. Trustee Brewster moved to schedule a public hearing for proposed local law 4-2013 on November 12, 2013 at 6:20 p.m. and the clerk to advertise the same. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 0

The motion carried.

**Support of Proposition #1, Authorizing Casino Gambling:** Trustee Ayres offered the following resolution, and moved its adoption:

WHEREAS, the New York State Legislature has passed 2013 legislation to create Proposition #1, “Authorizing Casino Gambling” on the statewide ballot, Tuesday, November 5, 2013, and

WHEREAS, the authorization to establish up to seven (7) Full Gaming Licenses in Non-Native American Compact Zones will allow other portions of the State of New York to share in the economic benefits of Casino Gambling, and

WHEREAS, Full Casino Gaming will also be directly shared with all counties in the region of a Full Gaming Licensed Facility, allowing for a greater offset of local Property Taxes, and

WHEREAS, Full Casino Gaming will result in an estimated 1,000 direct & indirect Upstate jobs,

NOW, THEREFORE, let it be hereby proclaimed that the Village of Waverly, Board of Trustees passes this resolution in support of Proposition #1, “Authorizing Casino Gaming” on the Statewide ballot, Tuesday, November 5, 2013.

Trustee Steck seconded the motion, which led to a roll call votes, as follows:

Ayes – 7 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 0

The motion carried.

**Clerk Retirement Request:** Attorney Keene stated she contacted NYS Retirement and Clerk Lopreste’s request is allowed. Trustee Keene offered the following resolution, and moved its adoption:

WHEREAS, the Village of Waverly, Board of Trustees (Village Board) is duly authorized and permitted by municipal local laws and the laws of the State of New York to deal with employee issues; and

WHEREAS, a Village employee, Diane Lopreste, intends to retire as of February 22, 2014; and

WHEREAS, Diane Lopreste is requesting that the Village Board reinstate her in her present position, receiving the same salary and benefits as of February 24, 2014; and

WHEREAS, there is no prohibition under New York State law to rehiring Diane Lopreste as set forth; and

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Waverly, affirms that it will reinstate Diane Lopreste as requested on February 24, 2014.

Trustee Steck seconded the motion, which led to a roll call votes, as follows:

Ayes – 7 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 0

The motion carried.

**Tioga County Planning Board Term Renewal:** Trustee Brewster moved to appoint William Dimmick III to the Tioga County Planning Board for a three-year term. Trustee Kraus seconded the motion, which carried unanimously. William Dimmick III accepted the appointment.

**Elmira Heights Police Department:** Attorney Keene reviewed the NYS Law that pertains to prorating salary and supplies needed for training of police officers. She stated Elmira Heights incurred the expense of training for Bradley Rayle, however, we hired him upon completion of training; therefore, they did not receive any of the benefit. Elmira Heights is requesting reimbursement for salary and ammunition charges for Bradley Rayle at a cost of approximately $2,400. Trustee Sinsabaugh moved to approve the reimbursement as presented. Trustee Steck seconded the motion, which carried unanimously.

**Referral to Planning Board:** Trustee Ayres moved to request the Planning Board review the commercial district (Broad Street) and to evaluate a possibility and feasibility of rezoning the end sections to Planned Unit Development (PUD), as these are mixed-use areas. Trustee Brewster seconded the motion, which carried unanimously.

**Mayor’s Update:** Mayor Leary stated the railroad crossing on Fulton Street has been closed as repairs are being done. It is expected to reopen tomorrow afternoon.

Trustee Keene stated the Recreation Department has a shed they are not using, so they will move it to Glenwood Cemetery for storage of equipment.

Mayor Leary reminded residents of the Halloween Parade on Saturday, October 26th at 10:00.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:00 p.m. to discuss a contractual issue regarding employee health insurance. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:30 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Employee Health Insurance:** Trustee Ayres stated that due to the Affordable Health Care Act, Tioga County can no longer offer the current plan that we utilize for the Police Department and non-contractual employees as of January 1, 2014.

Non-Contractual Employees: Trustee Ayres moved to approve the Teamster Health and Hospital Fund HRA health insurance coverage for the Clerk Treasurer, Deputy Clerk Treasurer, Billing Clerk, Court Clerk, Records Clerk, and Recreation Director, as outlined in the DPW/Teamsters contract dated 6/1/2013 through 5/31/16, and to authorize Mayor Leary to sign agreement. The health insurance coverage will be effective from 1/1/2014 through 12/31/2016. There will be an additional 5% surcharge on the premiums as these positions are non-contractual. Trustee Brewster seconded the motion, which led to a roll call votes, as follows:

Ayes – 7 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 0

The motion carried.

Police Department: Trustee Ayres moved to schedule a special meeting regarding health insurance coverage for the Police Department on Tuesday, November 5, 2013 at 6:30 p.m. Trustee Sinsabaugh seconded the motion, which led to a roll call votes, as follows:

Ayes – 7 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 0

The motion carried.

**Adjournment**: Trustee Ayres moved to adjourn at 7:45 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 5, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Brewster, Ayres, and Mayor Leary

Also present were Clerk Wood, Matt Hicks of The Morning Times, and Bill Soprano of The Partners

**Police Department Health Insurance:** Bill Soprano stated he held a presentation for the Police Department regarding switching their health insurance policy as the Tioga County Plan is no longer available as of January 1, 2014. He stated the officers were very receptive to the new plan. Trustee Ayres moved to approve the Police Department (Chief and Officers) enroll in the Excellus BC/BS HDHP 13 Simply Blue Plan, effective 12/1/2013 through 11/30/2014, and the Village to contribute $2,600 (single coverage) or $5,200 (family coverage) per year to each employee’s health saving account to fund their deductible. This will be deposited in installments by the Village to their accounts monthly. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Keene, Ayres, Sinsabaugh, Brewster, Leary)

Nays – 0

Absent – 1 (Steck)

The motion carried.

Trustee Ayres moved to cancel the health insurance coverage for the Police Department through Tioga County, effective 12/1/2013, upon verification of acceptance of new insurance. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 6:44 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:20 P.M.**

**ON TUESDAY, NOVEMBER 12, 2013 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT ON PROPOSED**

**LOCAL LAW 04-2013: AMEND SECTION 140, VEHICLE AND TRAFFIC**

Mayor Leary declared the hearing open at 6:20 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, and Mayor Leary.

Also present were Clerk Treasurer Wood, Attorney Keene, Chief Gelatt, and Recreation Director Havens.

Visitors were Linda Boehm of 530 Waverly Street, Bill Dimmick III of 19 Lincoln Street, Joseph Dabroski of the Waverly Presbyterian Church, Linda Vogel of 201 Broad Street, Troy Campbell of 25 Lincoln Street, and Tioga County Legislator Ray Case. Press included Matt Hicks of the Morning Times, Amanda Renco of the Daily Review, and Dawn Campbell of WATS/WAVR.

Mayor Leary opened the floor and asked if anyone had any comments regarding the proposed local law.

Joe Dabroski, of the Waverly Presbyterian Church, stated concern with limiting the parking on Park Avenue and Pennsylvania Avenue. He stated the Church has many events and feels the reduced parking would have a negative impact. Discussion followed. Mr. Dabroski stated he would not be in favor of changing the parking on either Park Avenue or Pennsylvania Avenue.

With no one else wishing to be heard Mayor Leary closed the hearing at 6:30 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 12, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, Chief Gelatt, and Recreation Director Havens

Visitors were Linda Boehm of 530 Waverly Street, Bill Dimmick III of 19 Lincoln Street, Joseph Dabroski of the Waverly Presbyterian Church, Linda Vogel of 201 Broad Street, Troy Campbell of 25 Lincoln Street, and Tioga County Legislator Ray Case

Press included Matt Hicks of the Morning Times, Amanda Renco of the Daily Review, and Dawn Campbell of WATS/WAVR

**Public Comments:** Linda Vogel, on behalf of the Friends of the Waverly Cemeteries, asked for community support as they will be placing wreaths at each cemetery. She stated this will be done on December 14, 2013 at 10:00.

Mayor Leary thanked Amanda Renco for her article spotlighting Waverly in the Daily Review. He recommended everyone read the article.

**Minutes:** Trustee Brewster moved to approve the Minutes of October 22, 2013 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Chief Gelatt summarized the police department report. He stated the department has completed taser training and are certified. He thanked the VFW, Old Mill Troy, and Tioga Downs for their donations toward the purchase of the tasers. He stated we received $1,250 in donations.

**Treasurer's Report:** The following was presented:

General Fund 10/01/13 – 10/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 313,417.18 | Current Revenues | 72,129.33 |
| Deposits | 149,473.97 | Year to Date Revenue | 2,142,552.47 |
| Disbursements | 155,808.42 | Current Expenditures | 150,327.56 |
| Ending Balance | 307,082.73 | Year to Date Expended | 1,073,473.19 |

\*General Capital Reserve Fund $83,801.65

Cemetery Fund 10/01/13 – 10/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 7,977.57 | Current Revenues | 2,163.05 |
| Deposits | 2,150.12 | Year to Date Revenue | 6,360.66 |
| Disbursements | 3,897.31 | Current Expenditures | 3,897.31 |
| Ending Balance | 6,230.38 | Year to Date Expended | 23,766.41 |

Loan Programs 10/01/13 – 10/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 39,445.00 | Beginning Balance | 8,701.26 |
| Deposits | 2,591.26 | Deposits | 538.30 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 42,036.26 | Checking Balance | 9,239.56 |
| Savings/Moneymarket | 4,055.66 | Savings/Moneymarket | 44,207.46 |
| Total Fund Balance | 46,091.92 | Total Fund Balance | 53,447.02 |
| Total Outstanding Loans | 107,058.54 | Total Outstanding Loans | 116,466.01 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $54,940.27; Dental Trust $119.32; for a total of $55,059.59. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

**Recreation Committee:** Mayor Leary stated he and Attorney Keene are meeting with the Recreation Commissioner to review their bylaws. He stated they need to be revised and he will keep the Board updated on the progress.

**Legislative Update:** Tioga County Legislator Ray Case stated the Village would be receiving mortgage tax soon, in the amount of $11,385.50. He also stated the Youth Bureau will be contacting Recreation Director Havens to discuss the changes in the future.

**FEMA Project Update:** The clerk submitted a summary of project, which outlines the activity for reimbursement. She stated our project was turned over to another department for further review, and has not heard back from them yet to schedule a site meeting.

**Proposed Local Law 4-2013, Amending Section 140: Vehicle and Traffic:** Trustee Keene moved to approve the proposed Local Law 04-2013, as follows:

Section 140.43 Vehicle and Traffic: Schedule XI, Parking and Standing Prohibited at All Times

###### Name of Street Side Location

Pennsylvania Avenue East From Chemung Street to Broad Street

**(This will delete the following)**

Pennsylvania Avenue East From Broad Street to a point 200 feet northerly thereof

Pennsylvania Avenue East From Chemung Street to a point 200 feet southerly thereof

Pennsylvania Avenue East From Howard Street Expressway Overpass to a point 100 feet northerly thereof

**Name of Street** **Side** **Location**

Park Avenue East From the center point of the sanitary sewer manhole cover

(located in the center of the intersection of Lincoln Avenue, Tioga Street, and Park Avenue) to a point 115 feet southerly thereof

Park Avenue West From the center point of the sanitary sewer manhole cover

(located in the center of the intersection of Lincoln Avenue, Tioga Street, and Park Avenue) to a point 115 feet southerly thereof

Park Avenue South From the center point of the sanitary sewer manhole cover

(located in the center of the intersection of Lincoln Avenue, Tioga Street, and Park Avenue) to a point 125 feet easterly thereof

Park Avenue North From the center point of the sanitary sewer manhole cover

(located in the center of the intersection of Lincoln Avenue, Tioga Street, and Park Avenue) to a point 125 feet easterly thereof

**Section 140.40 Vehicle and Traffic: Schedule VIII, Stop Intersections**

**Stop Sign on** **Direction of Travel** **At Intersection of**

Park Avenue North Lincoln Avenue and Tioga Street

Park Avenue West Lincoln Avenue and Park Avenue

Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Kraus, Keene, Sinsabaugh, Brewster, Steck, Leary)

Nays – 0

Absent – 1 (Ayres)

The motion carried.

**NYS Tax Cap:** Mayor Leary stated NYS has reduced the tax cap to 1.66% and many municipalities are passing an override resolution to protect themselves. He recommended the Board take a serious look at this and proceed to override also. He would have more information at the next meeting.

**Mayor’s/Board Update:** Mayor Leary stated the leaf picker is broke down. It has been sent out for repairs and should be back tomorrow. He stated the deadline for leaf pick-up has been extended to November 22nd.

Trustee Kraus stated the Street Department is putting the Christmas lights out November 27th. Trustee Kraus commended Recreation Director and others for a job well done with the Halloween Parade.

**Proposed Local Law 3-2013, LED Signs in the Residential District:** Trustee Keene stated the public hearing for this proposed local was cancelled for tonight due to the legal notice was not published, and clarified that it was not intentional and at no fault of the Village or employee. He stated there was a computer issue at the Morning Times. Trustee Keene moved to schedule a public hearing for proposed local law 03-2013 on November 26, 2013 at 6:15 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Kraus, Keene, Sinsabaugh, Brewster, Steck)

Nays – 1 (Leary)

Absent – 1 (Ayres)

The motion carried.

**Executive Session:** Trustee Steck moved to enter executive session at 7:00 p.m. to discuss a litigation matter. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Steck moved to enter regular session at 7:29 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Kraus moved to adjourn at 7:30 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully Submitted

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:15 P.M.**

**ON TUESDAY, NOVEMBER 26, 2013 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 3-2013 TO AMEND SECTION 153-18**

**TO ALLOW USE OF LED SIGNS BY CHURCHES/RELIGIOUS**

**INSTITUTIONS WITHIN THE RESIDENTAL DISTRICT**

Mayor Leary declared the hearing open at 6:15 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees; Keene, Sinsabaugh, Brewster, Ayres, Kraus, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, and Tioga County Legislator Ray Case

Visitors included Pastor Anne Canfield of the Waverly Methodist Church, Troy Campbell of 25 Lincoln Street, David Fortune of Athens PA, Candy Hauryski of 311 Chemung Street, Helen Allen of 38 Orchard Street, Joan Bennett-Klein of 209 William Street, Bill Dimmick III of 19 Lincoln Street, Robert Smith of Sayre PA, and Ron Bostwick of 511 Chemung Street

Press included Amanda Renko of the Daily Review, and Matt Hicks of the Morning Times

Mayor Leary stated there has been a lot of discussion concerning LED signs in the residential district, and opened the floor for comments regarding the proposed local law 3-2013.

Ron Bostwick stated he attends the Methodist Church and Pastor Anne Canfield is a wonderful lady that does a lot for our community. He stated he supports the use of a LED sign at the Church.

Troy Campbell thanked the Board for their time regarding the proposed local law. He stated using a LED sign would allow everyone to see all spiritual and community messages, and feels allowing a LED sign would benefit the entire valley and surrounding communities.

Anne Canfield, Pastor of the Waverly Methodist Church, stated she lives in Athens, PA and has been the Pastor for 14 years. She stated she feels honored to serve Waverly and loves the poor, vulnerable, and underserved. The Church offers many free dinners, which are open to anyone. She stated their previous sandwich-board signs have been stolen. She also stated that by using a LED sign it would allow everyone to when these dinners and other events are being held, and any other messages. Pastor Canfield stated the Church strives to be a good neighbor.

Mayor Leary thanked everyone for coming and giving their comments. He stated it is now up to the Village Board of Trustees to make a decision and is on tonight’s agenda following the public hearing.

With no others wishing to be heard, Mayor Leary closed the hearing at 6:25 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 26, 2013 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Tioga County Legislator Ray Case, and Attorney Keene (arrived at 6:37 p.m.)

Visitors included Pastor Anne Canfield of the Waverly Methodist Church, Troy Campbell of 25 Lincoln Street, David Fortune of Athens PA, Candy Hauryski of 311 Chemung Street, Helen Allen of 38 Orchard Street, Joan Bennett-Klein of 209 William Street, Bill Dimmick III of 19 Lincoln Street, Robert Smith of Sayre PA, and Ron Bostwick of 511 Chemung Street

Press included Amanda Renko of the Daily Review, and Matt Hicks of the Morning Times

**Public Comments:** David Fortune stated he attended a meeting held by the patrons of Waverly Free Library regarding the recent firing of the librarian. He feels it was unjust and personal. He stated the Library serves many people from our community and other communities. He stated the Library Trustees should be held responsible for the Library and its patrons. He stated since the Village of Waverly donates $6,000 per year, he asked the Village Board to request an explanation from the Trustees of the Library for the firing, and possibly requesting an audit be performed.

**Letters and Communications:** Mayor Leary thanked the residents for bagging their leaves. He stated the leaf vacuum has been taken out of service for the rest of this season due to equipment failure. He stated the Village will continue to pick up bagged leaves as long as residents put them curbside. Trustee Kraus, Attorney Keene, and Mayor Leary will review issues resulting in the breakdown of the leaf vacuum since the machine was only a year old. Mayor Leary thanked the residents for their patience.

Mayor Leary stated residents will begin moving into Muldoon Gardens tomorrow and will be a part of the Tinsel-and-Lights event on December 13, 2013.

The clerk read an email from Taylor Garbage stating they will be picking up trash and recycling on Thanksgiving Day, Thursday, 11/28/13.

**Minutes:** Trustee Ayres moved to approve the Minutes of November 12, 2013 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $266,739.56; Dental Trust $400.00; and Cemetery $1,574.66; for a total of $268,714.22. Trustee Brewster stated that $254,890.35 was for the annual retirement payment. Trustee Brewster moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tax Cap Override:** Mayor Leary stated many surrounding and other municipalities, including the Town of Barton, Tioga County, and Chemung County, have already filed an override to the state tax cap. He stated the State has lowered it from 2% to 1.66% and feels we should also consider an override as the process is time consuming. He asked the Board to review.

**Proposed Local Law 3-2013, LED Signs in the Residential District:** Mayor Leary appreciated the comments regarding the proposed local law. Trustee Keene moved to approve the adoption of Proposed local 3-2013 as presented. Trustee Sinsabaugh seconded the motion, which led to discussion requested by Trustee Steck. Trustee Steck stated there has been a lot of discussing in regards to adoption of the proposed law. He stated he talked with two different Attorneys, which both recommended against it due to potential litigation. Trustee Brewster also stated he feels this may open up cause for future litigation as well and the Village needs to consider all things as well. Trustee Keene stated there is a LED sign at the Waverly High School that was never approved. Attorney Keene stated the Village cannot, by law, regulate schools. Trustee Keene stated the Board has been discussing this for too long and feels it needs to be voted on. Mayor Leary stated a motion to approve has been offered and seconded, and asked for a roll call vote, which resulted as follows:

Ayes – 3 (Kraus, Keene, Sinsabaugh)

Nays – 4 (Ayres, Brewster, Steck, Leary)

The motion did not carry.

**FEMA Update:** The clerk stated that our claim has been given to another FEMA Representative, who has been out of the country. He is currently reviewing it and will be in contact with us.

**Copier Lease for Police Department:** The clerk stated the copier in the Police Department is approximately 12 years old, and has been serviced several times due to breakdown. We currently pay $195 per month for maintenance fees. She submitted a lease quote from Canon for a new copier, with more capabilities and maintenance included, at a cost of $187.23 per month for 60 months, which is through the NYS Bid Program. Trustee Sinsabaugh moved to approve the lease of the copier as presented. Trustee Brewster seconded the motion, which led to a roll call votes, as follows:

Ayes – 6 (Kraus, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 1 (Keene)

The motion carried.

**Computer Replacement in the Street Department:** The clerk stated the computer in the street department has crashed due to failure of the motherboard. She submitted a quote from Pyramid Business Systems for a new system at a cost of $526 and a copy of MS Office Home Edition at a cost of $200, for a total of $726. She stated this is through the NYS Bid Program. Trustee Keene stated he felt the department did not need a computer. Trustee Brewster moved to approve the purchase of the computer and software as presented. Trustee Steck seconded the motion, which led to a roll call votes, as follows:

Ayes – 6 (Kraus, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 1 (Keene)

The motion carried.

**Water Quality Improvement Projects Program Grant:** Attorney Keene stated a grant opportunity is available to recover some of the costs related to the clarifier repair project at the wastewater facility. The Board of Sewer Commissioners held a special meeting and recommended the Board of Trustees approve filing an application for the WQIP grant. She stated Delaware Engineers would be filling out the application. Trustee Keene offered the following resolution and moved its adoption:

Water Quality Improvement Projects and

Nonagricultural Nonpoint Source Projects

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972, and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects;

WHEREAS, the Village of Waverly, herein called the “municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the “project”, is desirable, in in the public interest and is required in order to implement the project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of the Village of Waverly

1. That Mayor Daniel Leary or such person’s successor in office, is the representative authorized to act in behalf of the municipality’s governing body in all matters related to State assistance under ECL Articles 17, 51, and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the municipality’s governing body in all matters related to the project and to State assistance;
2. That the municipality agrees that it will fund its portion of the cost of the project and that funds will be available to initiate the project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this resolution be prepared and sent to the Albany office of New York State Department of Environmental Conservation;
4. That this resolution take effect immediately.

Trustee Brewster seconded the motion, which led to a roll call votes, as follows:

Ayes – 6 (Kraus, Sinsabaugh, Brewster, Steck, Ayres, Leary)

Nays – 1 (Keene)

The motion carried.

**Village of Waverly Website:** Trustee Brewster stated the current website is very antiquated and failing. He stated he would like to research possibilities of a new, updated website. Discussion Followed. Tioga County Legislator Ray Case stated he would check with Tioga County to see if anything was available through them.

**Workshop Meeting on December 24, 2013:** Trustee Kraus moved to cancel the December workshop meeting due to the Holiday. Trustee Steck seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 8:10 p.m. to discuss a contractual issue regarding CDLM & Company. Trustee Steck seconded the motion, which carried unanimously.

Trustee Keene moved to enter regular session at 8:39 p.m. Trustee Kraus seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:46 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, DECEMBER 10, 2013 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Street Lead Pond, Attorney Keene, and Chief Gelatt

Visitor was Bill Dimmick III of 19 Lincoln Street

Press included Matt Hicks of the Morning Times, Amanda Renco of the Daily Review, and Ron Cole of WATS/WAVR

**Public Comments:** Bill Dimmick III stated there were no County Planning Board meetings in October and November. He stated their next meeting is scheduled for December 18th at 7:00 p.m. in Owego.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of November 26, 2013 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted a department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Chief Gelatt summarized the police department report. He stated he will be scheduling an on-duty officer for 2 hours each weekday to be in the High School beginning January 6, 2014.

Street Lead Pond stated he would like to trade in the gas-powered salt spreader for a hydraulic spreader. He submitted a quote from Bradco Supply. Trustee Kraus moved to approve a hydraulic spreader be purchased from Bradco Supply in the amount of $1,406 as quoted. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Treasurer's Report:** The following was presented:

General Fund 11/01/13 – 11/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 307,082.73 | Current Revenues | 217,536.40 |
| Deposits | 81,788.00 | Year to Date Revenue | 0.00 |
| Disbursements | 184,599.39 | Current Expenditures | 13,265.06 |
| Ending Balance | 204,271.34 | Year to Date Expended | 204,271.34 |

\*General Capital Reserve Fund $83,818.25

Cemetery Fund 11/01/13 – 11/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 6,230.38 | Current Revenues | 2,187.68 |
| Deposits | 2,175.09 | Year to Date Revenue | 8,548.34 |
| Disbursements | 4,927.58 | Current Expenditures | 4,927.58 |
| Ending Balance | 3,477.89 | Year to Date Expended | 28,693.99 |

Loan Programs 11/01/13 – 11/30/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 42,036.26 | Beginning Balance | 9,239.56 |
| Deposits | 2,879.42 | Deposits | 2,018.79 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 44,915.68 | Checking Balance | 11,258.35 |
| Savings/Moneymarket | 4,065.06 | Savings/Moneymarket | 44,207.64 |
| Total Fund Balance | 48,980.74 | Total Fund Balance | 55,465.99 |
| Total Outstanding Loans | 104,647.37 | Total Outstanding Loans | 114,465.67 |

\*The report outlined the status of individual loan repayments

Trustee Brewster moved to accept the reports as presented. Trustee Steck seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $56,926.41; Dental Trust $1,141.03; for a total of $58,067.44. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**FEMA Project Update:** Mayor Leary stated he and the clerk met with Phil Kokinakes, with SEOM, yesterday and submitted the paperwork that was requested, and took pictures of the retaining wall. Mayor Leary explained the importance of the reimbursement to Mr. Kokinakes and would like the reimbursement by the end of this fiscal year, which seemed obtainable.

**NYS Tax Cap:** Trustee Brewster moved to direct Attorney Keene to draft a local law to override the tax cap for the next fiscal year, beginning June 1, 2014 as a protective measure. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Muldoon Gardens Ribbon Cutting:** Mayor Leary stated Muldoon Gardens is having a ribbon-cutting ceremony at their facility on Friday, December 13th at 11:00 a.m. and encouraged attendance.

**Wreaths Across the Nation:** Mayor Leary stated Wreaths Across the Nation is a nationwide event and is scheduled for Saturday, December 14th at 10:00. Trustee Keene encouraged people to purchase wreaths for veterans’ graves. The Friends of the Waverly Cemeteries will be placing wreaths during this event.

**Amend Proposed Local Law 4-2013, Amending Section 140: Vehicle and Traffic:** The clerk stated that NYS Department of State is holding local law 4-2013 because they haven’t received local law 3-2013. She stated local law 3-2013 (LED Lights) did not pass, therefore Local Law 4-2013 needs to be changed to Local 3-2013 before the Department of State will file it. Trustee Ayres moved to amend the numbering of Local Law 04-2013 to Local Law 03-2013. Trustee Brewster seconded the motion, which carried unanimously.

**Salary for Records Clerk Replacement for Civil Service:** Mayor Leary stated Records Clerk Abell will be retiring in May, 2014. Tioga County Civil Service held testing and would like to canvass candidates. They need to know a salary or a salary range for the upcoming position. Discussion followed. Chief Gelatt and the Clerk will check with Civil Service to see if they have any guidelines.

**Computers in Police Department:** Chief Gelatt stated four computers in the Police Department need to be replaced as Microsoft will no longer support Windows XP Systems as of April. He submitted a quote from Pyramid Business Solutions for $526 each. This pricing is through the NYS Bid Program. Discussion followed. Trustee Ayres moved to approve Chief Gelatt purchase four computers as presented at $525 each, and four Microsoft Office Home Editions at $200 each. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Budget Committee:** Mayor Leary appointed Trustees Keene, Sinsabaugh, and Brewster to work with the clerk on the 2014-2015 General and Cemetery Budgets. They all accepted.

**Tioga Downs Resolution:** Trustee Ayres offered the following resolution, and moved its adoption.

RESOLUTION IN SUPPORT OF TIOGA DOWNS FOR SELECTION AS EASTERN

SOUTHERN TIER REGION CASINO GAMING LICENSE AWARDEE

WHEREAS, in November 2013, New York State voters approved a constitutional amendment to allow casino gaming in the State, and

WHEREAS, Tioga County voters showed overwhelming support of said constitutional amendment with 69.2% of voters in favor, and

WHEREAS, Tioga Downs has already proven to be a valued community partner by way of job creation, capital investment and revenue generated, and

WHEREAS, Tioga Downs owner has also shown experience in the gaming industry, not only at the existing facility in Tioga County but also in other facilities across New York State, and

WHEREAS, in anticipation of the passing of the Upstate New York Gaming and Economic Development Act, Tioga Downs has made substantial improvements to their already existing facility located in Tioga County, and

WHEREAS, the Tioga Downs existing facility is centrally located within the identified Eastern Southern Tier Region to best serve all residents of the region, now therefore be it

RESOLVED, that the Village of Waverly pass this resolution in support of Tioga Downs being awarded the Eastern Southern Tier Region Gaming License.

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows.

Ayes – 7 (Kraus, Keene, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion was unanimously carried.

**Mayor’s/Board Update:** Mayor Leary stated he met with Robin Baker, Tioga County Tobacco Coordinator, and discussed passing resolutions across the State for tobacco-free areas. The main concern is to keep tobacco away from schools. Mayor Leary explained that almost all of Waverly’s businesses already do not sell tobacco. Together they decided that at this time there would be no reason to have a presentation due to already existing tobacco sales in the Village of Waverly.

Trustee Sinsabaugh asked to get an update from Code Enforcement regarding 531 Waverly Street. Mayor Leary stated he would get an update.

**Executive Session:** Trustee Ayres moved to enter executive session at 7:07 p.m. to discuss contract matters regarding CDLM & Company, and EFP Rotenberg. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres moved to enter regular session at 7:56 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Ayres moved to authorize Attorney Keene to draft an extension agreement of mortgage and note, and to include late fees of $20 to Loan #HU100. Trustee Steck seconded the motion, which led to a roll call vote, as follows.

Ayes – 6 (Kraus, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 1 (Keene)

The motion carried.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 7:58 p.m. Trustee Kraus seconded the motion, which carried unanimously.

Respectfully Submitted

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 14, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Chief Gelatt

Visitors were Tioga County Legislator Ray Case, Bill Dimmick III of 19 Lincoln Street, and Bill Chandler of Owego.

Press included Matt Hicks of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comments:** Bill Chandler stated he is requesting support and a donation to help fund three additional memorial monuments to be installed at Tioga County Memorial Park alongside the other monuments. One will be another World War II, as there are an additional 25 veterans to be honored. The second one will be honoring Modern Warfare veterans, and the third will honor Medal of Honor recipients in Tioga County. Discussion followed. Mayor Leary directed him to contact our local VFW and Mr. Chandler stated he would. Trustee Ayres asked that this be put on the next agenda.

**Minutes:** Trustee Keene moved to approve the Minutes of December 10, 2013 as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Chief Gelatt summarized the police department report.

**Treasurer's Report:** The following was presented:

General Fund 12/01/13 – 12/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 204,271.34 | Current Revenues | 41,253.85 |
| Deposits | 302,357.73 | Year to Date Revenue | 2,231,710.52 |
| Disbursements | 459,801.37 | Current Expenditures | 176,020.39 |
| Ending Balance | 46,827.70 | Year to Date Expended | 1,676,617.88 |

\*General Capital Reserve Fund $83,836.57

Cemetery Fund 12/01/13 – 12/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,477.89 | Current Revenues | 563.15 |
| Deposits | 1,819.00 | Year to Date Revenue | 9,111.49 |
| Disbursements | 3,371.75 | Current Expenditures | 2,102.80 |
| Ending Balance | 1,925.14 | Year to Date Expended | 30,796.79 |

Loan Programs 12/01/13 – 12/31/13

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 44,915.68 | Beginning Balance | 11,258.35 |
| Deposits | 500.79 | Deposits | 830.22 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 45,416.47 | Checking Balance | 12,088.57 |
| Savings/Moneymarket | 4,065.95 | Savings/Moneymarket | 44,217.33 |
| Total Fund Balance | 49,482.42 | Total Fund Balance | 56,305.90 |
| Total Outstanding Loans | 104,191.53 | Total Outstanding Loans | 113,697.80 |

\*The report outlined the status of individual loan repayments

Trustee Kraus moved to accept the reports as presented. Trustee Sinsabaugh seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $153,210.96; Dental Trust $1,199.11; Cemetery $882.28; for a total of $155,292.35. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres stated the Loan Committee meets monthly to discuss current loan status. He stated there are 15 rehab loans and 5 are delinquent. He also stated there are 16 business loans and 7 are delinquent. Trustee Ayres explained that the committee has worked with these accounts with some good results. Some prior delinquencies have now become current. The loan committee is actively reviewing all loans and discussing with the Board which direction to proceed with collections. He also stated with the new protocol with new loans will make collection easier in the future.

**FEMA Project Update:** The clerk submitted a project summary to the Board. Mayor Leary stated the clerk has submitted all requested paperwork and our packet is being reviewed by the closeout department. Once their review is done, it gets forwarded to Jim Casey for final review and disbursement. Mayor Leary stated he talked with Mr. Casey and he has not received our package yet, however, feels it should not be too long.

**Proposed Local Law 01-2014, NYS Tax Cap Override Law:** The clerk submitted proposed local law 01-2014 Authoring a property tax levy in excess of the limit established in General Municipal Law §3-c. Trustee Keene stated he feels that it is too early and recommended we wait until we know where we are with the new budget. Mayor Leary stated this is being done as a precautionary measure and assured that the budget process would be handled responsibly. Trustee Ayres moved to schedule a public hearing for January 28, 2014 at 6:00 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which led to a roll call vote, as follows.

Ayes – 6 (Kraus, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 1 (Keene)

The motion carried.

**Village Website:** Trustee Brewster stated he is working with a local resident who does websites. This person has done one for Town of Elmira and Southport. He should have some costs at the next meeting.

**NYCOM Winter Legislative Meeting** – The clerk stated NYCOM is holding their Annual Winter Legislative Meeting on February 9-10, 2014 in Albany. Mayor Leary stated interest in attending. Trustee Steck moved the Mayor, the Attorney, and any Trustee be authorized to attend. Trustee Brewster seconded the motion, which carried unanimously.

**Board of Assessment Review Appointments:** Mayor Leary appointed Troy Campbell to the Board of Assessment Review for a three-year term. Trustee Sinsabaugh moved to approve the appointment as presented. Trustee Steck seconded the motion, which carried unanimously.

Mayor Leary appointed Kyle Sorensen to the Board of Assessment Review for a two-year term. Trustee Sinsabaugh moved to approve the appointment as presented. Trustee Steck seconded the motion, which carried unanimously.

Mayor Leary appointed Pam Beard to the Board of Assessment Review for a one-year term. Trustee Sinsabaugh moved to approve the appointment as presented. Trustee Steck seconded the motion, which carried unanimously.

**Grievance Day Resolution:** Trustee Brewster offered the following resolution and moved its adoption:

WHEREAS, The Board of Trustees is required by the Real Property Tax Law to provide a Grievance Day on the third Tuesday, of February, 2014, and

WHEREAS, such third Tuesday falls on the 18th day February, 2014, and

WHEREAS, the Board of Assessment Review is required to meet for at least four hours to hear grievances,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved that the Board of Assessment Review meet on the 18th day of February, 2014, in the Trustees’ Room, in the Village Hall, between the hours of 4:00 and 8:00 P.M. to hear complaints with respect to the Assessment Roll to be filed by the Assessor with the Clerk of the Village, on or before February 1, 2014, and the Clerk of the Village is further directed to publish statutory notice of such meeting required by the Real Property Tax Law.

The resolution was seconded by Trustee Sinsabaugh and on voice vote, unanimously carried.

**Annual Election Resolution** Trustee Sinsabaugh offered the following resolution and moved its adoption:

WHEREAS, the Annual Election of the Village of Waverly be held in the Trustees’ Room in the Village Hall, at 32 Ithaca Street, Waverly, New York, between the hours of 12:00 o’clock noon and 9:00 o’clock in the afternoon of Tuesday, March 18, 2014, and

WHEREAS, the following be designated as Inspectors of Election: Sharon Alamo, Laura Hoppe, Joan Case, and Roberta Hollenbeck be paid $100.00 each, and

WHEREAS, Sharon Alamo be and she hereby is appointed Chairman of the Board, and

WHEREAS, the Board of Trustees gives the Clerk-Treasurer the sole-authority to replace any inspector who becomes unavailable prior to election, and

WHEREAS, that the Board of Trustees of the Village of Waverly accepts the voting machine custodians designated by the Town of Barton, namely Joseph Satterly and James Deming, and be paid $100.00 each, and

BE IT RESOLVED, the Village of Waverly will hold their General Election on Tuesday, March 18, 2014 for the purpose of electing three Trustees, each for a term of two years.

The resolution was seconded by Trustee Steck and upon voice vote, unanimously carried.

**Voting Equipment Options:** The clerk offered three options regarding voting equipment, and asked for direction. They are as follows:

1. Use the lever-style machines. The clerk stated we would need to order paper packs for the machines, and the minimal order is 10 packs for $400. She also stated currently the law allows us to use these machines for the year 2014, and unsure if they will be allowed in the future. There is a bill to the state legislation for consideration to allow use of these machines indefinitely, which has not been acted on yet.
2. Use of paper ballot. The clerk stated if we used paper ballots that they would need to be in the format of the new scanning ballot. This is not something we could print. Tioga County has a contract for $.48 per ballot. We would need to order these once we knew how big the race might be, however, she felt this would cost less than purchasing the paper packs. She also stated we would not need a machine custodian, which would save some money.
3. Use of Scanning Machines. The clerk stated we could use scanning machines from the county, however, all election inspectors would need to be certified by Tioga County. Two of our inspectors are not currently certified to use these machines.

The Board discussed each option. Trustee Sinsabaugh moved to continue using the lever-style machines since they are already onsite. Trustee Steck seconded the motion, which led to a roll call vote, as follows.

Ayes – 5 (Kraus, Keene, Brewster, Sinsabaugh, Steck)

Nays – 1 (Ayres)

The motion carried.

**Authorization to Purchase Office Shredder:** The clerk submitted a proposal from JH Finch in the amount of $1,500 for an Oztec 1050 paper shredder for use in the clerks’ office. Trustee Steck moved to authorize the purchase of shredder as presented, and the cost to be shared with the Water and Sewer Funds. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor’s/Board Update:** Mayor Leary stated the report from Orkin, dated 12/21/13 for 531 Waverly Street stated the home has been cleaned out and there are no signs of live roaches. The dumpster has also been removed. Mayor Leary will ask our Code Officer to do another inspection before the next meeting.

Mayor Leary state New York State is pushing consolidation of services, and shared services. He stated the Village of Waverly has been sharing services, such as: Waverly-Barton Fire District was started in 1997, Emergency Dispatch was turned over to Tioga County in 1998, sharing services with Town of Barton Water and Sewer in 2003, road salt storage with the State, gasoline purchasing with Waverly Schools. He stated there have been many projects over the years resulting in sharing services. He feels the Village has already accomplished many shared services and is seeking more opportunities.

Mayor Leary commended the Village Planning Board, Tioga County Planning Department, and Attorney Keene for their efforts regarding zoning changes on Broad Street. He stated Waverly is no different than other municipalities when it comes to planning and zoning. He feels Waverly encourages a friendly and positive atmosphere.

Mayor Leary thanked the Media for their coverage of the new stop sign on Park Avenue.

Trustee Keene stated the Village purchased time clocks in 2009, and asked why they are not being used. Discussion followed. The clerk will add topic to next agenda.

**Executive Session:** Trustee Ayres moved to enter executive session at 7:37 p.m. to discuss two contractual issues, and a personnel issue. Trustee Brewster seconded the motion, which carried unanimously. Chief Gelatt attended the session.

Trustee Keene moved to enter regular session at 8:23 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Ayres moved to authorize immediate payment to the police HSA accounts to fund their health insurance deductible through May 31, 2014. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**Adjournment:** Trustee Keene moved to adjourn at 8:26 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:00 P.M.**

**ON TUESDAY, JANUARY 28, 2014 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 1-2014, AUTHORIZING**

**A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED**

**IN GENERAL MUNICIPAL LAW §3-c**

Mayor Leary declared the hearing open at 6:00 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees: Keene, Sinsabaugh, Brewster, Ayres, Kraus, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Randy Carpenter of 97 Lincoln Street, and William Dimmick III of 19 Lincoln Street

Press included Matt Hicks of the Morning Times, and Ron Cole of WATS/WAVR

Mayor Leary stated there has been a lot of discussion concerning New York State’s 2% tax cap, which was decreased to 1.66%, and he stated by adoption of this law would allow the Village of Waverly to exceed the cap. He explained that this is a precautionary measure only. He opened the floor for comments regarding the proposed local law 1-2014.

The clerk submitted a letter from Ray Ward regarding the proposed local law. Mayor Leary summarized the letter as it referred to the possibility of refinancing our debt for a lower rate. Mayor Leary stated he checked into that and there is nothing available at this time and would probably be five years before we are eligible.

Randy Carpenter stated that this seems early as the budget is still in its preliminary stage. He stated he feels this would allow for over spending and asked if the Village planned on raising the budget more than the cap would allow. Mayor Leary stated this is a preventative measure and the budget committee, and the department heads are working diligently to keep budget as low as possible. He also stated that many surrounding municipalities have adopted this law as a precaution also.

Mayor Leary commented on Trustee Keene’s statement from the last meeting, stating that the Village of Waverly has the highest tax rate. He stated if you take into consideration our assessment rate, our tax rate is approximately $3 lower than the Village of Owego’s.

Mayor Leary thanked everyone for coming and giving their comments. He stated it is now up to the Village Board of Trustees to make a decision and is on tonight’s agenda following the public hearing.

With no others wishing to be heard, Mayor Leary closed the hearing at 6:18 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 28, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Ayres, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included Randy Carpenter of 97 Lincoln Street, William Dimmick III of 19 Lincoln Street

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** William Dimmick III stated there was no County Planning Board meeting in December. At their January meeting, 3 cases were approved but there were no cases submitted from Waverly. He stated their next meeting is scheduled for February 19th at 7:00 p.m. in Owego.

**Letters and Communications:** The clerk submitted a letter from John Giovenco, Rotary Club, requesting a contribution from the Village to help maintain the “Welcome to Waverly” signs and the Rotary Beautification Program. Mayor Leary stated he and Mr. Giovenco observed the projects. He stated he could not recall the Village making any previous donations to the Rotary Club. Mayor Leary stated there may be other ways to support these programs other than donations and would like to discuss at the next meeting.

**Minutes:** Trustee Ayres moved to approve the Minutes of January 14, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $39,144.96; Dental Trust $98.00; for a total of $39,242.96. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Tioga County Council of Governments:** Mayor Leary stated he talked with Amy Poff regarding the refund from the County Health Insurance. They are reviewing and we should have an update by the next meeting. He explained that they must wait as claims are still being submitted. After two years, they are no longer responsible to pay claims out.

**Proposed Local Law 1-2014, Tax Cap Override:** Mayor Leary appreciated the comments regarding the proposed local law. Trustee Ayres moved to approve the adoption of Proposed Local Law 1-2014 as follows:

A Local Law Authorizing a Property Tax Levy in Excess of the Limit

**Established in the General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Waverly to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in 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 (60%) percent of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Waverly, County of Tioga, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in the 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 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.

Trustee Brewster seconded the motion, which led to a roll call vote, which resulted as follows:

Ayes – 6 (Kraus, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 1 (Keene)

The motion carried.

**Tioga County Memorial Monuments Upgrades:** Attorney Keene stated there are a few circumstances that a Village can make a donation, and the law allows villages to donate to Veterans’ projects. Trustee Ayres stated he talked with Jim Raftus, of Owego, who stated Bill Chandler was instrumental with the Veteran’s Wall, and he is very dependable and reliable. He stated the monuments are a needed and a valid project. Mayor Leary stated he would write a letter to our VFW regarding our proposed monuments at the stadium.

**Employee Time Clocks:** Mayor Leary stated the Village purchased five time clocks in 2009. He gave a brief history according to the minutes and asked Trustees Steck and Kraus to review to see where we stand. He asked Trustee Brewster to review the computer program for the time clocks. They agreed. The clerk will put topic on next agenda.

**Appointment to the Board of Water Commissioners:** Mayor Leary appointed Ann Place to the Board of Water Commissioners to fill a vacancy expiring in 2015. Trustee Steck moved to approve the appointment as presented. Trustee Ayres seconded the motion, which carried unanimously.

**NYS Building Officials Conference:** Trustee Steck moved to approve Code Officer Chisari to attend the NYSBOC to gain educational credits on April 1-4, 2014 at a cost of $350, plus room and board. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village of Waverly Website:** Trustee Brewster stated he is working on getting some quotes and should have them by the next meeting.

**Loan Committee Update:** Trustee Ayres submitted the following loan updates at the request of the Mayor and Board of Trustees:

Shawn Schutt – Mr. Schutt worked with the loan committee and the Board approved his loan to be modified to make payments lower and to bring current, however, it has fallen back into delinquency. It is now more than 90 days delinquent. Attorney Keene stated she had talked with Mr. Schutt and he plans to make current this week.

Greg Palumbo – Mr. Palumbo worked with the loan committee and the Board approved his loan to be modified to make payments lower and to bring current, however, it has fallen back into delinquency. It is now 60 days delinquent.

Ronald Nogar – Mr. Nogar began paying on his loan after verbal agreement with Attorney Keene, however, it has fallen back into delinquency. It is now more than 270 days delinquent.

Trustee Ayres stated Attorney Keene will advise the Board to options available to each loan. Mayor Leary thanked the committee for the dedication.

**Mayor/Board Comments:** Trustee Ayres stated that Bob Wright, of the WBA, would like to discuss options of snow removal from Broad Street. Trustee Steck stated the snow has always been removed at night due to traffic and is more efficient. He is not sure what the WBA could do to help as there is no place to put the snow.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:08 p.m. to discuss a contractual issue regarding the Waverly PBA. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:38 p.m. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres moved to authorize immediate payment to the police HSA accounts to fund their health insurance deductibles for the remaining six months, which bring it to 100%. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Kraus, Keene, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**Adjournment**: Trustee Kraus moved to adjourn at 7:40 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 11, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Keene, Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Chief Gelatt

Visitors were Tioga County Legislator Ray Case, and Jim Pratt from the Town of Barton

Press included Matt Hicks of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Troy Campbell, on behalf of the Waverly Little League, informing that they will be hosting the 2014 NYS Section 2, 9/10 Championship Tournament in July, which is the first time for Waverly Little League.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of January 28, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Chief Gelatt summarized the police report. He stated the officers have been training, and will continue to update their training in 2014.

**Treasurer's Report:** The following was presented:

General Fund 1/01/14 – 1/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 46,827.70 | Current Revenues | 65,893.47 |
| Deposits | 453,170.66 | Year to Date Revenue | 2,297,603.99 |
| Disbursements | 308,682.98 | Current Expenditures | 296,403.67 |
| Ending Balance | 191,315.38 | Year to Date Expended | 1,1973,021.55 |

\*General Capital Reserve Fund $83,854.32

Cemetery Fund 1/01/14 – 1/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 1,925.14 | Current Revenues | 43,763.76 |
| Deposits | 43,750.57 | Year to Date Revenue | 52,875.25 |
| Disbursements | 3,495.38 | Current Expenditures | 3,495.38 |
| Ending Balance | 42,180.33 | Year to Date Expended | 34,292.17 |

Loan Programs 1/01/14 – 1/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 45,416.47 | Beginning Balance | 12,088.57 |
| Deposits | 4,244.68 | Deposits | 2,491.81 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 49,661.15 | Checking Balance | 14,580.38 |
| Savings/Moneymarket | 4,065.92 | Savings/Moneymarket | 44,226.72 |
| Total Fund Balance | 53,727.03 | Total Fund Balance | 58,807.10 |
| Total Outstanding Loans | 100,607.28 | Total Outstanding Loans | 115,374.29 |

\*The report outlined the status of individual loan repayments

Trustee Brewster moved to accept the reports as presented. Trustee Sinsabaugh seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $59,269.03; Dental Trust $30.00; for a total of $59,299.03. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** Tioga County Legislator Ray Case stated the Hooker Foundation Grant Applications are now available for recreation programs. He also stated the Tioga County Fair is the oldest fair in the state and a new Board is working to help bring it back on track. They are asking for volunteers to participate.

**Village Website:** Trustee Brewster stated he would have cost available for the next meeting.

**Tioga County Memorial Monuments:** Mayor Leary stated he is checking with the Waverly VFW regarding possible plans to install a Veteran’s Memorial at the Waverly Stadium.

**Employee Time Clocks:** Trustee Steck and Trustee Kraus are reviewing the time clocks in the DPW. Trustee Brewster will be reviewing the software.

**Waverly Free Library:** Mayor Leary stated he would like to request a representative from the Library to attend the next meeting to discuss their needs for the money requested from the Village.

**Rotary Club:** Mayor Leary stated he would like to request a representative from the Rotary to attend the next meeting to discuss their needs for the money requested from the Village.

**Telephone Caller ID Services:** Mayor Leary stated concern that there is no record of telephone callers. He stated we have a proposal from Teledair to install caller ID at a one-time cost of $952, which will be divided among departments. Trustee Steck moved to approve the installation of caller ID from Teledair as presented. Trustee Keene seconded the motion, which carried unanimously.

**HVAC Maintenance Agreement:** The clerk presented an agreement for maintenance of HVAC from Trane in the amount of $7,137, effective March 1, 2014 through February 28, 2015. Trustee Ayres moved to approve the agreement as presented. Trustee Steck seconded the motion, which carried unanimously.

**Zoning Code Recommendations from the Planning Board:** Attorney Keene submitted a proposed local law to amend the Commercial District. Trustee Ayres explained the Planning Board has been reviewing this amendment on request of the Board of Trustees. He stated the current code is not real clear with conforming uses and the definition of discontinuance of use is also not clear. Discussion followed. The Board will review the proposed local law.

**Mayor’s/Board Update:** Mayor Leary reminded residents that Tuesday, February 18, 2014 is Grievance Day. The Board of Assessment Review will meet to hear grievances against the tentative assessment roll between the hours of 4:00-8:00 p.m. in the Village Hall.

Mayor Leary stated he received a notice in the mail that the residential cable is increasing.

Trustee Keene asked the clerk about the upcoming election. The clerk stated there will be three trustee offices open. We received one independent nominating petition, with three persons running for those offices. They are Trustee Patrick Ayres, Andrew Aronstam, and Brian Hughes. They are running together as the Progressive Party. There were no other petitions. The election is March 18, 214.

**Adjournment:** Trustee Brewster moved to adjourn at 7:24 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 25, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Keene, Sinsabaugh, Steck, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors included William Dimmick III of 19 Lincoln Street, Candace Haurgski of 311 Chemung Street, Mary Charlton of Lockwood, Mary Finlayson with the Library, and Tioga County Director of Economic Development LeeAnn Tinney

Press included Ron Cole of WATS/WAVR, Amanda Renco of the Daily Review, and Matt Hicks of the Morning Times

**Public Comments:** William Dimmick III stated there were three cases brought before the County Planning Board meeting in February. Two cases were from Owego and one from the Town of Barton. He stated their next meeting is scheduled for March 19th at 7:00 p.m. in Owego.

LeeAnn Tinney thanked the Board for their support with Tioga Downs and Mayor Leary for his interviews. She stated the County is working on strengthening our Main Street grant application for the next round of funding.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of January 28, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $136,843.67; Cemetery $216.36; for a total of $137,060.03. He stated approximately $114,000 of the general bills was for the Village Hall bond payment. Trustee Brewster moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Council of Governments:** Mayor Leary stated a public transportation workshop is coming up to gain information regarding the importance of public transportation in Tioga County.

**Waverly Free Library:** Mayor Leary stated he asked representatives from the Library to attend this meeting. Mary Finlayson, on behalf of the Library, stated villages are allowed to donate to public libraries. She stated Tioga County donates $8,600, Town of Barton $6,250, Village of Waverly $6,000, and the Waverly School District $25,000. These funds are used for operating expenses, educational programs, and building repairs. She stated they have other sponsors and will be using $29,583 from their endowment. Ms. Finlayson also stated that these donations have not increased in many years and asked the Village of Waverly to increase their donation to $8,000. She stated their financial advisor will be at their June meeting and invited anyone from the Board to attend. Attorney Keene stated the law requires a written agreement before a donation can be made, and is working on it with Mary Finlayson. She will bring to the Board when complete.

**Waverly Rotary Club:** Mayor Leary stated the Village of Waverly has never previously donated to the Rotary, but may be able to help with in-kind services. He asked Attorney Keene to check the legality.

**Zoning Recommendations from Planning Board:** Trustee Sinsabaugh requested a committee be formed to review the recommendations from the Planning Board. Trustee Brewster stated he and Trustee Ayres will attend the next Planning Board meeting to review.

**Village of Waverly Website:** Trustee Brewster stated Brad Zehr will design a website for the Village at a cost of $500, and host the website for $125 per year. Discussion followed. Trustee Brewster moved to approved Brad Zehr to design the website as presented, contingent upon signing a contract. Trustee Keene seconded the motion, which carried unanimously. Attorney Keene will draw up a contract.

**Tioga County Memorial Monuments:** Mayor Leary stated no update is available due to VFW member on vacation.

**Employee Time Clocks:** Trustee Steck stated he worked for the Village for 35 years and was never made to punch a time clock. He feels the thumb-read time clocks are not necessary for our needs. Mayor Leary stated that his understanding is that a policy has never been adopted, and there are some issues that would need to be addressed. The clerk stated there is no policy. One was started, however, never completed or adopted. She also stated there are some issues with clocks not reading thumbs consistently; however, a PIN number could be set up for each employee. She would check with our IT person to get a cost to get clocks back online. She stated since the computer crash, there have been some issues that were never addressed.

**Business Loan - Schutt:** Mayor Leary stated Mr. Schutt would like to address the Board regarding his loan, however, due to illness he is not here. Mayor Leary recommended it be referred to the loan committee and the Board agreed.

**Mayor/Board Comments:** Mayor Leary stated the residents have been cooperative with getting cars off the roads during the recent snow storm to allow the DPW to plow. He also stated there were very few sidewalks that weren’t shoveled. Trustee Ayres, DPW Jack Pond, and Chief Gelatt will be reviewing some problem areas and looking at issues. Mayor Leary requested residents call the Village office to report sidewalks that are not shoveled.

**Adjournment**: Trustee Kraus moved to adjourn at 7:17 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 11, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Kraus, Steck, Sinsabaugh, Brewster, Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Visitors were Rick Wilbur and Bob Wright of the Planning Board

Press included Matt Hicks of the Morning Times, and Ron Cole of WATS/WAVR

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Richard Bean, of the First Baptist Church, asking permission to place two handicap sign in front of the church during Sunday Services (9:00 am to 12:30 p.m.) for possibly a few months. This is needed due to a couple of parking spots were lost because of the stop signs. He also stated that the parsonage will be demolished soon and made into a parking area, and the signs would no longer be needed. Mayor Leary stated he discussed this with Chief Gelatt, and he had no concerns. The church would place and remove the signs. Trustee Kraus moved to approve the request as presented. Trustee Brewster seconded the motion, which carried unanimously.

The clerk read an email from Deb Twigg, of the SRAC, requesting the closure of Broad Street from Waverly Street to Pennsylvania Avenue on August 9, 2014 from 9am – 8pm. The SRAC will be holding Waverly’s Attic Festival, a fundraiser, the same as last year’s event. Trustee Ayres moved to table discussion for the next meeting as he wanted to research further. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Mayor Leary stated he received a letter from Merle Hakes stating interest on mowing residential properties as needed by the Village. Mayor Leary directed the clerk to file the request and we could use his services as a back-up to our current mower, providing he provides insurance. The Board agreed.

Mayor Leary stated the 2014 Town of Barton Pit Schedule is available, and schedules are printed.

Mayor Leary stated that starting tomorrow a representative from Assemblyman Christopher Friend’s office will be available to meet with residents, at Village Hall, on the 2nd Wednesday of each month. He encouraged people to come and talk with them.

**Minutes:** Trustee Brewster moved to approve the Minutes of February 25, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Mayor Leary stated the Street Department has begun to fill in some potholes with asphalt, however, plant is only temporally open due to weather.

**Treasurer's Report:** The following was presented:

General Fund 2/01/14 – 2/28/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 191,315.38 | Current Revenues | 34,183.41 |
| Deposits | 246,140.61 | Year to Date Revenue | 2,331,787.40 |
| Disbursements | 268,493.60 | Current Expenditures | 256,228.56 |
| Ending Balance | 168,962.39 | Year to Date Expended | 2,229,250.11 |

\*General Capital Reserve Fund $83,869.72

Cemetery Fund 2/01/14 – 2/28/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 42,180.33 | Current Revenues | 12.54 |
| Deposits | .63 | Year to Date Revenue | 52,887.79 |
| Disbursements | 2,319.19 | Current Expenditures | 2,319.19 |
| Ending Balance | 39,861.77 | Year to Date Expended | 36,611.36 |

Loan Programs 2/01/14 – 2/28/14

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 49,661.15 | Beginning Balance | 14,580.38 |
| Deposits | 1,809.81 | Deposits | 747.84 |
| Disbursements | 40,000.00 | Disbursements | 0.00 |
| Checking Balance | 11,470.96 | Checking Balance | 15,328.22 |
| Savings/Moneymarket | 44,072.52 | Savings/Moneymarket | 44,235.20 |
| Total Fund Balance | 55,543.48 | Total Fund Balance | 59,563.42 |
| Total Outstanding Loans | 99,194.68 | Total Outstanding Loans | 114,647.04 |

\*The report outlined the status of individual loan repayments

Trustee Sinsabaugh moved to accept the reports as presented. Trustee Brewster seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $46,175.99; Dental Trust $81.19; for a total of $46,257.18. Trustee Brewster moved to approved payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** The clerk submitted an email from Legislator Ray Case updating the Board on topics the Legislature is working on.

**Village Website:** Trustee Brewster stated Brad Zehr has been working on the new website and it should be running in about a month to two.

**Memorial Monuments:** Mayor Leary stated he had discussion with Mike Hughes, of the Waverly VFW, and the VFW is getting names of local veterans and discussing options for a memorial at the stadium.

**Employee Time Clocks:** Mayor Leary stated it would cost approximately $2,600 to get the time clocks back up and working, and could rise if problems are found during setup. He stated this cost is only referencing the IT cost (10-12 hours) and purchasing the recommended hardware that is needed. Trustee Sinsabaugh asked the Board to table as Trustee Keene has information regarding possibly changing the clocks. Discussion followed. Trustee Ayres moved to stop pursuing the use of the current, thumb-read time clock system. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Steck, Sinsabaugh, Brewster, Ayres, Kraus, Leary)

Nays – 0

Absent – 1 (Keene)

The motion carried.

**Zoning Code Recommendations from the Planning Board:** Trustee Brewster and Trustee Ayres met with the Planning Board to discuss their code recommendation. He and asked Rick Wilbur and Bob Wright to come tonight to help answer some questions. Trustee Ayres stated there is concern regarding not allowing a home to be rebuilt in the commercial district if it exceeds 100% of its assessed value. Trustee Sinsabaugh stated property owners should be allowed to rebuild, even in the commercial district. Discussion followed. Trustee Ayres stated the percentage could be raised. Trustee Sinsabaugh also concerned with the discontinuance of a non-conforming use twelve months after the use ends. Bob Wright stated the commercial district will all be conforming, once this change is made.

Trustee Ayres moved to table discussion for the Planning Board to further review. Trustee Brewster seconded the motion, which carried unanimously.

**Shared Service Agreement with NYS DOT:** Mayor Leary stated the NYS DOT has allowed the Village DPW to store our road salt in their barn on Pembleton Place. They are asking for an agreement to be signed. Attorney Keene reviewed the agreement with no concerns. Trustee Steck moved to approve Mayor Leary to sign the agreement as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**2014 Poll Site Agreement:** The clerk presented a poll site agreement from Tioga County Board of Elections for elections to be held, as follows: Federal Primary Election on June 24th, Primary Election on September 9th, and the General Election on November 4th. They will use our community room to accommodate three polling districts. Trustee Ayres moved to approve the agreement as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Village Election:** Mayor Leary reminded residents that the Village Election will be held on March 18th from Noon to 9:00 p.m. in the Trustees Room in the Village Hall and encouraged everyone to vote.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:30 p.m. to discuss a personnel issue regarding non-contractual employees. Trustee Steck seconded the motion, which carried unanimously. The clerk did not attend.

Trustee Brewster moved to enter regular session at 8:30 p.m. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment:** Trustee Ayres moved to adjourn at 8:31 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 25, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Kraus, Keene, Sinsabaugh, Steck, Ayres, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Chief Gelatt, Recreation Director Havens, Attorney Keene, Trustee-Elect Aronstam, and Tioga County Legislator Ray Case

Visitors included Mike Rice of Leprino Foods

Press included Ron Cole of WATS/WAVR, Amanda Renco of the Daily Review, and Matt Hicks of the Morning Times

**Public Comments:** Mike Rice stated Leprino Foods will need to put a crane in the alley behind Broad Street to install the HVAC rooftop units. They have notified the railroad and will notify the businesses. He stated flagmen will also assist with traffic. This will take 2-3 days, and will begin on April 28th. Trustee Steck moved to approve as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Mayor Leary thanked Trustee Keene and Trustee Kraus for their dedication to the Village, as this will be their last meeting as Trustees. The rest of the Board concurred.

Mayor Leary stated the Barton pit will open this Saturday. He stated schedules are available on the desk in front of the clerk’s office.

**Reorganization Meeting:** Trustee Steck moved to schedule the reorganization meeting on Monday, April 7, 2014 at 6:00 p.m. Trustee Brewster seconded the motion, which carried unanimously.

**Minutes:** Trustee Brewster moved to approve the Minutes of March 11, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $17,760.25; Cemetery $106.75; for a total of $17,867.00. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** Legislator Ray Case stated they passed a resolution offering an alternative to the property tax freeze that will lead to permanent and historic property tax reductions by eliminating the cost of state mandated spending imposed on county property taxpayers.

**SRAC Street Closure Request:** Trustee Ayres stated Deb Twigg requested a road closure of Broad Street, from Waverly Street to Pennsylvania Avenue on August 9th from 9 a.m. until 8 p.m. to hold the Waverly’s Attic Festival Event. He stated the WBA had no concerns. Chief Gelatt stated no concerns. Trustee Ayres moved to approve the request as presented. Trustee Brewster seconded the motion, which carried unanimously.

**FEMA Update:** Mayor Leary stated we received a progress payment from FEMA in the amount of $135,444.16. The final closeout will take at least six months. He stated Congressman Reed will help with the process.

**Tioga Opportunities Group Workcamp:** The clerk presented information regarding Tioga Opportunities Group Work Camp. This will be during the last week of July. Mayor Leary asked the press and Board to help get the word out so homeowners can take advantage of this.

**NYCOM’s Webinar Wednesdays:** The clerk presented a list of webinars that will be hosted by NYCOM during the month of April.

**Curb Cut Application:** The clerk presented a curb cut application from Brady McCracken of 89 Clinton Avenue. He is requesting permission to install a curb in front of the residence. Discussion followed. Trustee Steck stated he would check with Jack Pond.

**Committee on Permit Fees:** Mayor Leary appointed Trustees Brewster and Sinsabaugh to review Village fees and make recommendations.

**Street Sweeper/Backhoe:** Mayor Leary stated Trustee Steck is working on estimates.

**Tourism Signs/NYS DOT for SRAC:** Mayor Leary stated he and Trustee Ayres attended a County Tourism Meeting. A sign was approved by NYS DOT to be installed in front of the SRAC. Mayor Leary stated that no input was requested from the Village. Discussion followed. NYS DOT will install and maintain the sign. Trustee Ayres moved to approve the installation of the sign as presented. Trustee Steck seconded the motion, which carried unanimously.

**Seasonal Cemetery Laborer:** Trustee Keene moved to hire Gene Chaykosky at $10 per hour as seasonal cemetery laborer. Trustee Steck seconded the motion, which carried unanimously.

Trustee Keene stated he discovered a headstone was hit by a car and damaged. Chief Gelatt stated they are trying to find out what happened. Trustee Keene asked for a follow-up on the illegal burial. Attorney Keene stated a letter was sent to person responsible for it, and she will follow-up on.

**Part Time Police Officer:** Chief Gelatt requested approval to hire Daryl Dibble as a part time police officer to cover a few shifts per month at the contracted rate. Trustee Ayres moved to approve Daryl Dibble as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Shared Services Committee:** Mayor Leary stated he is working on meeting with the Town of Barton, Waverly School District, and Tioga County to brainstorm ideas for opportunities of shared services.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:24 p.m. to discuss the Police Contract, and a candidate for the records clerk position. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:05 p.m. Trustee Steck seconded the motion, which carried unanimously.

Trustee Steck moved to hire Laura Oakley as Full Time Records Clerk at $11.52 per hour, effective April 15, 2014. She will fill the vacancy that will be left by Mary Abell upon her retirement. She is currently working in the Clerk’s office, and will continue to work 10 hours per week in the Clerk’s office as needed. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Steck, Sinsabaugh, Brewster, Ayres, Keene, Kraus, Leary)

Nays – 0

The motion carried.

Trustee Ayres moved to approve the Police Contract, June 1, 2014 through May 31, 2017, and authorize Mayor Leary to sign it. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Steck, Sinsabaugh, Brewster, Ayres, Keene, Kraus, Leary)

Nays – 0

The motion carried.

Trustee Ayres moved to approve Ron Nogar to pay off the principal balance, including late fees dating back to the installation of loan software, on April 7, 2014. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Kraus moved to adjourn at 8:08 p.m. Trustee Keene seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REORGANIZATION MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M. ON**

**MONDAY, APRIL 7, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Present were Trustees: Sinsabaugh, Steck, Brewster, and Trustees-Elect: Ayres, Aronstam, Hughes, and Mayor Leary

Also Present: Clerk Treasurer Wood, and Attorney Keene

Visitors included Adele Ayres of 429 Pennsylvania Avenue, Patricia Aronstam of 433 Park Avenue, Trisha Hughes of 54 Pine Street, and Matt Hicks of the Morning Times

**Call to Order:** Mayor Leary called the meeting to order at 6:08 p.m.

**Oaths of Office:**  Clerk Treasurer Wood administered the Oaths of Office to Trustees-Elect: Patrick Ayres, Andrew Aronstam, and Brian Hughes

**Mayor’s Appointments:** The following appointments were made per Mayor Leary’s recommendations. They are as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Appointment** | **Term** | **Motioned by:** | **Seconded by:** | **Result** |
| Patrick Ayres | Deputy Mayor | 1 year | Steck | Sinsabaugh | Unanimously  Carried |
| Kerri Hazen | Deputy Clerk Treasurer | 1 year | Brewster | Ayres | Unanimously  Carried |
| Betty J. Keene | Village Attorney | 1 year | Aronstam | Hughes | Unanimously  Carried |
| Robert Chisari | Code Enforcement/ Building Inspector | 1 year | Steck | Sinsabaugh | Unanimously  Carried |
| Paul Stolicker | Water Board Commissioner | 5 years | Brewster | Ayres | Unanimously Carried |
| Al Engelbert | Sewer Board  Commissioner | 5 years | Aronstam | Hughes | Unanimously  Carried |
| Billie Jo Jennings | Justice Court Clerk | 1 year | Steck | Sinsabaugh | Unanimously  Carried |
| David Boland | Acting Justice | 1 year | Brewster | Ayres | Unanimously  Carried |
| Julie Dugan | Assessor | 1 year | Aronstam | Hughes | Unanimously  Carried |
| Richard Lewis | Zoning Board of Appeals | 5 years | Brewster | Ayres | Unanimously  Carried |
| Gerald Keene, Sr. | Cemetery Coordinator | 1 year | Steck | Sinsabaugh | Unanimously  Carried |
| Pauline Cleveland | Historian | 1 year | Aronstam | Hughes | Unanimously  Carried |
| Teresa Fravel  George Greeno  Tom McLean | Crossing Guards | 1 year | Steck | Sinsabaugh | Unanimously  Carried |
| The Morning Times | Official Publication | 1 year | Brewster | Ayres | Unanimously  Carried |
| HSBC Bank  Chemung Canal Trust  Chase Bank  Tioga State Bank | Official Depositories | 1 year | Aronstam | Hughes | Unanimously  Carried |
| Regular Meeting | 2nd Tuesday (Monthly) @ 6:30 p.m. | 1 year | Steck | Sinsabaugh | Unanimously  Carried |

Check Signature Resolution: Trustee Brewster offered the following resolution and moved its adoption:

RESOLVED, that checks drawn on the Village Funds be payable on signatures of two out of the four of the following persons: Mayor Leary, Clerk Treasurer Wood, Deputy Clerk Treasurer Hazen, or Trustee Ayres. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Committee Appointments –**

|  |  |  |  |
| --- | --- | --- | --- |
| Police | Sinsabaugh |  |  |
| Street | Steck |  |  |
| Bldgs, Grounds, Cemetery | Aronstam | Sinsabaugh |  |
| Recreation | Brewster | Aronstam |  |
| Sewer | Steck |  |  |
| Water | Steck | Hughes |  |
| Planning | Ayres | Brewster |  |
| Tioga County (COG) | Leary |  |  |
| Finance | Sinsabaugh | Hughes | Brewster |
| Merchants | Ayres | Brewster |  |
| Town of Barton (2 per year) | Sinsabaugh  Steck | Hughes  Aronstam | Brewster  Ayres |

The Town of Barton Meeting is held on the 2nd Monday of the Month at 6:30 p.m. at the Town of Barton Hall.

Town of Barton Meeting Attendance Schedule:

|  |  |  |
| --- | --- | --- |
| January Sinsabaugh | May Ayres | September Hughes |
| February Sinsabaugh | June Ayres | October Steck |
| March Brewster | July Hughes | November Steck |
| April Brewster | August Aronstam | December Aronstam |

**Adjournment**: Trustee Steck moved to adjourn at 6:19 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:00 P.M.**

**ON TUESDAY, APRIL 8, 2014 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON THE 2014-2015 TENTATIVE BUDGET**

Mayor Leary declared the hearing open at 6:00 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Sinsabaugh, Hughes, Brewster, Ayres, Steck, and Mayor Leary (Trustee Aronstam arrived at 6:20 p.m.)

Also present were Clerk Treasurer Wood, Chief Gelatt, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, Matt Hicks of the Morning Times, and Amanda Renko of the Daily Review.

Visitors included Tioga County Legislator Ray Case, Don Merrill of 535 Waverly Street, Ron Keene of 7 Elliott Street, Jim & Sheryl Deibler of 90 Lincoln Street, Richard Stevens of 313 Chemung Street, Russell Lafritz of 132 Chemung Street, Helen Kelley of 14 Johnson Street, Sheila Kelly of 14 Johnson Street, Don Frederick of 472 Pennsylvania Avenue, Joe Schmieg of 417 Chemung Street, Fred & Sondra Casterline of 22 Cadwell Avenue, and Kathleen Jean Minielly-Schmieg of 417 Chemung Street

Mayor Leary stated the tentative budget was made public on March 20th. He outlined prior village tax increases. He explained the costs associated with state mandates, health insurance, retirement, and other major expenditures. He also explained that the Village has addressed these issues and has made changes to help lower the costs.

Mayor Leary opened the floor and asked if anyone had any comments regarding the tentative 2014-2015 tentative budget.

Don Merrill feels the reason for the substantial tax rate increase hasn’t been thoroughly explained, since the total budget only increased by $9,336.

Jim Diebler stated that when the Village overrode the tax cap he expected a little more than a 2% increase. He stated the 7.5% increase was unexpected, and asked what caused the high increase?

Richard Stevens stated concern that the departments aren’t looking hard enough at their budgets. They need to prioritize duties. The Village may also need to reduce services.

Helen Kelley stated concern that the increase is too high and may need to sell her house.

Sondra Casterline stated there were a few years that the taxes were not increased, which causes upsets to future budgets.

Trustee Ayres stated the Village is working on bringing some costs down. He explained changes in the employee health insurance coverage, which will save the Village approximately $90,000 over the next three years. He also stated the employees are contributing a higher rate for their coverage. The Village has also negotiated a lower pay-rate for new hires in the DPW. That will save the Village money in the long term. He stated there are other expenses and revenues being reviewed.

Trustee Brewster stated the fund balance has been used to offset taxes over prior years, which has used up most of its balance. The Village has lowered the appropriation of fund balance from $250,000 to $100,000 which means the difference of $150,000 needs to be raised by taxes. He explained that is the reason why the tax rate increased, but the total budget only slightly increased.

Former Trustee Ron Keene stated a hard decision needed to be made. He stated there needs to be more revenue streams to offset taxes. He stated concern with the property assessments, and said in his two years on the Board, he never met our assessor. Mayor Leary stated he has been back on the Board for one year and has met with the assessor three times, and feels she is very accessible.

Don Merrill stated there are 51 properties in the Village that are for sale. Mayor Leary offered to drive around with Mr. Merrill to see how many “for sale” properties are in Sayre and Athens, PA.

Mayor Leary thanked the budget committee for all their work on the budget. With no one else wishing to be heard, Mayor Leary closed the hearing at 6:32 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 8, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Sinsabaugh, Hughes, Brewster, Ayres, Steck, and Mayor Leary (Trustee Aronstam arrived at 6:20 p.m.)

Also present were Clerk Treasurer Wood, Chief Gelatt, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, Matt Hicks of the Morning Times, and Amanda Renko of the Daily Review.

Visitors included Tioga County Legislator Ray Case, Don Merrill of 535 Waverly Street, Ron Keene of 7 Elliott Street, Jim & Sheryl Deibler of 90 Lincoln Street, Richard Stevens of 313 Chemung Street, Russell Lafritz of 132 Chemung Street, Helen Kelley of 14 Johnson Street, Sheila Kelly of 14 Johnson Street, Don Frederick of 472 Pennsylvania Avenue, Joe Schmieg of 417 Chemung Street, Fred & Sondra Casterline of 22 Cadwell Avenue, and Kathleen Jean Minielly-Schmieg of 417 Chemung Street

**Public Comments:** Joe Schmieg stated landlords should pay a fee for their rental properties.

**Minutes:** Trustee Brewster moved to approve the Minutes of March 25, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log.

**Treasurer's Report:** The following was presented:

General Fund 3/01/14 – 3/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 168,962.39 | Current Revenues | 89,284.34 |
| Deposits | 253,948.08 | Year to Date Revenue | 2,421,071.74 |
| Disbursements | 164,816.06 | Current Expenditures | 146,028.61 |
| Ending Balance | 258,094.41 | Year to Date Expended | 2,375,278.72 |

\*General Capital Reserve Fund $83,885.35

Cemetery Fund 3/01/14 – 3/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 39,861.77 | Current Revenues | 867.27 |
| Deposits | 856.32 | Year to Date Revenue | 53,755.06 |
| Disbursements | 2,240.16 | Current Expenditures | 2,239.50 |
| Ending Balance | 38,477.93 | Year to Date Expended | 38,850.86 |

Loan Programs 3/01/14 – 3/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 11,470.96 | Beginning Balance | 15,328.22 |
| Deposits | 4,079.06 | Deposits | 6,279.85 |
| Disbursements | .79 | Disbursements | .20 |
| Checking Balance | 15,549.23 | Checking Balance | 21,607.87 |
| Savings/Moneymarket | 179,535.53 | Savings/Moneymarket | 44,243.47 |
| Total Fund Balance | 195,084.76 | Total Fund Balance | 65,851.34 |
| Total Outstanding Loans | 94,466.29 | Total Outstanding Loans | 107,075.40 |

\*The report outlined the status of individual loan repayments

Trustee Sinsabaugh moved to accept the reports as presented. Trustee Steck seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $16,489.74; for a total of $16,489.74. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

Chief Gelatt stated, as a cost-savings initiative, the Police Department has been accepted to a 1033 Program. This program offers equipment grants. He also stated the Police Department is holding an Open House/Meet & Greet event for the public on May 10, 2014, between 11:00-3:00 p.m.

**Tioga County Legislative Update:** Tioga County Legislator Ray Case stated Tioga County Tourism is accepting applications for beautification of business districts.

**2014-2015 Budget Adoption:** Trustee Brewster feels the Library appropriation should be reduced to $4,000. Trustee Ayres feels it should be left at $6,000, however, the library should be more accountable with how the funds are used. He stated the library, and its services, are an asset to the Village. Discussion followed. Trustee Sinsabaugh moved to reduce the library appropriation to $4,000. Trustee Aronstam seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Aronstam, Steck, Hughes, Brewster, Sinsabaugh)

Nays – 1 (Ayres)

The motion carried.

Trustee Brewster moved to approve the 2014-2015 Tentative Budget as final, reflecting the reduction of $2,000 from the library appropriation. The total budgets are: General Fund $2,767.313; Cemetery

Fund $52,738; Water Fund $653,394; and Sewer Fund $550,408. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Hughes, Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**Zoning Code Recommendations from the Planning Board:** Trustee Ayres attended the Planning Board’s Meeting. They discussed their code recommendation for the Commercial District. The Planning Board recommended leaving the draft as is. He stated their logic was that Broad Street is zoned Commercial/Business District per the comprehensive plan, and residential properties are a non-compliant use. Discussion followed. Trustee Brewster moved to forward the draft proposed zoning recommendation to Tioga County Planning for their review. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Hughes, Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**Curb Cut Application:** The clerk presented a curb cut application from Brady McCracken of 89 Clinton Avenue. He is requesting permission to install a curb in front of the residence. Trustee Steck stated he is installing parking blocks to deter vehicle in the green space. Trustee Steck moved to approve application as presented. Trustee Aronstam seconded the motion, which carried unanimously.

**Disaster Management Request:** Mayor Leary stated Elmira College and Guthrie Clinic would like to hold a course in disaster management in the Village Hall. The course is 9-weeks long, with a tentative schedule of April 29, successive Tuesdays through July 1 with an exercise on Saturday, July 12. The class time is 6 to 9 p.m. Trustee Steck moved to approve the use of the Community Room as presented. Trustee Brewster seconded the motion, which carried unanimously.

**NYCOM Annual Meeting:** The clerk stated the NYCOM’s Annual Meeting will be held on May 4-6, 2014 in Saratoga, NY at a cost of $260, plus room and board. Trustee Brewster moved to approve the Mayor, Trustees, Clerk, and Attorney to attend, if they are interested. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**NYS Retirement Seminar:** The clerk asked that Diane Lopreste be approved to attend a one-day Employer Education Seminar in Ithaca. There is no cost to attend. Trustee Brewster moved to approve as presented. Trustee Steck seconded the motion, which carried unanimously.

**Fair Housing Month:** Trustee Ayres offered the following resolution and moved its adoption:

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968; and,

WHEREAS, the month of April 2014 has been designed by the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity as Fair Housing Month; and,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Waverly hereby declares and proclaims April as Fair Housing Month in the Village of Waverly.

Trustee Brewster seconded the motion, which carried unanimously.

**Mayor’s Update:** Trustee Brewster stated the website is coming along well. He may have a presentation for the Board at the regular meeting in May.

Trustee Ayres stated there is a beautification grant available from Tioga County Tourism. He stated this grant is very competitive and on a first-come, first-serve basis. Trustee Ayres moved to approve Recreation Director Havens submitting an application and project narrative for beautification of the Mini Park. Trustee Brewster seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:22 p.m. to discuss a personnel issue regarding an individual health insurance situation. Trustee Steck seconded the motion, which carried unanimously.

Trustee Steck moved to enter regular session at 8:10 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment:** Trustee Brewster moved to adjourn at 8:11 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 22, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Ayres called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Aronstam, Sinsabaugh, Brewster, and Deputy Mayor Ayres

Also present were Clerk Treasurer Wood, Attorney Keene, and Teresa Saraceno of Tioga County Economic Development

Press included Ron Cole of WATS/WAVR, and Warren Howeler of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Jack Swingle, Exalted Ruler of the Sayre Lodge 1148 B.P.O. Elks, stating a donation of $100 to the restoration of the Mini Park. The Board thanked the Elks for their donation.

**Minutes:** Trustee Brewster moved to approve the Minutes of April 7, and April 8, 2014 as presented. Trustee Aronstam seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $46,711.54; Cemetery $383.07; for a total of $47,094.61. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Permit Fees Committee Update :** Trustee Brewster stated there is no update, however, the committee is scheduling a meeting soon.

**Shared Services Committee Update:** Deputy Mayor Ayres stated he, Mayor Leary, Town of Barton Supervisor Dick Cary, Tioga County Legislature Chairperson Marty Saurbrey, and Tioga County Legislator Ray Case met and toured our building. He will keep the Board informed with any developments.

**DPW Street Sweeper/Backhoe:** Trustee Sinsabaugh moved to table for information from Trustee Steck. Trustee Brewster seconded the motion, which carried unanimously.

**Leprino Address Change Request:** Deputy Mayor Ayres stated Mayor Leary is still working on and will follow-up with Leprino when he returns.

**Beautification Grant:** Trustee Aronstam stated Recreation Director Havens will file for the Beautification Grant and asked for two planters and two benches. He stated Havens will be filing the application soon.

**Part Time Police Officer:** The clerk read a request from Chief Gelatt requesting approval to hire James Melka as a per diem crossing guard. He would only be used to fill in as needed. Trustee Sinsabaugh moved to approve James Melka as presented, at $8.89 per hour, and contingent upon police background check. Trustee Aronstam seconded the motion, which carried unanimously.

**2014 Main Street Program:** Teresa Saraceno stated she feels our application is stronger than it was last year. She submitted a map to show the area targeted for the grant. Trustee Brewster offered the following resolution and moved its adoption:

**Support of the Application Made by the Tioga County Economic Development**

**and Planning Office for the Targeted Area within the Village of Waverly**

**to the New York State Housing Trust Fund Corportation for the 2014**

**New York State Main Street Program**

WHEREAS, the Tioga County Legislature has demonstrated support for revitalization of commercial and residential uses that make up the downtowns or “Main Street” areas of the county as per Resolution 159-03, and

WHEREAS, Tioga County Economic Development and Planning, is applying for up to $250,000 in grant funding from the 2014 New York Main Street Program for the targeted contiguous “Main Street” area along Broad Street per attached map (Attachment #1) in the downtown central business district of the Village of Waverly, and

WHEREAS, the goal of this funding source is to assist NYS communities with their main street/downtown revitalization efforts and specifically in Waverly in the program category of Interior and Exterior Building Renovations and Streetscape Improvements. It will assist in stimulating reinvestment, preserving mixed-use (commercial, civic, and residential) “main street buildings, addressing code compliances and building the Village of Waverly’s capacity to further implement their Main Street revitalization efforts and target this area of prospective businesses and residents, and

WHEREAS, the Village of Waverly has continually envisioned this targeted area of the Village to be the core of their downtown area as well as to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan. Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Alliance to bring that Downtown Action Plan to life. The NYMS grant will be the next effort to address these plans regarding downtown revitalization goals; and

WHEREAS, the intent of the Tioga County Economic Development and Planning application is to further such Main Street revitalization efforts in the Village of Waverly with focus on the properties in this targeted area.

NOW, THEREFORE, the Village of Waverly Board of Trustees, duly convened at a meeting hereby does;

RESOLVE, that the Village of Waverly Board of Trustees fully support said grant application.

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Ayres, Brewster, Sinsabaugh, Aronstam)

Nays – 0

Absent – 3 (Steck, Hughes, Leary)

**Street Department Seasonal Laborer:** Trustee Sinsabaugh moved to hire Andrew Roney at $8 per hour, 30 per week, for 15 weeks, as a part-time temporary/seasonal DPW laborer, as budgeted. Trustee Brewster seconded the motion, which carried unanimously.

**Water Department Seasonal Laborer:** Trustee Brewster moved to hire Jacob Hogan at $8.50 per hour, 30 hours per week, for 13 weeks, as a part-time temporary/seasonal water laborer, as budgeted. Trustee Aronstam seconded the motion, which carried unanimously.

**Mayor/Board Update:** Deputy Mayor Ayres thanked all who donated and worked on the Mini Park Project. He stated funding is available through Tioga County at a 0% loan for façade improvements. He also mentioned that the Little League Parade is Saturday, at 9:30 a.m.

**Municipal Banking:** Clerk Treasurer Wood stated she me with Bob Fenner, of First Niagara Bank, and explained changes that are coming at First Niagara. In order to charge the Village fees we would need to make all existing accounts non-interest bearing, or maintain a balance of $2.7 million on deposit. Fees would be approximately $400 per month. She stated she also had discussion with Chemung Canal to which they would not charge any fees, accounts would bear interest, and we did not need to maintain a specific balance. Discussion followed.

Trustee Sinsabaugh moved to approve the clerk treasurer to close the following First Niagara checking accounts: Water, Capital Projects, Cemetery, General Fund, Community Development, CDBG #2, Dental Trust, and Unemployment. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam moved to approve the clerk treasurer to open new checking accounts at Chemung Canal Trust Company and transfer the balances respectfully for the following accounts: Water, Capital Projects, Cemetery, General Fund, Community Development, and CDBG #2. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Aronstam moved to approve the clerk treasurer to transfer the balances of the Dental Trust, and Unemployment accounts to the money market account, already existing at Chemung Canal Trust Company, and keep each of those balances segregated within the account. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam moved to close the General Capital Reserve checking account at Chemung Canal and transfer the balance of $219 to the money market, and add to the General Capital Reserve balance within the account. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam moved to change the current money market account (Water Capital Projects Reserve) at Chemung Canal to a fully FDIC insured account, also at Chemung Canal. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Auditing Services:** The clerk submitted two engagement letters for auditing services of the Village Government. They were as follows:

EFP Rotenberg $19,500

CDLM $ 8,600

She stated CDLM audited our Justice Court last year and submitted a list of references. Trustee Aronstam moved to engage auditing services of the Village Government with CDLM at a cost of $8,600 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to engage auditing services of the Justice Court with CDLM at a cost of $1,200 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Aronstam moved to adjourn at 7:06 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 13, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Hughes, Aronstam, Brewster, Ayres, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, Chief Gelatt, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, Matt Hicks of the Morning Times, and Amanda Renko of the Daily Review.

Visitors included Tioga County Legislator Ray Case, William Dimmick III, Mindy Fritzen, and Andrew Fagen with Cornell Cooperative Extension

**Public Comments:** Mindy Fritzen stated concerns with the lack of upkeep of several properties.

Andrew Fagen requested permission to continue the Farmers’ Market at Muldoon Park on Mondays, beginning June 23rd through October 2nd, from 3:30 p.m. to 6:30 p.m. Trustee Brewster moved to approve the Farmers’ Market at Muldoon Park as requested. Trustee Steck seconded the motion, which carried unanimously.

**Minutes:** Trustee Ayres moved to approve the Minutes of April 22, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Street Department, Code, Court, Recreation, and Police. The clerk also submitted a complaint log. Chief Gelatt thanked all the agencies involved with recent mobile meth lab investigation. There was an arrest made for the local burglaries. He also stated there was a good turnout at the open house.

**Treasurer's Report:** The clerk presented the following reports:

General Fund 4/01/14 – 4/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 258,094.41 | Current Revenues | 57,859.56 |
| Deposits | 76,924.40 | Year to Date Revenue | 2,478,931.30 |
| Disbursements | 163,516.31 | Current Expenditures | 148,215.39 |
| Ending Balance | 171,502.50 | Year to Date Expended | 2,523,494.11 |

\*General Capital Reserve Fund $83,902.55

Cemetery Fund 4/01/14 – 4/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 38,477.93 | Current Revenues | 166.00 |
| Deposits | 150.31 | Year to Date Revenue | 53,921.06 |
| Disbursements | 22,819.46 | Current Expenditures | 2,819.46 |
| Ending Balance | 15,808.78 | Year to Date Expended | 41,670.32 |

Loan Programs 4/01/14 – 4/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 15,549.23 | Beginning Balance | 21,607.87 |
| Deposits | 2,338.28 | Deposits | 1,429.70 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 17,887.51 | Checking Balance | 23,037.57 |
| Savings/Moneymarket | 179,572.42 | Savings/Moneymarket | 44,252.56 |
| Total Fund Balance | 197,459.93 | Total Fund Balance | 67,290.13 |
| Total Outstanding Loans | 166,285.75 | Total Outstanding Loans | 105,668.09 |

\*The report outlined the status of individual loan repayments

Trustee Brewster moved to accept the reports as presented. Trustee Steck seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented the bills in the amount of: General Fund $34,880.72; Trust & Agency Fund (Mini Park) $1,172.44; and Perpetual Care Funds $432.00; for a total of $36,880.16. Trustee Aronstam moved to approved payment of the bills as presented. Trustee Hughes seconded the motion, which carried unanimously.

Trustee Steck stated the roller’s engine has blew up. The roller was 30 years old. The street department has currently rented one for $1,000 per month. He is looking at options and will bring back to the Board.

**Tioga County Legislative Update:** Tioga County Legislator Ray Case stated the Main Street application has been approved and will be submitted. The Recreation Youth Bureau has disbursed their grant funds and Waverly did not submit application. Tioga County will be disbursing the mortgage tax to municipalities.

He stated he met with Tom Miller of NYS DOT and they are looking at the Cayuta Creek Bridge on Route 17C/Chemung Street. Mayor Leary stated there will be a public presentation soon.

**Leprino Address Request:** The clerk presented a request to change address of parcel #166.19-5-66 to 400 Leprino Avenue. Trustee Aronstam moved to approve the request as presented. Trustee Steck seconded the motion, which carried unanimously.

**Permit Fees Update:** Trustee Brewster stated the committee will meet this Thursday to review.

**Shared Services Update:** Mayor Leary stated he met with leaders from the Town of Barton, Tioga County, and Waverly School to discuss any shared services opportunities.

**Tioga County Health Insurance Rebate Update:** Mayor Leary stated Tioga County Treasurer is finalizing the health insurance and should be getting a rebate soon. At this point, they are unable to give estimate.

**FEMA Update:** Mayor Leary stated he and Clerk Treasurer Wood met with James Abate, Homeland Security, and they are still showing the retaining wall as 0% complete. He stated these agencies are not communicating with each other. Mayor Leary has contacted Congressman Reed’s office regarding this. He also stated we received another progress payment in the amount of $71,787.13. The clerk stated it was reimbursed equally to the business and rehab funds.

**17C Bridge Project Update:** Mayor Leary stated he met with Tom Miller, NYS DOT, and reviewed the design for the 17C bridge. Mr. Miller will be scheduling a public presentation soon. They are also looking at the intersection of Chemung Street and Cayuta Avenue. Mayor Leary stated this will be a huge project, and Donnelly Parkway will be repaired.

**Streetscape Through Main Street Program:** Trustee Ayres submitted a list of things that is not eligible for streetscape funding. Trustees Aronstam and Steck offered to work with Trustee Ayres to gather ideas.

**Tax Rate Resolution:** Trustee Steck offered the following resolution and moved its adoption:

WHEREAS, the Board, by resolution passed at the Regular Meeting held April 08, 2014, adopted its annual budget for the fiscal year, commencing June 1, 2014 and ending May 31, 2015, and,

WHEREAS, the total of taxable property in said Village as shown on the current assessment roll has been determined to be $70,091,924, and,

WHEREAS, the Board of Trustees of the Village of Waverly, by resolution dated the same date appropriated the sum of $2,767,313 less estimated revenues of $858,169 or a balance of $1,909,144 to be raised by real estate taxes, said Board of Trustees hereby levies the following tax pursuant to the provisions of the Real Property Tax Law of the State of New York upon the taxable property of the Village of Waverly, to wit: upon all taxable property of the Village of Waverly, and,

BE IT RESOLVED, that the tax rate on account of said levy be set at the rate of $27.238 per each $1,000 of assessed valuation, and,

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer be directed to extend and carry out upon the tax roll of the Village of Waverly, the amount to be levied against the value of each parcel of real property owed thereon, and,

It further appearing that the Board of Water Commissioners of the Village of Waverly has filed with the Clerk of the Board of Trustees its certificate in writing, indicating certain unpaid water rents and penalties thereon, as of May 1, 2014, with the properties against which said unpaid water rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid water rents in the amount of $9,244.37 be levied pursuant to the provision of the Village Law against said properties, as set forth, on said certificate, and in the amount set forth, and,

It further appearing that the Board of Sewer Commissioners of the Village of Waverly has filed with the Clerk, its certificate in writing, indicating certain unpaid sewer rents and penalties thereon, as of May 1, 2014, with the properties against which said unpaid sewer rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid sewer rents in the amount of $7,526.63 be levied pursuant to the provision of the Village Law against said properties, as set forth on said certificate, and in the amount set forth, and,

NOW, THEREFORE, BE IT RESOLVED, that a total amount of $428.00 of unpaid grass and weeds be levied pursuant to the provision of the Village Law against said properties, as set. Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $295.35 of unpaid snow removal charges be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $221.85 of prorated tax bills be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

BE IT FURTHER RESOLVED, that the Village Clerk be directed to extend and carry out upon said tax roll of the Village of Waverly the amount so levied against the several parcels of real property:

Trustee Brewster seconded the motion, and duly put to a roll call vote, resulting as follows:

Ayes – 6 (Hughes, Aronstam, Ayres, Brewster, Steck, Leary)

Nays – 0

Absent – 1 (Sinsabaugh)

**Wireless Internet Quote:** The clerk submitted a quote for wireless internet installation from Pyramid Business Systems for $1,137. Trustee Hughes stated it seemed to be high. Trustee Brewster stated he would like to review it for the next meeting. The Board agreed.

**Broad Street Sidewalks/Trees:** Mayor Leary state he, Trustee Steck, and Marty Borko looked at the trees and sidewalks on Broad Street and there are many issues, including safety concerns. They will continue to come up with a plan.

**Parking Committee/Proposed Changes:** Mayor Leary stated he would like to see if there are any possible changes for parking that would help with plowing and street sweeping. He appointed Street Lead Equipment Operator Pond, Chief Gelatt, Trustee Steck, Trustee Ayres, Trustee Aronstam, and representatives from the Waverly Business Association and the Fire Department.

**Summer Employment in the Parks Department:** Trustee Steck moved to hire Eric Reznicek and Jeff Klossner as Temporary Part-Time Laborers in the Parks Department at a rate of $8.75 per hour, up to 28 hours per week for 12 weeks. Trustee Brewster seconded the motion, which carried unanimously.

**Summer Employment in Recreation:** Recreation Director Havens recommended the following persons be hired for the 2014 Summer Recreation Program, the program is for five weeks. They are as follows:

Brittany Kipling Director 28 hours $9.00 per hour

Meryl Hewitt Asst. Director 28 hours $8.75 per hour

Mattison Seymour Counselor 28 hours $8.35 per hour

Harley Winklemen Counselor 28 hours $8.35 per hour

Dana Langdon Counselor 28 hours $8.35 per hour

Cody Marchese Counselor 28 hours $8.35 per hour

Victoria Cron Counselor 28 hours $8.35 per hour

Patric Bronson Counselor 28 hours $8.35 per hour

Alex Uhl Counselor 28 hours $8.25 per hour

Morgan Salsman Counselor 28 hours $8.25 per hour

Dylan Perry Counselor 28 hours $8.25 per hour

Megan Wilbur Counselor 28 hours $8.25 per hour

Dylan Wright Counselor 28 hours $8.25 per hour

Brittany Thomas Counselor 28 hours $8.25 per hour

Jacob Hazen Counselor 28 hours $8.25 per hour

Trustee Aronstam moved to approve the recommendation as presented. Trustee Ayres seconded the motion, which carried unanimously.

**Summer Employment in the Cemeteries:** Trustee Ayres moved to hire Niq Sinsabaugh as Temporary Part-Time Labor in the Cemeteries at a rate of $8.75 per hour, up to 30 hours per week for 15 weeks. Trustee Aronstam seconded the motion, which carried unanimously.

**Summer Employment in the Water Department:** Trustee Ayres moved to hire Cody Marchese as Temporary Part-Time Labor in the Cemeteries at a rate of $8.35 per hour, up to 30 hours per week up to June 1st, to bridge gap until Jake Hogan would start in the water department. Trustee Brewster seconded the motion, which carried unanimously.

The Trustees stated concern with the differences with pay rates with the summer help. Discussion followed and will be more consistent in the future.

**Cable Franchise Agreement:** Attorney Keene stated we received two cable franchise agreements and they are proposing the same as Time Warner. A 5% fee is the highest they can go, which is set by Federal Statute. Trustee Brewster moved to schedule a public hearing for May 27th at 6:00 p.m. and the clerk to publish the same. Trustee Hughes seconded the motion, which carried unanimously.

**Proposed Village Residential Sidewalk Replacement Program:**  Trustee Ayres submitted a proposed sidewalk replacement program that would be financed through our residential rehab fund. He stated the submitted guidelines are in line with the program at the City of Cortland. He asked the Board to review and make recommendations or changes.

**Mayor’s Update:** Mayor Leary stated Penelec cut down four trees and it is the Village’s responsibility to remove the stumps. He submitted a proposal from Mattison Bucket Service in the amount of $850. Trustee Brewster moved to approve the proposal as presented. Trustee Steck seconded the motion, which carried unanimously.

Mayor Leary stated Tioga Management Waste Facility brought down 5 recycle bins for people that need them, however, renters must get theirs from the facility as there is a charge.

**Executive Session:** Trustee Brewster moved to enter executive session at 8:39 p.m. to discuss a personnel issue regarding an employee work history, and a residential rehab loan application. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 9:11 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Ayres moved to approve a residential rehab loan as ST100 in the amount of $5,400 with terms of 1% for 5 years. Trustee Ayres stated the Loan Committee reviewed application and it meets all guidelines. Attorney Keene will file a second mortgage to property. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment:** Trustee Steck moved to adjourn at 9:13 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:00 P.M.**

**ON TUESDAY, MAY 27, 2014 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING CABLE TELEVISION FRANCHISE APPLICATIONS**

**FROM NORTH PENN VIDEO AND EMPIRE VIDEO SERVICES CORPORATION**

Mayor Leary declared the hearing open at 6:00 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Sinsabaugh, Aronstam, Brewster, Ayres, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, and Matt Hicks of the Morning Times

Mayor Leary opened the floor for comment. Ryan Skorvira and Brian Ketchum from Empire Access (North Penn Telephone) discussed the applications. Mayor Leary stated concern that cable wires are already being laid. Brian Ketchum stated the wires are for broadband and voice only which does not require permitting by the State. He explained the procedures to begin the process for video services, beginning with the application process. Attorney Keene stated she reviewed the applications and had no concerns. She stated the franchise fee is at 5%, which is the highest allowed by the Federal Government, and it’s for a 10-year term. No other concerns were raised.

With no one else wishing to be heard, Mayor Leary closed the hearing at 6:30 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 27, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Aronstam, Ayres, Steck, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Kyle Farr requesting use of Glen Park for a music benefit concert to benefit narcotics anonymous or a local organization with similar values. They would charge an admission to enter the park. Discussion followed. Trustee Brewster moved to table discussion and get input from Chief Gelatt and Recreation Director Havens. Trustee Steck seconded the motion, which carried unanimously. They also recommended Mr. Farr come to next meeting.

**Minutes:** Minutes of May 13, 2014 were unavailable at meeting time.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $21,044.18; Cemetery $1,921.80; Dental Trust $784.29 and Mini Park Repairs (T&A Fund, paid for by donations) $655.00; for a total of $24,405.27. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Cable Franchise Applications:** Trustee Brewster offered the following resolution, and moved its adoption:

Approval of Franchise Agreement to Provide Cable Television Services

WHEREAS, the Village of Waverly Board of Trustees has been presented with individual proposed franchise agreements with Community Cable Corporation d/b/a North Penn Video, and Empire Video Services Corporation (the “Franchise Agreement”),

NOW, THEREFORE, the following resolutions are hereby adopted:

RESOLVED, that the Franchise Agreements are approved, and to that end the Village Mayor is hereby authorized, in the name and on behalf of the Village of Waverly, to (i) execute and deliver, in the name and on behalf of the Village of Waverly, the Franchise Agreements, (ii) take all such other actions (with the advice of counsel) as may be required to institute the cable television franchise contemplated by the Franchise Agreement, including without limitation, further negotiation and preparation of the Franchise Agreements and the execution and delivery of any necessary agreements, amendments, supplements, extensions, certificates, notes and other documents and instruments, all in form and substance as may be approved by the Village Mayor (his signature thereon being conclusive evidence of such approval), and (iii) take such further actions as the Village Mayor may deem necessary or advisable and appropriate to consummate the transactions hereby approved and otherwise to carry out the purpose and intent of this resolution.

RESOLVED, that all actions taken by the Village Mayor to date in connection with the Franchise Agreement are hereby ratified and affirmed in all respects.

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

**Permit Fees Committee Update:** Trustee Brewster stated there is no update, however, he will have proposed fees for the next meeting.

**Shared Services Committee Update:** Mayor Leary stated the committee will meet around June 10th.

**DPW Street Sweeper/Backhoe:** Trustee Steck stated the Street Department has rented a small roller at a cost of $1,000 per month. He stated he and Jack Pond, Street Department, has researched a couple of options. The cost to repair roller and replace the engine is approximately $8,400, less $2,000 rebate if core is good. This would have a one-year warranty. A new roller would cost around $33,000. Trustee Steck motioned to repair roller and replace the engine at a cost not to exceed $8,400. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

**17C Bridge Project Update:** Mayor Leary stated the NYS DOT will be holding a presentation on June 17, 2014 at 6:00 p.m. to discuss the replacement of the Cayuta Creek Bridge on Route 17C.

**Wireless Internet:** Kyle Dixon, Pyramid Business Systems, explained their quote for wireless internet connection. Trustee Brewster confirmed that the pricing was adequate for the work and moved to approve their quote in the amount of $1,137. Trustee Aronstam seconded the motion, which carried unanimously.

**Village Website:** Brad Zehr presented the new website to the Board. Kyle Dixon confirmed that the emails would be secured.

**2014 Residential Sidewalk Program:** Trustee Ayres presented new draft of program. The Board reviewed. Trustee Ayres moved to approve the 2014 Residential Sidewalk Program, as presented. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

**Main Street Program/Streetscape:** Trustee Ayres presented ideas for use of the $15,000 streetscape grant, if awarded. They included planting trees along Broad Street, two bike racks, directional signage, and planters/hanging baskets. Trustee Aronstam moved to approve submitting the ideas with the Main Street Program Application. Trustee Steck seconded the motion, which carried unanimously.

**Seasonal Labor:** Mayor Leary stated Niq Sinsabaugh is not available to work this year, therefore, there is still an opening for summer work in the Cemeteries.

Trustee Steck moved to hire Kevin Gorman at $8.75 per hour, 28 hours per week, for 12 weeks, as a part-time temporary/seasonal laborer in the Parks Department, as budgeted. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Steck moved to hire Colton Miller at $8 per hour, 20 hours per week, for 15 weeks, as a part-time temporary/seasonal laborer in the Sewer Department, as budgeted. Trustee Brewster seconded the motion, which carried unanimously.

**2013-2014 Budget Transfers:** Trustee Brewster moved to approve the following budget transfers:

**General Fund:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To: |  |  |  | Transfer From: |  |  |
| A 1110-0145 | court-sick | 2,131.00 |  | A 1110-0100 | court-full time | 2,023.00 |
| A 1110-0405 | court-telephone | 282.00 |  | A 1110-0142 | court-part time | 650.00 |
| A 1325-0145 | treasurer-sick | 179.00 |  | A 1410-0100 | clerk-full time | 1,350.00 |
| A 1355-0400 | assesser-expense | 930.00 |  | A 1410-0142 | clerk-part time | 2,000.00 |
| A 1410-0145 | clerk-sick | 752.00 |  | A 1620-0142 | bldg-janitor | 3,100.00 |
| A 1410-0149 | clerk-vacation | 318.00 |  | A 1620-0400 | bldg-expense | 9,000.00 |
| A 1410-0200 | clerk-equipment | 282.00 |  | A 1640-0400 | village car expense | 500.00 |
| A 1410-0402 | clerk-other expense | 2,000.00 |  | A 1640-0406 | village car gasoline | 500.00 |
| A 1620-0402 | buildings-electric | 5,500.00 |  | A 1910-0400 | unallocated ins | 1,518.00 |
| A 1620-0403 | buildings-repairs | 500.00 |  | A 1930-0400 | judgement & claims | 1,900.00 |
| A 1620-0404 | buildings-misc/sup | 1,674.00 |  | A 1989-0400 | misc-other GGS | 20,000.00 |
| A 1620-0405 | buildings-telephone | 400.00 |  | A 1990-0400 | contingent account | 44,377.00 |
| A 1650-0400 | computer systems | 16,000.00 |  | A 3120-0100 | police-full time | 21,714.00 |
| A 3120-0145 | police-sick | 21,450.00 |  | A 3120-0142 | police-part time | 10,470.00 |
| A 3120-0146 | police-overtime | 8,937.00 |  | A 3620-0200 | code-equipment | 1,000.00 |
| A 3120-0148 | police-holiday | 262.00 |  | A 5110-0401 | street salt & sand | 15,000.00 |
| A 3120-0149 | police-vacation | 2,008.00 |  | A 7110-0146 | parks-overtime | 2,500.00 |
| A 3120-0404 | police-car repairs | 3,288.00 |  | A 7110-0149 | parks-vacation | 675.00 |
| A 3120-0408 | police-training | 2,700.00 |  | A 7110-0203 | parks-play equip | 2,500.00 |
| A 3620-0142 | code-part time | 13,883.00 |  | A 9060-0800 | health insurance | 31,189.00 |
| A 3620-0400 | code-contract exp | 1,500.00 |  |  |  |  |
| A 5110-0100 | street-full time | 4,182.00 |  |  |  |  |
| A 5110-0144 | street-spec comp | 100.00 |  |  |  |  |
| A 5110-0145 | street-sick | 1,790.00 |  |  |  |  |
| A 5110-0148 | street-holiday | 62.00 |  |  |  |  |
| A 5110-0402 | street-uniforms/sup | 500.00 |  |  |  |  |
| A 5110-0403 | street-equip repair | 18,500.00 |  |  |  |  |
| A 5110-0404 | street repairs | 2,000.00 |  |  |  |  |
| A 5110-0406 | street-gasoline | 960.00 |  |  |  |  |
| A 5110-0407 | street-shop lights | 600.00 |  |  |  |  |
| A 5112-0200 | permanent improve | 5,170.00 |  |  |  |  |
| A 5182-0400 | street lighting | 7,500.00 |  |  |  |  |
| A 7110-0100 | parks-full time | 793.00 |  |  |  |  |
| A 7110-0142 | parks-part time | 607.00 |  |  |  |  |
| A 7110-0148 | parks-holiday | 32.00 |  |  |  |  |
| A 7110-0401 | parks-supplies | 8,000.00 |  |  |  |  |
| A 7110-0402 | parks-electric | 2,000.00 |  |  |  |  |
| A 7110-0408 | parks-trash | 350.00 |  |  |  |  |
| A 7310-0145 | rec-sick | 508.00 |  |  |  |  |
| A 7620-0400 | adult recreation | 2,096.00 |  |  |  |  |
| A 9010-0800 | Emp retirement | 17,431.00 |  |  |  |  |
| A 9015-0800 | police retirement | 2,460.00 |  |  |  |  |
| A 9040-0800 | workmans comp | 10,123.00 |  |  |  |  |
| A 9951-0900 | trans to cap proj | 1,226.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | 171,966.00 |  | TOTAL |  | 171,966.00 |

**Cemetery Fund:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Transfer To |  |  |  | Transfer From |  |  |
| C 8810-0145 | sick | 271.00 |  | C 8810-0142 | part time | 2,000.00 |
| C 8810-0146 | overtime | 194.00 |  | C 8810-0200 | equipment | 2,660.00 |
| C 8810-0148 | holiday | 32.00 |  | C 8810-0100 | full time | 1,500.00 |
| C 8810-0149 | vacation | 906.00 |  |  |  |  |
| C 8810-0400 | contractual exp | 4,757.00 |  |  |  |  |
|  |  |  |  |  |  |  |
| TOTAL |  | $6,160.00 |  | TOTAL |  | $6,160.00 |

Trustee Ayres seconded the motion, which carried unanimously.

**2013-2014 Budget Amendments:** Trustee Brewster moved to approve the following budget

amendments:

**Cemetery Fund:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| C 510 Appropriated Revenue |  |  |  | C 960 Appropriated Expense |  |  |
| C 5031 | interfund trans | 432.00 |  | C 8810-0401 | perpetual care exp | 432.00 |
|  |  |  |  |  |  |  |
| TOTAL |  | 432.00 |  | TOTAL |  | 432.00 |

**General Fund:**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A 510  Estimated  Revenues |  |  |  | A 960 Estimated Appropriations |  |  |
| A 3501 | CHIPS | 22,678.00 |  | A 5112-0200 | permanent improve | 22,678.00 |
| A 3089 | DCJS | 14,547.00 |  | A 3120-0407 | police-misc | 14,547.00 |
| A 2680 | Ins Recovery | 8,712.00 |  | A 3120-0404 | police-car repairs | 8,712.00 |
| A 2665 | sale of equipment | 8,854.00 |  | A 3120-0200 | police-equipment | 8,854.00 |
| TOTAL |  | 54,791.00 |  | TOTAL |  | 54,791.00 |

Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Christmas Lights:** Trustee Sinsabaugh stated the WBA will match up to $1,500 for the purchase of new decorations for the Business District. Trustee Ayres moved to approve purchasing up to $3,000 worth of lights as presented. Trustee Brewster seconded the motion, which carried unanimously. Trustee Ayres thanked the WBA for their help and offer.

**Mayor/Board Update:** Mayor Leary stated there is a real property exemption for disabled persons available, however, it is optional for municipalities to adopt.

**Executive Session:** Trustee Brewster moved to enter executive session at 8:16 p.m. to discuss a personnel issue regarding an employee work history. Trustee Ayres seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 9:05 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Ayres moved to provide reimbursement to Mary Abell’s HRA account to cover medical expenses incurred while she was employed with the Village, as documented on the Explanation of Benefits, and not to exceed $4,616.65. There was no second, causing the motion to fail.

Trustee Steck moved to approve the summer help in the Street Department to work 32 hours per week. Trustee Aronstam seconded the motion, which carried unanimously.

**Adjournment**: Trustee Aronstam moved to adjourn at 9:09 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 10, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Hughes, Aronstam, Brewster, Ayres, Steck, Sinsabaugh, and Mayor Leary

Also present was Clerk Treasurer Wood

Press included, Ron Cole of WAVR/WATS, and Matt Hicks of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk presented a liquor license renewal notice from Jim Friend stating his intention to renew the liquor license for The Club at Shepard Hills located at 17 Chemung Street. The clerk stated Chief Gelatt reviewed the application and had no concerns. Trustee Ayres moved to accept notice as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The clerk read a letter from Jacqueline Freeman requesting a road closure for all of Florence Street for the annual block party on July 4, 2014 between 12:00 and 9:00 p.m. Trustee Steck moved to approve request for street closure as presented. Trustee Ayres seconded the motion, which carried unanimously.

Mayor Leary stated the Annual Car Show will be held on July 9, 2014 from 5:30–8:00 p.m. at East Waverly Park. The committee requested the Village to pay for a port-a-potty to install in the lower field for handicapped persons at a cost of $150. Trustee Brewster moved to approve request as presented. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster stated he received a request from Brie Burgess, on behalf of the WBA, to close Broad Street from Waverly Street to Pennsylvania Avenue, and Park Avenue from Broad Street to Howard Street on October 4, 2014 from 8:00 a.m. until 4:00 p.m. They would like to have their annual Fall Fest Event. Trustee Sinsabaugh moved to approve the street closure as requested. Trustee Ayres seconded the motion, which carried unanimously.

**Minutes:** Trustee Steck moved to approve the Minutes of May 13, 2014 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Authorization to Pay Bill for Leaf Picker:** Trustee Steck stated the leaf picker is running and will be picked up from Bradco. He stated the repair work that was done on the leaf picker was not part of its warranty. Bradco Supply also did warranty work at no cost to the Village. Trustee Steck moved to approve payment to Bradco Supply in the amount of $1,164.21. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Court, Recreation, and Police Departments. The clerk also submitted a complaint log.

**Waverly Glen Use Request:** The clerk stated she emailed and left a message for Kyle Farr to attend meeting to discuss his request. She received no response. Trustee Ayres asked her to call again.

**Treasurer's Report:** The clerk presented the following reports:

Loan Programs 5/01/14 – 5/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Business Loans |  | Rehab Loans |  |
| Beginning Balance | 17,887.51 | Beginning Balance | 23,037.57 |
| Deposits | 6,870.16 | Deposits | 1,986.61 |
| Disbursements | 0.00 | Disbursements | 0.00 |
| Checking Balance | 24,757.67 | Checking Balance | 25,024.18 |
| Savings/Moneymarket | 215,505.20 | Savings/Moneymarket | 80,159.93 |
| Total Fund Balance | 240,262.87 | Total Fund Balance | 105,184.11 |
| Total Outstanding Loans | 86,461.54 | Total Outstanding Loans | 103,703.18 |

\*The report outlined the status of individual loan repayments

Trustee Sinsabaugh moved to accept the reports as presented. Trustee Steck seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented (May) bills in the amounts of: General Fund $23,727.61; Cemetery Fund $833.95; for a total of $24,561.56 and (June) bills in the amounts of: General Fund $24,327.71; Dental Trust $223.00; for a total of $24,550.71. Trustee Brewster moved to approved payment of the bills as presented. Trustee Hughes seconded the motion, which carried unanimously.

**CHIPS Funding:** The clerk read a letter from NYS DOT awarding the Village of Waverly $111,429.94 in CHIPS funding. NYS DOT also awarded an additional $12,458.16 for extreme winter recovery. Mayor Leary stated street paving will begin on June 23, 2014. The streets to be paved are:

Spaulding Street – from Ithaca Street to Barker Place

Pennsylvania Avenue – from Elm Street to Park Avenue

Park Avenue – from Pennsylvania Avenue to Broad Street

Center Street – from Chemung Street to Clinton Avenue

Clark Street – from Chemung Street to Clinton Avenue

**Permit Fees Update:** Trustee Brewster stated he would have proposed fees for the next meeting.

**Village Tax Correction:** Trustee Sinsabaugh moved to approve a tax correction reduction in the amount of $204.28 for Ada Pine of 104 Wilbur Street. The veteran’s exemption was omitted from the 2014 tax roll. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Hughes, Ayres, Aronstam, Sinsabaugh, Steck, Brewster, Leary)

Nays – 0

The motion carried.

**Computer for Door Program:** The clerk stated the computer that runs the door schedule and fob reader programs has been going down for several months. She stated Kyle Dixon, Pyramid Business Solutions, and Day Automation have both agreed that the computer needed to be replaced. They each submitted a proposal: Pyramid Business Solutions in the amount of $1,590 and Day Automation in the amount of $3,621. Trustee Brewster moved to purchase a computer as presented from Pyramid Business Solutions in the amount of $1,590. Trustee Ayres seconded the motion, which carried unanimously.

**Parking Committee/Proposed Changes:** Trustee Ayres stated the committee is looking at problems with narrow streets, use of traffic controls, and possible parking changes.

**Summer Employment in the Cemeteries:** Trustee Sinsabaugh moved to hire David Fagen as Seasonal Part-Time Labor in the Cemeteries at a rate of $8.75 per hour, up to 30 hours per week for 15 weeks. Trustee Brewster seconded the motion, which carried unanimously.

**2014 Residential Sidewalk Program Application:** Trustee Ayres stated that due to the eligibility requirements of this program, he recommended the Board discuss the applications in executive session. The Board agreed.

**Executive Session:** Trustee Ayres moved to enter executive session at 7:15 p.m. to discuss two residential sidewalk program applications. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:26 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Ayres stated the residential sidewalk application, SP1, was reviewed and it met all of the eligibility guidelines. He also stated that no apparent conflict of interest exists. Trustee Ayres moved to approve residential sidewalk application SP1, in the amount not to exceed $662.50. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Ayres stated the residential sidewalk application, SP2, was reviewed and it met all of the eligibility guidelines. He also stated since the applicant does not participate in any decision-making functions regarding the program funds, a conflict of interest does not exist. Trustee Steck moved to approve residential sidewalk application SP2, in the amount not to exceed $662.50. Trustee Aronstam seconded the motion, which carried unanimously.

Jean Minielly-Schmeig asked if it were possible to have a sidewalk program that doesn’t require an income-eligibility, as most residents are not eligible for this program.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 7:32 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JUNE 24, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Chief Gelatt, and Attorney Keene

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** Linda Vogel, of 201 Broad Street, requested three parking spots (one on Broad Street and two on Loder Street) be limited to 15-minute parking. Mayor Leary stated the parking committee will review.

Steve Mauersberg, of 217 William Street, stated concerns with the deteriorating conditions of a home in his neighborhood. The home is located at 214 William Street. He stated the home also possesses health risks, such as possible harboring of rodents, cockroaches, and medical wastes. There is nobody currently residing in the home, as owner has been residing in the nursing home. He asked the Board to take action regarding this property. Mayor Leary stated he and Code Enforcement have been reaching out to the Tioga County Board of Health regarding this property. He stated there has been no response from the Department of Health.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of May 27, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Treasurer's Report:** The clerk presented the following reports:

General Fund 5/01/14 – 5/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 171,502.50 | Current Revenues | 83,447.10 |
| Deposits | 62,034.14 | Year to Date Revenue | 2,562,378.40 |
| Disbursements | 192,382.74 | Current Expenditures | 204,954.24 |
| Ending Balance | 41,153.90 | Year to Date Expended | 2,728,448.35 |

\*General Capital Reserve Fund $83,918.30

Cemetery Fund 5/01/14 – 5/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 15,808.78 | Current Revenues | 1,793.39 |
| Deposits | 1,346.00 | Year to Date Revenue | 55,714.45 |
| Disbursements | 9,458.63 | Current Expenditures | 11,469.28 |
| Ending Balance | 7,696.15 | Year to Date Expended | 53,139.60 |

Trustee Brewster moved to accept the reports as presented. Trustee Sinsabaugh seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of (May) General Fund $14,263.43; Cemetery $744.70; and (June) General Fund $9,300.48; for a total of $98,033.91. Trustee Brewster moved to approve payment of the bills as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Legislative Update:** Tioga County Legislator Ray Case stated the Economic Development Regional Meeting will be held in Tioga County. The Main Street Program Funding Application was filed. A bike event that was held in Owego for the past twelve years will be held in Waverly this year, per the request of Deb Twigg. Tioga County Tourism will be sponsoring the event.

**Waverly Glen Use Request:** The clerk stated there still has been no response from Kyle Farr regarding his original request to hold an event at the Glen.

**Permit Fees Committee:** Trustee Brewster stated he would have proposed fees for the next meeting.

**Street Paving:** Mayor Leary stated the paving contractor has been delayed. Due to the delay, our paving has been changed from June 23rd to June 26th. He stated he contacted the contractor with concerns that the Town of Barton does not work on Fridays, which they have always helped us with the paving.

**Parking Review Committee:** Trustee Ayres stated they are reviewing the snow removal process. The Board may consider hiring an outside company to clear un-shoveled sidewalks and charge the homeowner. He stated currently there is a $25 administrative charge on the snow removal bills, however, he recommends a $50 administrative charge be added to both snow removal and grass mowing charges. He stated the committee will be again on June 25th.

**Full-Time Police Officer:** Chief Gelatt stated he contacted Civil Service and obtained a certified list. He interviewed four candidates. He recommended Katheryn Martinez to fill the full-time position left by Brad Rayle. Trustee Sinsabaugh moved to hire Katheryn Martinez as a Full-Time Police Officer at the contractual rate of an entry level/non-certified officer, effective July 18, 2014. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Sinsabaugh, Ayres, Brewster, Leary)

Nays – 0

Absent – 3 (Hughes, Aronstam, Steck)

The motion carried.

**Waverly Central Schools Fueling Agreement:** The clerk submitted an agreement from Waverly Central Schools regarding the use of fueling station for the period of July 1, 2014 through June 30, 2015, with an annual maintenance fee of $350. Trustee Sinsabaugh approved the agreement as presented and authorized the Mayor to sign. Trustee Brewster seconded the motion, which carried unanimously.

**Standard Work Day Resolution:** Trustee Sinsabaugh offered the following and moved its adoption:

BE IT RESOLVED, that the Village of Waverly Board of Trustees hereby established the following as a standard workday for the purpose of determining days reportable to the New York State and Local Employees’ Retirement System:

Elected Officials, as Mayor, Trustee, and Justice, six hours for a standard work day, and

appointed officials, as Attorney, Acting Justice, and Assessor, six hours for a standard work day, and

all other employees, eight hours for a standard workday.

Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 ((Sinsabaugh, Ayres, Brewster, Leary)

Nays – 0

Absent – 3 (Hughes, Aronstam, Steck)

The motion carried.

**Village Employee Policy:** Attorney Keene will review the “sick time” provision in the Employee Policy and draft a revision for the next meeting.

**2014 Residential Sidewalk Program:** Trustee Ayres stated the residential sidewalk application, SP3, was reviewed and it met all of the eligibility guidelines. The Board reviewed the application. Trustee Ayres moved to approve residential sidewalk application SP3, in the amount not to exceed $800 as per the program criteria. Trustee Brewster seconded the motion, which carried unanimously.

**Mayor/Board Update:** Mayor Leary asked Attorney Keene to review the property tax disability exemption and report back to the Board at the next meeting.

Mayor Leary stated he attended a meeting in Corning, NY regarding mandates and tax cap issues. The Wickes Law and other topics were also discussed. He stated the meeting was very informative.

Trustee Brewster stated Tioga County Planning Board approved proposed local law 02-2014 regarding zoning changes in the Commercial District the Village submitted. Attorney Keene stated she would have the law in final form for the next meeting, so the Board could schedule a public hearing.

**Adjournment**: Trustee Brewster moved to adjourn at 7:18 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JULY 8, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Role Call:** Present were Trustees: Hughes, Aronstam, Brewster, Ayres, Steck, Sinsabaugh, and Mayor Leary

Also present was Clerk Treasurer Wood, Tioga County Legislator Ray Case, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, Matt Hicks of the Morning Times, and Amanda Renco of The Daily Review

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Attorney Mary Finlayson, of the Waverly Free Library, requesting the funding of the Library provided in the village budget. Trustee Sinsabaugh moved to approve expending $4,000 to the Library as budgeted. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 ((Sinsabaugh, Steck, Aronstam, Hughes, Leary)

Nays – 0

Abstain – 2 (Ayres, Brewster)

The motion carried.

Mayor Leary stated we placed a safety cone on Broad Street, near Waverly Street intersection, and it has helped slow down traffic. He stated he would like to install others in different locations.

Mayor Leary stated the Clerk’s office has taken in $1,437,525 for property taxes during the month of June, which leaves $471,619 left to collect. He stated the office has been very busy.

Mayor Leary stated the village will be receiving $101,654 in July and $101,654 in January for the refund of the Tioga County Health Insurance Consortium. He stated we would be receiving approximately $25,000 next year, but that amount could change.

**Minutes:** Trustee Brewster moved to approve the Minutes of June 10, 2014 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Court, Recreation, Street, and Police Departments. The clerk also submitted a complaint log.

**Treasurer's Report:** The clerk presented the following reports:

General Fund 6/01/14 – 6/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 41,153.90 | Current Revenues | 1,919,058.61 |
| Deposits | 1,543,631.32 | Year to Date Revenue | 1,919,058.61 |
| Disbursements | 946,914.72 | Current Expenditures | 123,347.65 |
| Ending Balance | 637,870.50 | Year to Date Expended | 123,347.65 |

\*General Capital Reserve Fund $83,932.09

Cemetery Fund 6/01/14 – 6/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 7,696.15 | Current Revenues | 1,668.13 |
| Deposits | 1,654.70 | Year to Date Revenue | 1,668.13 |
| Disbursements | 5,605.59 | Current Expenditures | 4,026.94 |
| Ending Balance | 3,745.26 | Year to Date Expended | 4,026.94 |

Trustee Aronstam moved to accept the reports as presented. Trustee Hughes seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills in the amounts of: General Fund $53,401.72; for a total of $53,401.72. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Tioga County Legislative Update:** Legislator Case stated the Tioga County Fair started today and will go through Saturday. The Regional Economic Development Conference was held, and had a good turn-out and a lot of good feedback. Catholic Charities will be holding a golf tournament fundraising event on August 2, 2014.

**15-Minute Parking Request:** Mayor Leary stated the Parking Committee is reviewing parking throughout the Village. He recommended the Committee review the 15-minute parking request as well. The Board agreed.

**Permit Fees Update:** Trustee Brewster submitted a proposed updated list of fee charges. They are as follows:

**VILLAGE OF WAVERLY FEE**

**Demolition Fee**

$1-500 $25

$500-5,000 $45

$5,000-50,000 $70

$50,000+ $120

New listing – accessory building of 100 square feet or less, $15

**Building Permit Fees (includes fence and pool permits)**

Construction Cost: Permit Cost

$0-2,000 $40

$2,000-4,000 $50

$4,001-8,000 $65

$8,001-12,000 $70

$12,001-16,000 $75

$16,001-20,000 $80

$20,001-24,000 $85

$24,001-28,000 $90

$28,001-32,000 $95

$32,000 and over $95 + $5 per additional $1,000 (was $2)

Renewed building permits after 1 year Same as original permit cost

Certificate of occupancy/Certificate of Compliance $50

Certificate of occupancy/Compliance w/ Bldg Permit $25

Temporary Certificate of Occupancy $25

Operating Permit (as required by 52-10) $75

Fire Safety and Property Maintenance Inspection

Commercial, Industrial $50

Multi-family dwelling – 3 or more dwellings $75 per inspection as of Jan. 1, 2016

Handicap Ramps Need permit and drawing, no charge

Contractors’ License $100

Sidewalk fees 50 cents per lineal foot

**Excavation fees**

Basic Excavation up to 50 sq.ft. $100 (increase of $50)

Excavations in excess of 50 sq. ft. $100 + $1 per additional sf (for each excavation made on each individual block).

Village repair fees, if applicable $250 minimum for first 50 sf. or $5 per sf, whichever is greatest

**Police fees**

Impound fee $10 per day plus $75 towing fee

Fingerprinting services $25 for non-Waverly residents, free for residents

**Recreation fees**

Increase of alcohol permit from $10 to $25

Require deposit of $50 for pavilion with kitchen area

**Business permits**

Initial fee of $25, registered with Village to allow for police record of all businesses

Fee of $10 per year for first five years

Fee of $5 per year after five years

**Lawn-mowing/Shoveling fees**

$50 administration fee

Services to be contracted; homeowner to have cost of service added to annual tax bill

Attorney Keene stated she would need to check on the legality of charging extra for administrative fees. She stated the laws would need to be amended for grass and snow removal, with regard to administrative fees. The Board pulled the lawn mowing/shoveling fees from the list, pending more information from the Attorney.

The clerk asked what the business permits were, as we have never issued them. She asked about an application, information needed, procedure, and how business owners would know that they would need a permit. Trustee Brewster stated it has already been discussed, and the Police Department would be issuing the permits.

Trustee Aronstam moved to approve the proposed fees as presented, not including the lawn mowing/shoveling fees, effective immediately. Trustee Sinsabaugh seconded the motion, which led to a roll call vote, as follows:

Ayes – 7 (Sinsabaugh, Ayres, Brewster, Steck, Aronstam, Hughes, Leary)

Nays – 0

The motion carried.

**Village Employee Policy:** Mayor Leary stated he would review with Attorney Keene and present updates and/or amendments to Board for final review and approval.

**Proposed Local Law 2 of 2014: Amendment to Zoning, Commercial District:** Attorney Keene presented the final draft and explained the changes. She stated most of the changes were in the definitions. Trustee Ayres moved to schedule a public hearing be held on July 22, 2014 at 6:00 p.m., and the clerk to advertise the same. Trustee Steck seconded the motion, which carried unanimously.

**214 William Street:** Attorney Keene reviewed all of the communications regarding the home at 214 William Street. She stated Code Enforcement Officer Chisari has informed us that the home needs to be abated due to hazardous conditions inside the home. She explained the Unsafe Building Law and procedures, and recommended the Board begin the process. Trustee Ayres moved to direct Attorney Keene to send notice to the property owner of 214 William Street, and give 30 days to abate the property. Trustee Brewster seconded the motion, which carried unanimously. Trustee Ayres moved to schedule a public hearing be held on August 12, 2014 at 6:00 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which carried unanimously.

Legislator Case stated the County Health Commissioner offered to come down and discuss the views of the County Department of Health.

**Real Property Disability Exemption:** Attorney Keene submitted information regarding the exemption. She stated the disability exemption is optional and the municipality is not required accept it. If the Village wanted to accept the exemption, a Board resolution would need to be passed.

**Mayor/Board Update:** Trustee Steck stated the paving is complete. They needed to use a little bit more asphalt than what was originally expected, however, they all did a very good job.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 7:30 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:00 P.M.**

**ON TUESDAY, JULY 22, 2014 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 02 -2014: AMENDING**

**CHAPTER 153, COMMERCIAL DISTRICT ZONING**

Mayor Leary declared the hearing open at 6:00 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Ayres, Aronstam, Steck, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, and Bob Wright of the Planning Board

Press included Lloyd Davis of WATS/WAVR, and Matt Hicks of the Morning Times

Trustee Ayres explained the changes that were proposed to the commercial district zoning. He stated there are changes to the definitions, compatibility, and conforming uses. Trustee Sinsabaugh stated the residential homes currently located in the commercial district, could not rebuild if the home were lost to a fire, for example. Attorney Keene stated they could be rebuilt if the total damage was valued at no more than the assessed value. Bob Wright, of the Planning Board, stated they reviewed many other municipal zoning codes and most were written with only a percentage of the assessed valuation.

With no one else wishing to be heard, Mayor Leary closed the hearing at 6:16 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JULY 22, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m.

**Role Call:** Present were Trustees; Ayres, Aronstam, Steck, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, Recreation Director Havens, Attorney Keene, and Bob Wright of the Planning Board

Press included Lloyd Davis of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk read a letter from Deborah Nichols stating that she recently rented the East Waverly Pavilion for a family and friends baby shower. She was very pleased and impressed by the conditions at the park. She also thanked the clerk for making it a positive experience.

**Minutes:** Trustee Brewster moved to approve the Minutes of June 24, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Treasurer's Report:** The clerk presented the following reports:

Loan Programs 6/01/14 – 6/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** |  | **Rehab Loans** |  |
| Checking-Beginning | 24,757.67 | Checking-Rehab Beginning | 25,024.18 |
| Checking-Ending | 26,163.48 | Checking-Rehab Ending | 8,230.12 |
| Savings-Beginning | 215,505.20 | Checking-Sidewalk Beginning | 0.00 |
| Savings-Ending | 215,540.62 | Checking-Sidewalk Ending | 19,662.50 |
| Total Fund Balance | 241,704.10 | Savings-Beginning | 80,159.93 |
|  |  | Savings-Ending | 80,173.10 |
|  |  | Total Fund Balance | 108,065.72 |
|  |  |  |  |
| Total Outstanding Loans | 85,273.04 | Total Outstanding Loans | 100,511.09 |

\*The report outlined the status of individual loan repayments

Trustee Sinsabaugh moved to accept the report as presented. Trustee Aronstam seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $26,894.87; and Cemetery Fund $976.22; for a total of $27,871.09. Trustee Sinsabaugh moved to approve payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Proposed Local Law 2 of 2014: Amend Chapter 153. Commercial Zoning:** Trustee Brewster offered the following resolution and moved its adoption.

WHEREAS, The Board of Trustees of the Village of Waverly has authorized a public hearing to be held on July 22, 2014, to hear comments regarding proposed local law 3 of 2014, amending Chapter 153, Commercial Zoning, and

RESOLVED, The Board of Trustees of the Village of Waverly has approved the adoption of local law 3 of 2014, to amend Chapter 153, Commercial Zoning, as follows:

§ 153-2-Application of Regulations

F. Conforming Use.

1. The lawful use of any building or use of land existing at the time of the enactment of the ordinance from which this chapter is derived may be continued although such use may not conform with the provisions of this chapter, except as hereinafter provided.

2. A nonconforming use may be changed to a conforming use, and when so changed to a more-restrictive classification, it shall not thereafter resume the less-restrictive use.

3. No building which has been damaged by fire or other natural causes to the extent of more than 100% of its assessed value for county tax purposes shall be repaired or rebuilt except in conformity with the regulations of this chapter. If a building is damaged less than 100% of its assessed value for county tax purposes it may be rebuilt on the original footprint of the building in conformity with the regulations of this chapter.

4. No nonconforming building shall be altered or nonconforming use of a building or land extended except as authorized by the Planning Board.

5. When a nonconforming use has been abandoned or discontinued for a period of 12 consecutive months from a date to be determined by the Code Enforcement Officer, such nonconforming building or use shall not be reestablished except by a variance granted by the Board of Appeals. Any subsequent use of such building or land shall be in conformance with the provisions of this chapter for the district in which such building or land is located.

[§ 153-8 Commercial District (C).](http://www.ecode360.com/11150974#11150974#11150974)

[B.](http://www.ecode360.com/11150990#11150990) Special permit uses requiring site plan review (see Article XI for area and other requirements):

(2) Light industrial.

(a) The following uses are prohibited are not allowed as Light Industrial:

1. Manufacturing facilities for radioactive products or any other facilities which use radioactive products in their manufacturing process or which produce radioactive products.

2. Landfill disposal sites or operations for the disposal of household refuse, commercial and industrial garbage and waste, building and construction debris, medical waste or petroleum-based materials, including used or recycled oil disposal facilities or recycling or disposal of used tires. In addition, land filling, dumping, injecting or disposal of hazardous material or toxic waste is prohibited.

3. Waste material incinerators and construction and demolition debris landfills.

4. Microwave, VHF, cellular phone and radar transmission towers.

5. All facilities which produce an end product which is a base, intermediate, secondary, primary or finished chemical product.

6. Industries using reportable quantities of chemicals under EPCRA (Emergency Planning and Community Right to Know Act).

7. Waste management facilities or chemical process facilities of any kind other than those incidental to light industry other than storage for less than 90 days of waste generated by such facility on site.

8. No waste, construction, recycling or garbage transfer stations.

9. Excavation and mining, including removal of topsoil or other subsurface soils for use or sale off premises.

10. Any use of a similar nature but not included in this section, and which upon the finding of the Planning Board that such use is compatible with the same general character as those permitted and will not be detrimental to other uses within the district or to adjoining district uses.

[(5)](http://www.ecode360.com/11150995#11150995) Other retail commercial uses, upon the finding of the Planning Board, that such use is compatible with the same general character as those permitted in the Commercial District and will not be detrimental to other uses within the district or to adjoining district uses.

§ 153-59-Definitions

**INDUSTRY, LIGHT**

Industrial uses such as manufacturing, processing and assemblage that are of a nonpolluting nature, particularly in regard to reservoir and groundwater resources. (See prohibited uses set forth in Sec. 153-8- Commercial District (C)- B. (2) Light industrial

**MOTOR VEHICLE**

Motorizeddevice or vehicle used for transportation of goods or people.

[**SERVICE STATION**](http://www.ecode360.com/11151476#11151476)

Any building or land that is used for the sale of motor fuel, oil, and motor vehicle accessories, and which may include facilities for lubricating, washing, or servicing motor vehicles.

[**STREET LEVEL**](http://www.ecode360.com/11151476#11151476)

The first floor of a building. If a building does not have a floor at the street grade, the first floor of the building will be the first floor above the street grade.

Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Aronstam, Steck, Sinsabaugh, Brewster, and Mayor Leary)

Nays – 0

Absent - 1 (Hughes)

The motion carried.

Trustee Ayres requested Mayor Leary send a letter of appreciation to the Planning Board for their time and hard work regarding this local law.

**COG Update:** Mayor Leary stated Tioga County Economic Development will tour Broad Street.

**FEMA Update:** Mayor Leary stated he has made two phone calls to Congressman Reed’s office regarding payment of our FEMA reimbursement. He will keep the Board updated.

**Permit Fees Committee:** Trustee Brewster stated there was some miscommunication between him and Recreation Director Havens regarding the deposit for the rental of the kitchen area at East Waverly Park. Trustee Brewster moved to remove this deposit fee from the fees list, and there will be no deposit required for the kitchen at East Waverly Park. Trustee Sinsabaugh seconded the motion, which carried unanimously. Trustee Brewster stated currently there is an additional $25 (non-refundable) added to the pavilion rental for the use of the kitchen, which will remain as is.

**Real Property Disability Exemption:** Mayor Leary stated information was handed out at the last meeting on the disability exemption. He asked the Board to review information for the next meeting.

**214 William Street:** Attorney Keene stated the owner was served on July 11, 2014, advising him that the property needs to be cleaned up. The owner was also given notice of the hearing scheduled for August 12, 2014. Mayor Leary stated there is no indication that he would clean up the property.

**NYCOM Fall Training School:** Trustee Steck moved to approve Clerk Treasurer Wood, Attorney Keene, and any Board Member to attend the NYCOM Fall Training School in Lake Placid, NY on September 15-18, 2014 at a cost of $260 each, plus room and board. Trustee Brewster seconded the motion, which carried unanimously.

**Court Grant Authorization:** The clerk presented a request from Village Justice Richard Koons for authorization to file a grant application for the 2014-2015 NYS Justice Court Assistance Program (JCAP) for the Justice Court. Trustee Brewster moved to approve Justice Koons’ request to file a grant application to JCAP. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Mayor/Board Update:** Mayor Leary stated there are three trees that need to be cut down. He stated he would get quotes for next meeting.

Mayor Leary stated Code Officer Chisari is getting more complaints regarding garbage. He stated there were four calls regarding garbage at a home on Florence Street. He asked if it is possible for Village to remove and charge back owner. Attorney Keene stated she will review the law on garbage removal.

Mayor Leary stated the Village received $101,654 from Tioga County for the health insurance consortium dissolution. We will also receive the same amount in December.

Mayor Leary stated he received the results of the Civil Service Recreation Director Exam, and congratulated Charlie Havens on passing the test. He will contact Civil Service to discuss placement.

**Executive Session:** Trustee Brewster moved to enter executive session at 6:59 p.m. to discuss a contractual issue regarding personnel. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:11 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 8:12 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**ADMINISTRATIVE HEARING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M. ON**

**TUESDAY, AUGUST 12, 2014 IN THE TRUSTEES' ROOM**

**IN THE VILLAGE HALL REGARDING 214 WILLIAM STREET**

Mayor Leary called the hearing to order at 6:00 p.m., and stated this hearing is in regard to the property located at 214 William Street, that is owned by Robert Geiss.

**Roll Call:** Present were Trustees Sinsabaugh, Ayres, Steck, and Mayor Leary

Also present Clerk Treasurer Wood, Code Officer Chisari, Attorney Keene, Donna & Dick Casterline of 213 William Street, Evelyn Mattson of 216 William Street, and Stephen Mauersberg of 217 William Street

**Hearing for Robert Geiss of 214 William Street:** Code Officer Chisari stated he has had complaints from the Mayor and neighbors regarding 214 William Street. He stated he had written permission from the owner to enter the home and observe its condition. Mr. Chisari stated he notified Tioga County Department of Health and have been working with them. He walked through the home on December 20, 2013, and found it uninhabitable and unsafe. He stated he observed and found hypodermic needles (bio- hazard), rodent feces, and rotting garbage throughout the home. The floors were completely covered, and made passing very difficult and dangerous. He placed a placard on the home warning of unsafe conditions and not to enter. He notified Waverly-Barton Fire Department not to enter the home in case of fire, due to the hazards inside. Mr. Chisari sent a letter to Tioga County Department of Health with his findings of the interior of the home.

Attorney Keene read Section D of the code. She stated Tioga County Department of Health recommends owner to rectify hazards, with persons specializing in medical waste (haz-mat) disposal. Code Officer Chisari stated the home is also full of personal property. Robert Geiss, owner, is currently residing at Elderwood Healthcare Facility.

Neighbors are also complaining of rodents and the deterioration of the exterior of the home, as siding and shingles are falling from the home. Mr. Casterline stated concern that the electric is still on in the home. Mayor Leary stated he would discuss that with the owner. He also stated Mr. Geiss is very cooperative and willing to help.

With no one else wishing to be heard, Mayor Leary closed the hearing at 6:28 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 12, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Ayres, Brewster, Steck, and Mayor Leary

Also present Clerk Treasurer Wood, Code Officer Chisari, Attorney Keene, Donna & Dick Casterline of 213 William Street, Evelyn Mattson of 216 William Street, and Stephen Mauersberg of 217 William Street

Also present were Clerk Treasurer Wood, Chief Gelatt, Recreation Director Havens, Tioga County Legislator Ray Case, and Attorney Keene

Press included Lloyd Davis of WAVR/WATS, and Matt Hicks of the Morning Times

**Public Comments:** Mike Buffone, of 94 Lincoln Street, stated he read the recent article regarding garbage in Waverly. He stated he would like a better description of what is considered garbage. He feels that junk items, construction debris, and scrap metal should also be considered garbage and some residential businesses in his neighborhood are accumulating such items. He stated these are unsightly and possesses a safety concern. Mayor Leary directed Mr. Buffone to file a written complaint and Code Officer Chisari would follow through on whatever needed to be done.

**Letters and Communications:** The clerk read a letter from Dr. Randy Richards, Superintendent of Waverly Central Schools, inviting the Board to the rededication of the newly renovated stadium on September 20th.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of July 8, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Court, Recreation, Street, and Police Departments. The clerk also submitted a complaint log. Chief Gelatt stated officers are responding to all medical calls, and are all trained in first aid. He also stated there would be double patrols of the football games due to the new stadium, and probable increased attendance.

Trustee Sinsabaugh thanked the Tioga County Sheriff’s Department with the road clean up on Mill Hill Road, and lower Broad Street.

**Treasurer's Report:** The clerk presented the following reports:

General Fund 7/01/14 – 7/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 637,870.50 | Current Revenues | 168,592.24 |
| Deposits | 347,496.03 | Year to Date Revenue | 2,087,650.85 |
| Disbursements | 200,000.07 | Current Expenditures | 184,705.06 |
| Ending Balance | 785,366.46 | Year to Date Expended | 308,052.71 |

\*General Capital Reserve Fund $83,946.34

Cemetery Fund 7/01/14 – 7/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 3,745.26 | Current Revenues | 913.88 |
| Deposits | 5,900.08 | Year to Date Revenue | 2,582.01 |
| Disbursements | 4,928.85 | Current Expenditures | 4,928.85 |
| Ending Balance | 4,716.49 | Year to Date Expended | 8,955.79 |

Loan Programs 7/01/14 – 6/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 26,163.48 | Checking-Rehab Beginning | 8,230.12 |
| Checking-Ending | 38,738.62 | Checking-Rehab Ending | 19,086.48 |
| Savings-Beginning | 215,540.62 | Checking-Sidewalk Beginning | 19,662.50 |
| Savings-Ending | 215,577.23 | Checking-Sidewalk Ending | 19,662.50 |
| Total Fund Balance | 254,315.85 | Savings-Beginning | 80,173.10 |
|  |  | Savings-Ending | 80,186.71 |
|  |  | Total Fund Balance | 118,935.69 |
|  |  |  |  |
| Total Outstanding Loans | $71,702.78 | Total Outstanding Loans | $88,452.86 |

\*The report outlined the status of individual loan repayments

Trustee Sinsabaugh moved to accept the reports as presented. Trustee Steck seconded the motion,

which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills in the amounts of: General Fund $282,981.18; and Loan Fund $3,073.00; for a total of $286,054.18. He stated the general fund amount includes; (Broome Bituminous) street paving for $121,311.79 which will be reimbursed by CHIPS funding, (Partners Insurance) annual insurance payment for $63,602.64, and (USDA) village hall bond payment for $54,931.25. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Administrative Hearing – Village vs. Geiss:** Trustee Brewster moved to find the property located at 214 William Street to be unsafe, unsanitary, and dangerous to the general welfare of the residents of the Village of Waverly as defined by Village Code. Trustee Ayres seconded the motion, which led to a roll call vote:

Ayes – 5 (Sinsabaugh, Brewster, Ayres, Steck, Leary)

Nays – 0

Absent – 2 (Aronstam, Hughes)

The motion carried.

Trustee Brewster moved to authorize the Village of Waverly to remove garbage at 214 William Street and charge the expense to the property owner, Robert Geiss. Trustee Sinsabaugh seconded the motion, which led to a roll call vote:

Ayes – 5 (Sinsabaugh, Brewster, Ayres, Steck, Leary)

Nays – 0

Absent – 2 (Aronstam, Hughes)

The motion carried.

Trustee Brewster moved to authorize the clerk to request proposals, from the three companies recommended by Tioga County Department of Health who specialize in hazardous waste removal, for the complete clean-out of the entire home, and disposal of all items. Trustee Ayres seconded the motion, which led to a roll call vote:

Ayes – 5 (Sinsabaugh, Brewster, Ayres, Steck, Leary)

Nays – 0

Absent – 2 (Aronstam, Hughes)

The motion carried

**Tioga County Legislative Update:** Legislator Case stated the Bike Tioga Event was held last Saturday and over 100 bicyclists rode. The Attic Fest in Waverly was also held last Saturday, which had a very good turnout. He also stated there will be an event, Bon Appetite, held in Owego this Saturday beginning at noon and sponsored by Tioga County Tourism. He encouraged all to attend.

Mayor Leary questioned an article in the Pennysaver regarding sheriff coverage in Owego. Trustee Ayres stated all the costs for the village are incorporated in our budget during the budget process, which is the municipal’s responsibility. Legislator Case stated he is not sure of the issues with Owego and would like to discuss with the county before commenting.

**Broad Street Electric:** Trustee Steck stated he received a phone call last Friday stating the electric on Broad Street wasn’t working, and Attic Fest was the next day. He stated Water Plant Operator Roney was able to fix the immediate problem, however, it needed to be looked at. Trustee Steck stated he would get proposals for the next meeting.

**Permit Fees:** Attorney Keene stated she researched the state statute and found that administrative fees to the snow/grass removal charges are not allowable. Administrative fees are not an authorized levy against property taxes, as there is no legal basis for the fees. She stated if the work is done by an outside company, you cannot add fees on top of their charges and levy against property taxes.

**Stadium/Event Traffic:** Mayor Leary discussed expected heavier traffic flows at the stadium during events. Trustee Sinsabaugh moved to approve one-way traffic on Barker Place and Elm Street be enforced during stadium events.

**Real Property Disability Exemption:** Mayor Leary asked if anyone had any comments regarding the exemption. No comments were given. Mayor Leary directed the clerk to remove this from agenda.

**Recreation Director Appointment:** Mayor Leary stated Charles Havens was hired as a provisional Recreation Director in October, 2012. Mr. Havens has taken, and passed the civil service exam and was certified on July 7, 2014. Mayor Leary appointed Charles Havens as Recreation Director. Trustee Brewster moved to approve Havens’ appointment with a probationary period of 8 weeks, effective July 7, 2014. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to increase Recreation Director Havens’ salary by $1,000 annually, effective July 7, 2014, and prorated in the current year. Trustee Ayres seconded the motion, which carried unanimously.

**Proposals for Removal of Trees:** Mayor Leary submitted two proposals to have three trees removed, stumped, top soiled, and seeded. The trees are located at 25 Ball Street, 418 Loder Street, and 103 Center Street. The proposals are: Mattison’s Bucket Service $4,350, and Quinlan’s Tree Service $2,250. Trustee Brewster moved to award Quinlan’s Tree Service the removal of said trees. Trustee Steck seconded the motion, which carried unanimously.

**Village Hall Floor Cleaning:** Trustee Steck moved to authorize Duane Coe to clean/wax the floor in the community room at a cost of $350, and all other floors for $10 per hour. Trustee Brewster seconded the motion, which carried unanimously.

**Broad Street Drainage:** Mayor Leary stated there is water accumulation in front of the Old Mill on Broad Street. He, Trustee Steck, and Trustee Ayres met with an engineer, who recommended that curbing be installed. The owner of the Old Mill is willing to help. Trustee Steck stated he would get more information for the next meeting.

**Village Employee Policy:** Attorney Keene will draft a change to the village employee policy regarding sick leave for the Trustees to review at the next meeting.

**Mayor/Board Update:** Mayor Leary stated recognition for the plantings and the hard work that Jean Minielly-Schmieg offered to the Village Hall. He stated that most of the plants were donated and Jean volunteered her time. The Board thanked her for a job well done, and Mayor Leary will send her a letter of appreciation.

Mayor Leary stated a contract was awarded to a contractor for 150 Broad Street. This was made through the grant from Tioga County. The contractor has begun the work, and has 60 days to complete the project.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:31 p.m. to discuss a contractual issue regarding personnel. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to enter regular session at 8:05 p.m. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres offered the following resolution, and moved its adoption:

Whereas the Village of Waverly was required to secure different health insurance coverage for the Village’s police officers after having been advised that the coverage through Tioga County was being terminated, and

Whereas the Village and Police Union entered into an agreement to modify their insurance coverage through a temporary plan with Excellus BCBS Simply Blue plus Platinum Plan, and Guardian Dental/Vision Plan, for the period of December 1, 2013 until November 30, 2014, and

Whereas the police contract dated June 1, 2014 provides that as of December 1, 2014 the police officers’ health insurance will be provided through Excellus BCBS, Standard Platinum 2 Plan, and under the new coverage the officers will receive first pay medical and prescription coverage, and

Whereas the police contract dated June 1, 2014 provides that as of December 1, 2014 the police officers will be provided through Guardian Insurance, Dental and Vision Plans, and under the new coverage the officers will receive first pay dental and vision (eye care) coverage, and

Whereas the Village policy allows the utilization of the Dental Trust funds only when an employee does not have first pay dental, eye care, or prescription coverage, and

Be it Resolved, that all dental, vision, or prescription bills submitted by the police officers for such treatment received prior to November 30, 2014, and submitted to the Village for reimbursement from the Dental Trust funds will be paid to the extent in which funds are available in an individual’s Dental Trust Fund account, and

Be it Resolved, that any dental, vision, or prescription bills submitted by the police officer or employee for such treatment incurred after December 1, 2014, shall be submitted to the police officers’ health, or dental/vision, insurance plan effective as of that date and shall no longer be eligible for reimbursement through the Dental Trust Fund.

Be it Further Resolved, that the Dental Trust Fund will be dissolved in its entirety on January 31, 2015. All remaining individual dental trust account balances will then transfer to the General Fund on February 1, 2015, and no further eligible claims will be reimbursed.

Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent - 2 (Aronstam, Hughes)

Trustee Brewster moved to approve payment of a dental trust reimbursement of $735.00. Trustee Ayres seconded the motion, which carried unanimously.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 8:08 p.m. Trustee Ayres seconded the motion, which carried unanimously.

Respectfully Submitted

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, AUGUST 26, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and asked Spencer Dekay to lead in the Pledge of Allegiance.

Mayor Leary introduced Spencer Dekay and stated he was here working on a badge for the Boy Scouts. He welcomed Spencer and his father Dave.

**Role Call:** Present were Trustees; Ayres, Aronstam, Steck, Sinsabaugh, Brewster, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WATS/WAVR, and Amanda Renco of the Morning Times

**Public Comments:** No comments were offered.

**Letters and Communications:** Mayor Leary read a letter from Mary Perry-Rogers of The Red Door, 359 Broad Street, stating they are considering opening a permanent food pantry; however, they are unable to locate a suitable location. Discussion followed. The Board determined that there is no feasible room in the Village Hall for the pantry, due to other ongoing activities.

Mayor Leary stated we received a check for $1,500 from the Waverly Business Association to help pay for purchasing more Christmas Lights for Broad Street. The Board thanked the WBA.

Mayor Leary stated Duane Coe will be starting the floor cleaning and waxing this weekend.

**Minutes:** Trustee Steck moved to approve the Minutes of July 22, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $19,207.49; Cemetery Fund $1,185.42; Dental Trust $184.98; for a total of $20,577.89, and moved to approve payment. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**214 William Street:** Mayor Leary stated we have a few proposals, however, we are expecting a couple more. The onsite visit was today. Trustee Steck moved that September 2, 2014 be the deadline for proposals. Trustee Sinsabaugh seconded the motion, which carried unanimously. Mayor Leary also stated that the list of cleaning companies from Tioga County Department of Health was not very helpful, and the clerk researched other companies.

**Parking Review Committee:** Trustee Ayres stated the committee discussed options for parking. He should have a recommendation for the next meeting.

**Fall Feast:**  Trustee Ayres stated that the WBA’s Fall Feast is coming soon, and they have requested support from the Village to pay for two portable toilets for the event. Trustee Ayres moved to approve request as presented. Trustee Steck seconded the motion, which carried unanimously.

**FEMA Update:** Mayor Leary stated we received a check from FEMA in the amount of $10,972.60. This was for the overrun on the Glen Bridge Project and to close it out. We are still waiting on the final reimbursement of the Retaining Wall Project. He stated the clerk has reached out to FEMA, however, response was vague. The clerk submitted an updated FEMA Project Worksheet, which shows the recent reimbursement received.

**Village Employee Policy:** Attorney Keene submitted an amended draft to the sick leave in the Village Employee Policy. Trustee Aronstam moved to approve the amendment to sick leave, as follows:

### C. Sick Leave

The Village provides paid sick leave benefits to permit a full time employee to receive pay when they are absent from work due to personal sickness, disability, or incapacity. Scheduled doctor appointments or routine procedures (that do not cause incapacity) are not eligible for sick leave pay. Each full time employee receives a credit of 1 day of paid sick leave for each one-month period of paid employment. This is equal to a credit of one sick day for each month of paid service or 12 days per year. These sick leave credits may be accumulated to a maximum of 140 days.

An employee may use up to (3) days of their sick time a year for immediate family within the employees household who are sick. Immediate family shall be defined as Spouse or child under 18 years of age.

A full time employee will become eligible to use their sick time benefits after the completion of 60 calendar days of employment or re-employment.

The Village will pay the employee’s basic salary to cover justified illnesses to the extent creditable hours are available. In the case where an employee exhausts his/her sick leave, the Village agrees to allow other employees to donate up to 50% percent of their accumulated sick leave and/or vacation to help the employee remain on sick leave.

Paid sick leave will be granted in all bonafide cases. It is a benefit conferred upon employees by the Village and is not an accrued right. Improper use of the sick leave benefit may be cause for disciplinary action.

It is the responsibility of the employee to see that their supervisor is informed of the need for sick leave and of medical treatment received. The employee is also requested to keep the supervisor informed of the approximate day the employee will be able to resume work duties.

A doctor’s certification stating the ability of the employee to return to work may be required on cases of absence due to illness of 3 or more days. The Department Head may require a physician’s statement for any sick leave of more than three days and may require an examination by a physician or other evidence that the illness is bonafide.

If sick leave begins prior to a scheduled vacation, the vacation may be postponed to some other period during the year. If an employee becomes ill after the vacation has started, the employee will be considered to be on vacation and sick leave will not commence.

The clerk’s office is responsible for maintaining the Village’s master sick leave records for each full time employee. The sick leave record will show the accrued sick leave credit for each full time employee as of the end of each monthly period.

A charge against the employee’s sick leave credit will be entered when they are paid for a sick absence. Sick leave may only be applied for if the employee is regularly scheduled to work on that day.

Trustee Ayres seconded the motion, which carried unanimously.

**Broad Street Electric:** Trustee Steck stated he called three electric contractors, however, only received one proposal. We need two electrical boxes for the Christmas lights replaced. We currently have 17 drops for vendors to use; however, he feels it could be cut back to ten if we limited them between Waverly Street and Pennsylvania Avenue. Trustee Brewster felt the drops should continue to Fulton Street. Trustee Steck is hoping to have more proposals for next meeting.

**Broad Street Drainage:** Trustee Steck stated he just received a proposal from Hunt Engineers and would like to table for more information. The Board agreed.

**Appoint Corrective Action Plan (CAP) Committee:** Mayor Leary stated we have 90 days to submit a CAP to the State Comptroller Office regarding our recent OSC audit on financial conditions. He appointed Trustees: Sinsabaugh, Brewster, and Ayres to work with Clerk Treasurer Wood to develop a CAP within Office of the State Comptroller’s deadline.

**Door Control System:** The clerk stated the Board previously approved the purchase of a new computer for the door control system. The computer has been purchased and received. She submitted a quote from Day Automation to install and update their software for the door controls and fob reader system, in the amount of $1,439.42. Trustee Brewster moved to approve quote from Day Automation as presented. Trustee Steck seconded the motion, which carried unanimously.

**Temporary Janitor:** Mayor Leary stated our janitor has given notice that she will be on medical leave beginning August 29th and returning on September 29th. He recommended Eric Reznicek be hired to cover her time off. Trustee Brewster moved to hire Eric Reznicek as part time, temporary janitor at a rate of $8.75 per hour, up to 25 hours per week. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:16 p.m. to discuss a personnel position. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:56 p.m. Trustee Steck seconded the motion, which carried unanimously.

Trustee Ayres moved to fill the part-time clerk position vacancy that was held by Laura Oakley, effective September 1, 2014, at a rate of $10.00 per hour, 20 hours per week. The Clerk Treasurer will schedule accordingly. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Ayres moved to adjourn at 7:57 p.m. Trustee Brewster seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, SEPTEMBER 9, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Ayres, Steck, and Mayor Leary

Also present Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WAVR/WATS, Alexis Bortle of The Daily Review, and Matt Hicks of the Morning Times

**Public Comments:** John Reynolds stated concern with the sidewalk at 445 Waverly Street. He stated it is in bad shape and he fell on it in January 2014. Mayor Leary asked if he filed a complaint and he responded that he had not.

**Letters and Communications:** The clerk read a letter from Eugene Elston requesting permission to cut down a street tree so he can gain access to his driveway. The clerk stated she called earlier today and left a message for Marty Borko, which has not been returned. Discussion was tabled for more information.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of August 12, and August 26, 2014 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Court, Recreation, and Police Departments. The clerk also submitted a complaint log.

**Treasurer's Report:** The clerk presented the following reports:

General Fund 8/01/14 – 8/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 785,366.46 | Current Revenues | 32,994.60 |
| Deposits | 91,946.02 | Year to Date Revenue | 2,120,645.45 |
| Disbursements | 680,210.45 | Current Expenditures | 414,757.26 |
| Ending Balance | 197,102.03 | Year to Date Expended | 722,809.97 |

\*General Capital Reserve Fund $83,960.60

Cemetery Fund 8/01/14 – 8/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 4,716.49 | Current Revenues | 12.56 |
| Deposits | 10,000.29 | Year to Date Revenue | 2,594.57 |
| Disbursements | 5,575.58 | Current Expenditures | 5,575.58 |
| Ending Balance | 9,141.20 | Year to Date Expended | 14,531.37 |

Trustee Steck moved to accept the reports as presented. Trustee Sinsabaugh seconded the motion,

which carried unanimously.

**Finance Committee:** The clerk presented bills in the amounts of: General Fund $44,601.55. Trustee Sinsabaugh moved to approved payment of the bills as presented. Trustee Steck seconded the motion, which carried unanimously.

**214 William Street Update:** The clerk presented the bids for the cleanout of the home located at 214 William Street. The bids were as follows:

* CRAL Contracting $7,995
* Millage Disposal 2,150
* Aftermath Services, LLC 6,725
* Advanced Bio-Treatment 8,960
* Clutter Cleaner (Service Master) 3,738

Trustee Aronstam and Attorney Keene offered to review the bids, and make a recommendation. Mayor Leary stated we may have to have a special meeting to award the bid.

**Parking/Snow Removal Committee Update**: Trustee Ayres submitted information that was reviewed by the committee, and a copy of our current local law, Chapter 125: Streets and Sidewalks. The handout dated September 9, 2014 outlined the discussion points and recommendations. He explained the information. Attorney Keene will review the law. Trustee Ayres stated there may be grant funding opportunity through Senator Libous under the State and Municipal Capital Program. Discussion followed.

Trustee Steck moved to approve the proposal from Hunt Engineers to do a Preliminary Engineering Report (PER) for improvements to the parking area behind the businesses along the south side of Broad Street from the area north of Fulton Street to the south end of the existing parking area (known as Erie Alley), at a cost of $3,500. Trustee Aronstam seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Ayres, Aronstam, Sinsabaugh, Steck, Leary)

Nays – 0

Absent - 2 (Brewster, Hughes)

The motion passed.

Trustee Sinsabaugh moved to authorized Trustee Ayres to pursue the grant application for funding through the State and Municipal Capital Program. Trustee Steck seconded the motion, which led to a roll call vote, as follows:

Ayes – 5 (Ayres, Aronstam, Sinsabaugh, Steck, Leary)

Nays – 0

Absent - 2 (Brewster, Hughes)

The motion passed.

**Broad Street Electric:** Trustee Steck recommended DPW possibly replacing the two electrical boxes on Broad Street at a cost of approximately $1,500-$2,000. He will have more information soon.

**Broad Street Drainage:** Mayor Leary stated he, Trustee Ayres, Trustee Steck, Hunt Engineers, and Duncan Brown of the Old Mill met and discussed drainage issues. He also stated Senator Libous may have grant funding to help with the curbing, however, the application deadline is September 12, 2014. Mayor Leary feels this is very quick but can be done. Trustee Ayres and Trustee Steck offered to work on the grant application.

**OSC Audit, Corrective Action Plan Committee Update:** Trustee Ayres stated the committee has not met yet. Mayor Leary requested an update for the next meeting.

**Business Loan Pay Off Request:** The clerk read a letter from Suann Bellinger requesting forgiveness on penalties and late charges as she has made regular monthly payments for over a year, which was agreed upon in past meetings with the loan committee. She would like to pay the principal balance in full. The clerk stated she received a check for the principal balance of $10,232.88, however, it has not been deposited. Trustee Aronstam moved to defer the request to the loan committee and directed the clerk to continue holding the check until resolved. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Planning Board and Sewer Board Vacancies:** Mayor Leary asked the clerk to advertise for filling vacancies on the Planning and Sewer Boards.

**Mayor/Board Update:** Mayor Leary stated the Stadium rededication ceremony will be held on September 20, 2014.

Trustee Steck stated the DPW will mill and pave the westbound lane of Broad Street from Cayuta Avenue to Hickey Street. They will rent a paver from Peterson’s.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 8:04 p.m. to discuss a employee contract issue. Trustee Aronstam seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to enter regular session at 8:35 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment:** Trustee Sinsabaugh moved to adjourn at 8:36 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully Submitted

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Michele Wood, Clerk Treasurer

**SPECIAL MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M.**

**ON TUESDAY, SEPTEMBER 16, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:00 p.m

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Ayres, Steck, Brewster and Mayor Leary

Also present Deputy Clerk Treasurer Hazen, and Attorney Keene

Press included Dawn Campbell of WAVR/WATS, Alexis Bortle of The Daily Review, and Matt Hicks of the Morning Times

**214 William Street:** Mayor Leary gave a brief synopsis of the situation regarding the cleanout of the home. Trustee Aronstam stated he spoke to the owner of Aftermath Services LLC and he can complete the project within the deadline. Aftermath is bio-hazard certified, and will send copy of insurance.

Trustee Aronstam moved to approve the bid from Aftermath Services LLC, not to exceed $6,725 for the complete clean out, excluding refrigerator, of 214 William Street with a completion date of October 10, 2014 and to be overseen by Code Enforcement. Trustee Ayres seconded the motion, which led to a roll call vote, as follows:

Ayes – 6 (Ayres, Aronstam, Sinsabaugh, Steck, Brewster, Leary)

Nays – 0

Absent -1 (Hughes)

The motion passed.

Attorney Keene stated the property owner will be notified and a lien will be filed against the property.

**Adjournment:** Trustee Brewster moved to adjourn at 6:08 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully Submitted

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Kerri Hazen, Deputy Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, SEPTEMBER 23, 2014 IN THE TRUSTEES’**

**ROOM IN THE VILLAGE HALL**

Deputy Mayor Ayres called the meeting to order at 6:30 p.m. and led in the Pledge of Allegiance.

**Role Call:** Present were Trustees; Steck, Brewster, and Deputy Mayor Ayres. Trustee Hughes arrived at 6:45 p.m.

Also present was Clerk Treasurer Wood

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** Eugene Elston requested permission to remove a village tree at his residence at 53 Lincoln Street (tree is on Hickory Street side). He would like to gain more access to his driveway. Discussion followed. Trustee Steck approved Mr. Elston to remove said tree and replant a new tree on the Lincoln Street side of his residence and bare all costs. The Village DPW will plant the tree according to the code. Trustee Brewster seconded the motion, which carried unanimously.

**Letters and Communications:** The clerk read a letter from the Waverly High School Leadership Crew stating concern that Village Hall is not handicap assessable and should have a door opening device. The letter stated their guest speaker was trapped in between the doors when trying to enter. The clerk stated she reached out to Hunt Engineers to get an estimate. Trustee Steck stated he would follow-up.

The clerk stated Elmira College has cancelled their fall Disaster Preparedness Class that was going to be held in Village Hall, as there wasn’t enough interest.

**Treasurer's Report:** The clerk presented the following:

Loan Programs 8/01/14 – 8/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 38,738.62 | Checking-Rehab Beginning | 19,086.48 |
| Checking-Ending | 32,312.39 | Checking-Rehab Ending | 20,614.35 |
| Savings-Beginning | 215,577.23 | Checking-Sidewalk Beginning | 19,662.50 |
| Savings-Ending | 235,615.38 | Checking-Sidewalk Ending | 18,950.00 |
| Total Fund Balance | 267,927.77 | Savings-Beginning | 80,186.71 |
|  |  | Savings-Ending | 80,200.33 |
|  |  | Total Fund Balance | 119,764.68 |
|  |  |  |  |
| Total Outstanding Loans | $69,374.16 | Total Outstanding Loans | $86,995.61 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $25,250.97; Cemetery Fund $1,125.28; for a total of $26,376.25, and moved to approve payment of abstract. Trustee Steck seconded the motion, which carried unanimously.

**214 William Street:** Deputy Mayor Ayres stated Aftermath started the clean out today and it should be completed tomorrow or possibly Thursday. Code Enforcement Officer Chisari will inspect the work.

**OSC Audit CAP Committee Update:** Trustee Brewster stated the committee has not met yet, but will schedule a meeting soon.

**Business Loan Pay-Off Request:** Deputy Mayor Ayres stated the Loan Committee met and discussed Suann Bellinger’s request to forgive penalties and late charges and accept principal amount to pay off her loan. He stated the committee’s recommendation was to accept principal payment in the amount of $10,232.88 as payment in full and forgive the penalties and late charges. He stated we have forgiven these charges on other loans if the borrower stayed current with their payments since meeting with borrowers of delinquent accounts. There have been consistent payments made to this loan. Deputy Mayor Ayres moved to accept $10,232.88 as payment in full as recommended by the Loan Committee. Trustee Brewster seconded the motion, which led to a roll call vote, as follows:

Ayes – 4 (Ayres, Hughes, Steck, Brewster)

Nays – 0

Absent -1 (Aronstam, Sinsabaugh, Leary)

The motion passed.

**KVS Financial Software Update:** The clerk stated the cost of upgrading the collections module (water/sewer funds only) and the receipts module from KVS Standard to KVS Enterprise is $2,295. She stated the cost would be shared, as follows: General Fund $765, Water Fund $765, and Sewer Fund $765. This price is for training and implementation with no increase to the annual maintenance fees. Trustee Steck approved the KVS upgrade as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Grievance Committee:**  Deputy Mayor Ayres moved Mayor Leary’s appointment of Trustees Sinsabaugh, Aronstam, and himself to the grievance committee to review employee grievances. Trustee Steck seconded the motion, which carried unanimously.

**Village Hall Façade Painting:** The clerk submitted a proposal from Mike Lee to scrape, sand, remove rust, and prime and paint the entrance (support beams and ceiling area) of Village Hall, at a cost of $820. Trustee Brewster moved to approve the painting proposal as presented. Trustee Hughes seconded the motion, which carried unanimously.

**Tioga County EAP Program/Drug Free Workplace Policy:** The clerk stated the EAP (Employee Assistance Program) will be ending on December 31, 2014 through Tioga County. She submitted the Village of Waverly’s *Drug Free Workplace Policy* for review as it will need to be amended.

**Road Closure Request for Upper Lyman Avenue:** Marty Borko requested closure of upper Lyman Avenue (from Waverly Street to Lincoln Street) on October 10, 2014 from 6-9 p.m., as Carantuan Greenway would like to hold the *Talk to the Animals event*, and he is concerned with safety of the children. Trustee Brewster moved to approve the road closure as requested contingent upon review by Chief Gelatt. Trustee Steck seconded the motion, which carried unanimously.

**Mayor’s Update:** Deputy Mayor Ayres stated Trick or Treat night will be on October 30, 2014 from 6:30 to 8 p.m. Trustee Brewster moved to approve. Trustee Steck seconded the motion, which carried unanimously.

Deputy Mayor Ayres stated he, Trustee Steck, and Mayor Leary worked on the State and Municipal Capital Program Grant, and the application was filed by the deadline and should hear back by Friday, September 26, 2014. He also stated we should be hearing back regarding our Main Street Grant Application soon.

**Executive Session:** Trustee Steck moved to enter executive session at 7:18 p.m. to discuss an employee contract issue and a sidewalk program application. Trustee Hughes seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:32 p.m. Trustee Steck seconded the motion, which carried unanimously.

**2014 Residential Sidewalk Program:** Trustee Ayres stated the residential sidewalk application, SP4, was reviewed and it met all of the eligibility guidelines. Trustee Ayres moved to approve residential sidewalk application SP4, in the amount not to exceed $800 as per the program criteria. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 7:35 p.m. Trustee Hughes seconded the motion, which carried unanimously.

The clerk provided the following handouts from the recent NYCOM Fall Training School, for the Board to review: *Enacting and Enforcing Traffic & Parking Regulations; The Property Tax Freeze; Developing an Effective Fund Balance Policy;* and *Fiscal Oversight Responsibilities of the Governing Board.*

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 14, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Ayres, Steck, Hughes, Brewster, and Mayor Leary

Also present Clerk Treasurer Wood, Deputy Clerk Treasurer Hazen, and Attorney Keene

Press included Ron Cole of WAVR/WATS and Matt Hicks of the Morning Times

**Letters and Communications:** Doug & Lisa Bailey from Valley A.D.E. (Addiction and Drug Education) requested the use the Community Room to hold their meetings one Saturday a month from 10:00 a.m. to 1:00 p.m. Chief Gelatt stated he is in full support of the organization. Trustee Brewster moved to approve the request as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Clerk Treasurer Wood stated there is a National Disaster Awareness for Community Leaders course available in Elmira. Trustee Sinsabaugh moved to approve the Mayor or any Trustee to attend. Trustee Steck seconded the motion, which carried unanimously.

The clerk submitted a 30-day notice for a new application of a liquor license being filed with New York State. The notice was submitted by Karen Fratarcangeli for the Broad Street Pub located at 371 Broad Street. The clerk stated Chief Gelatt reviewed and had no concerns. Trustee Sinsabaugh moved to accept the notice with no comment to the State. Trustee Steck seconded the motion, which carried unanimously.

**Minutes:** Trustee Steck moved to approve the Minutes of September 9, 16, and 23, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Court, Recreation, Street Department and Police Departments.

**Treasurer's Report:** The clerk presented the following:

General Fund 9/01/14 – 9/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 197,102.03 | Current Revenues | 86,078.53 |
| Deposits | 120,500.32 | Year to Date Revenue | 2,206,723.98 |
| Disbursements | 168,843.66 | Current Expenditures | 160,713.51 |
| Ending Balance | 148,758.69 | Year to Date Expended | 883,523.48 |

\*General Capital Reserve Fund $83,974.40

Cemetery Fund 9/01/14 – 9/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 9,141.20 | Current Revenues | 2,111.35 |
| Deposits | 2,150.66 | Year to Date Revenue | 4,705.92 |
| Disbursements | 4,540.76 | Current Expenditures | 4,490.47 |
| Ending Balance | 6,751.10 | Year to Date Expended | 19,021.84 |

Loan Programs 9/01/14 – 9/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 32,312.39 | Checking-Rehab Beginning | 20,614.35 |
| Checking-Ending | 44,231.19 | Checking-Rehab Ending | 22,107.54 |
| Savings-Beginning | 235,615.38 | Checking-Sidewalk Beginning | 18,950.00 |
| Savings-Ending | 235,654.11 | Checking-Sidewalk Ending | 18,950.00 |
| Total Fund Balance | 279,885.30 | Savings-Beginning | 80,200.33 |
|  |  | Savings-Ending | 80,213.51 |
|  |  | Total Fund Balance | 121,271.05 |
|  |  |  |  |
| Total Outstanding Loans | $57,633.19 | Total Outstanding Loans | $85,520.43 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $57,917.82; Dental Trust $562.20 and moved to approve payment of abstract. Trustee Steck seconded the motion, which carried unanimously.

**214 William Street:** Mayor Leary stating the property at 214 William Street has been completely cleaned out and payment was made to Aftermath.

**Fall Fest:** Mayor Leary stated Fall Fest was cancelled last week due to inclimate weather. Trustee Sinsabaugh moved to approve rescheduling Fall Fest to Saturday, October 17, 2014. Trustee Brewster seconded the motion, which carried unanimously.

**OSC Audit CAP Committee Update:** Deputy Mayor Ayres stated a meeting was held and another should be scheduled soon.

**Parking Committee Update:** Deputy Mayor Ayres updated the Board as to some streets need to be measured and Chief Gelatt is reviewing the loading zone options for input. Mayor Leary stated he wants to ensure the business owners are aware of the loading zone as opposed to trucks parking in the middle of Broad Street. Trustee Ayres stated they would like to extend the no parking hours to the length of the snow emergency and amend the no parking for four (4) of the streets. Deputy Mayor Ayres also stated they would like to add the option to contract out the removal of snow and increase the administrative fee. Attorney Keene stated she will draft the amendment for the next meeting.

**FEMA Update:** Mayor Leary updated the Board stating that at the last contact they had planned to obligate the money to the village in the month of October.

**Hire of Part Time Clerk:** Trustee Aronstam moved to hire Alison Ward as part time clerk for 20 hours per week at a rate of $10.00 per hour. Trustee Brewster seconded the motion, which carried unanimously.

**Drug Free Work Place Policy:** Clerk Treasurer Wood stated she gave handouts out at last meeting and the amendment is needed by the first of the year.

**State and Municipal Capital Grant Program Update (drainage):** Mayor Leary updated the board stating the village did not fit the criteria.

**Main Street Grant Program Update:** Mayor Leary stated we are waiting on the announcement for application status.

**KVS Financial Software Upgrade:** Deputy Clerk Treasurer stated that the proposal was presented at the last meeting and would like to leave the utility billing as is and go forward with the general receipts cash module. Trustee Ayres moved to proceed with moving the general receipts module from KVS Standard to KVS Enterprise at a cost of $600. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Purchase of Police Vehicle:** Chief Gelatt requested approval to purchase a 2014 Ford Interceptor Utility Police Vehicle. He stated the money is in the budget and it will replace the 2011 Ford Crown Victoria. The purchase price is $29,576.31, which will be financed through Ford Motor Credit with three annual payments of 10,636.39. Trustee Brewster moved to approve the purchase of a 2014 Ford Interceptor Utility Police Vehicle as presented. Trustee Sinsabaugh seconded the motion which carried unanimously.

Trustee Sinsabaugh stated he would like the Board to consider keeping the Crown Victoria as a village car as opposed to paying mileage to employees. Mayor Leary stated he doesn’t feel much is spent on mileage to warrant keeping the car. Trustee Aronstam requested the clerk to get a two-year comparison for mileage paid and the cost of keeping the car. Mayor Leary stated when all information is presented he will review the request.

**Police Grant:** Chief Gelatt stated he has applied for a Police Traffic Services Grant in the amount of $4,200 and would devote 64 hours to Broad Street stating the money will be used to pay the wages of the officers. Trustee Sinsabaugh moved to accept the grant in the amount of $4,200 as presented. Trustee Aronstam seconded the motion, which carried unanimously.

**NYCOM Legislative Priorities Meeting:** Trustee Sinsabaugh moved to approve the Mayor, Trustees, and Attorney to attend the NYCOM Legislative Priorities Committee Meeting in Albany on November 17, 2014. Trustee Steck seconded the motion, which carried unanimously.

**Fund Balance Policy:** Deputy Mayor Ayres stated the goal is to determine how much of a fund balance should be available for emergencies, and to develop a policy. Discussion followed regarding the amount.

**439 Fulton Street, NPL Building:** Mayor Leary gave an update on the condition of the building stating it is a detriment to the downtown area. Attorney Keene stated the next step would be to declare it an unsafe building under the unsafe building code. Code Enforcement Officer Chisari requested the Board to condemn the building under the unsafe building procedure. He further stated the immediate concern is to secure the building to keep people out.

Code Enforcement Office Chisari stated pigeons occupy the third floor and after a certain period of time it can become a hazardous situation. Attorney Keene stated the Board can adopt the report from December 2013 stating the situation has worsened and is a danger to the public. Attorney Keene recommends condemning the building and notifying the owner of the public hearing. Attorney Keene citied unsafe building code sections E & J and reviewed code.

Trustee Aronstam directed Attorney Keene to draft the paperwork to 439 Fulton Street based upon the report by Code Enforcement the building is unsafe under article 54. Trustee Steck seconded the motion, which carried unanimously. Attorney Keene stated the 30 days start when the certified letter is received.

**322 Chemung Street:** Mayor Leary stated a violation, of code section 304.2, was sent to property owner. Attorney Keene reviewed code and stated Code Enforcement should give notice for court appearance.

**Tree Planting Discussion:** Mayor Leary stated he went W & W Nursery where the Village previously purchased trees and said the owner is willing to work along with the Village on upcoming tree plantings on Broad Street. Mayor Leary also stated Penelec has agreed to take down trees on Broad Street now, saving the Village the expense and liability. The Main Street Grant will be used to replant trees.

Mayor Leary also stated Marty Borko, Tree Committee, requests purchasing 3 trees. Discussion followed regarding property owners being required to water new tree plantings. Deputy Mayor Ayres moved to approve Marty Borko to purchase 3 trees with stipulation of notifying homeowners of expected maintenance. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam stated Bob Walker donated and planted some grasses at Village Hall and extended thanks and appreciation. The Board concurred.

**Shared Services Meeting:** Trustee Ayres stated there is a shared services meeting on October 23rd and the sharing of equipment will be discussed. Trustee Steck will obtain an inventory of trucks and equipment.

**Executive Session:** Trustee Steck moved to enter executive session at 8:13 p.m. to discuss an employee contract issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 9:00 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Planning Board Appointment:** Mayor Leary stated he received two letters of interest, one from Bradly Chaffee, and another from Ron Keene. Mayor Leary appointed Bradly Chaffee to the Planning Board to fill its vacancy. Trustee Steck moved to approve the Mayor’s appointment of Bradly Chaffee to Planning Board. Trustee Ayres seconded the motion, which was put to roll call vote as follows:

Ayes – 6 (Leary, Ayres, Hughes, Steck, Brewster, Hughes)

Nays – 0

Abstain-1 (Sinsabaugh)

The motion passed.

**Adjournment**: Trustee Brewster moved to adjourn at 9:10 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kerri Hazen, Deputy Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, OCTOBER 28, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Ayres, Steck, Brewster, and Mayor Leary

Also present Deputy Clerk Treasurer Hazen, and Attorney Keene

Press included Ron Cole of WAVR/WATS, and Matt Hicks of the Morning Times

**Letters and Communications:** Mayor Leary read a letter from the Tinsel and Lights Committee stating the event will be held on December 12, 2014, and requested a donation. He stated the Recreation Dept. assists with the event each year.

The Deputy Clerk submitted a 30-day notice for a renewal application of a liquor license being filed with New York State. The notice was submitted by Waverly Memorial Post No. 8104 VFW located at 206 Broad Street. The Deputy Clerk stated Chief Gelatt reviewed and had no concerns. Trustee Sinsabaugh moved to accept the notice with no comment to the State. Trustee Brewster seconded the motion, which carried unanimously.

**Minutes:** Trustee Brewster moved to approve the Minutes of October 14, 2014 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $23,533.44; and Cemetery Fund $1,535.99; for a total of $25,069.43, and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**COG Update:** Mayor Leary updated the Board stated he did not attend the last meeting.

**OSC Audit CAP Committee Update:** Mayor Leary stated he would like the committee to meet again prior to the November Trustees meeting.

**Parking Committee Update:** Attorney Keene stated she needs the measurements and the loading zone information and will draft the proposed local law for the next meeting. Discussion followed regarding snow removal notification.

**FEMA Update:** Mayor Leary stated a package was received from the state and he will meet with Attorney Keene to review paperwork, which needs to be signed and returned.

**Truck Inventory Review:** Trustee Steck stated he received the Village’s truck/equipment inventory list and some of the equipment is old and needs to be replaced. Mayor Leary stated this may be a possible shared service.

**Purchase of Police Vehicle:** Trustee Ayres moved to approve the purchase of a 2015 Ford Interceptor Utility Police Vehicle at a cost of $29,981.37, to be financed through Ford Motor Credit payable in 3 anual installments. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Village Hall Generator Maintenance:** The deputy clerk presented a new proposal from Penn Power Systems for annual maintenance on the village hall generator in the amount of $400 per year. Trustee Sinsabaugh moved to approve Penn Power System’s proposal as presented. Trustee Steck seconded the motion, which carried unanimously.

**Town of Barton:** Mayor Leary updated the Board on the proposed Town of Barton budget reduction of $2,000 to youth recreation. Mayor Leary stated he would like a letter to the Town of Barton Board asking them to reconsider reducing their budget appropriation. Havens stated he has requested several meetings with the Town of Chemung and the Town of Barton Boards to review the various services recreation offers and has received no response. Discussion followed regarding the number of recreation program participants who reside outside the village versus budget contributions. Mayor Leary stated there is a public hearing next week regarding the Town of Barton budget next week and Havens and Trustee Brewster would attend.

Trustee Ayres moved to approve a letter from the Board of Trustees in support of funds from the Town of Barton part town budget for recreation, be reinstated. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Parks Grant from Senator Libous:** Mayor Leary stated a $50,000 grant was awarded for upgrades to our parks. Mayor Leary expressed thanks to Senator Libous and is looking forward to the possible award of our Main Street Grant application in December.

**NYS Property Tax Freeze Discussion/Workshop:** Mayor Leary stated he attended a NYCOM meeting in Fairport, NY and stated the tax freeze process is very confusing and requested the Board review it very carefully.

**439 Fulton Street/NPL Building:** Attorney Keene requested the Board set a public hearing date regarding the unsafe building. Trustee Brewster moved to schedule a public hearing on December 9, 2014 at 6:00 p.m., and the clerk to advertise the same. Trustee Sinsabaugh seconded the motion, which carried unanimously. Attorney Keene will send notice to owner to advise him of the public hearing.

**Shared Services Update:** Mayor Leary stated he met with representatives from the Town of Barton, Tioga County, and Waverly Central School District on October 20, 2014 and discussed ideas regarding sharing services. The next meeting is scheduled for December 01, 2014 at 3:00 p.m. and will invite Assemblyman Friend to attend.

**Mayor’s Update:** Mayor Leary reviewed figures for past employee mileage expenses and stated he would like an analysis regarding keeping a village car vs. paying mileage.

Mayor Leary stated he met with NYS DOT regarding the bridge replacement over Cayuta Creek, on Route 17C/Chemung Street, and they reviewed various possible options concerning emergency vehicle access. He stated NYS DOT will repair William Donnelly Parkway after completion of the bridge, due to it being the traffic detour route.

Trustee Ayres stated the Loan Committee will be meeting with Bernie Thoma, Thoma Development, on November 04, 2014 at 10:00 a.m. to review grant opportunities.

Trustee Aronstam gave an update on the Village Hall landscaping project, stating various donations of time and services have been received from citizens and contractors. Trustee Ayres stated $750 will be reimbursed for the beautification of parks through Tioga County Tourism.

Trustee Ayres discussed the County meeting and the hiring of two new sheriff deputies. He feels this is due to a lack of police protection in the Village of Owego. Trustee Ayres stated he voiced concern to Legislator Ray Case regarding the additional expense in the county’s budget.

**Executive Session:** Trustee Steck moved to enter executive session at 7:40 p.m. to discuss an employee contract issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:55 p.m. Trustee Steck seconded the motion, which carried unanimously. Trustee Brewster moved to approve a dental trust bill in the amount of $2,356.66. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 7:57 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

Respectfully submitted,

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Kerri Hazen, Deputy Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 11, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, Tioga County Legislator Case

Press included Ron Cole of WAVR/WATS and Matt Hicks of the Morning Times

**Executive Session:** Deputy Mayor Ayres moved to enter executive session at 6:31.m. to discuss a contractual issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 6:47.m. Trustee Aronstam seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Street Department and Police Department.

**Treasurer's Report:** The clerk presented the following:

General Fund 10/01/14 – 10/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 148,758.69 | Current Revenues | 75,730.31 |
| Deposits | 251,188.44 | Year to Date Revenue | 2,282,454.29 |
| Disbursements | 206,125.95 | Current Expenditures | 185,084.27 |
| Ending Balance | 193,821.18 | Year to Date Expended | 1,068,607.75 |

\*General Capital Reserve Fund $83,988.66

Cemetery Fund 10/01/14 – 10/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 6,751.10 | Current Revenues | 1,110.83 |
| Deposits | 11,150.47 | Year to Date Revenue | 5,816.75 |
| Disbursements | 5,651.79 | Current Expenditures | 5,601.79 |
| Ending Balance | 12,249.78 | Year to Date Expended | 24,623.63 |

Loan Programs 10/01/14 – 10/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 44,231.19 | Checking-Rehab Beginning | 22,107.54 |
| Checking-Ending | 45,790.04 | Checking-Rehab Ending | 23,081.82 |
| Savings-Beginning | 235,615.38 | Checking-Sidewalk Beginning | 18,950.00 |
| Savings-Ending | 235,654.11 | Checking-Sidewalk Ending | 18,950.00 |
| Total Fund Balance | 281,444.15 | Savings-Beginning | 80,213.51 |
|  |  | Savings-Ending | 80,227.13 |
|  |  | Total Fund Balance | 122,258.95 |
|  |  |  |  |
| Total Outstanding Loans | 56,400.01 | Total Outstanding Loans | 84,600.19 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $46,905.63; and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Tioga County Legislator Ray Case stated they are still waiting on responses for Tioga Downs licensing and the award of the Main Street Grant. Both should be announced in December.

Case clarified that the Tioga County Sheriff’s patrol the entire county. He stated the sheriff’s department is requesting an additional 2 officers in the next county budget, however, it’s due to increased patrols and not for specifically patrolling the Village of Owego. They will however, respond to emergencies as they do throughout the county.

**OSC Audit Corrective Action Plan (CAP):** The clerk submitted a CAP for the OSC Audit of Financial Conditions, as follows:

Recommendation #1: The Board of Trustees will continue to closely monitor the level

of fund balances and continue to ensure that budgets are structurally balanced without

depleting fund balance.

The Clerk Treasurer has updated her monthly treasurer’s report to include tracking of the fund balance on a monthly basis. The Board understands that it is their responsibility to review and monitor the status of the fund balance and the necessity to preserve an adequate balance moving forward. The Board also has a better understanding of the importance of a well-structured budget. The Board is currently working toward establishing a fund balance policy, which will help provide guidance in the future.

Deputy Mayor Ayres moved to accept the CAP, as presented, and directed the clerk to file with the Office of the State Comptroller. Trustee Brewster seconded the motion, which carried unanimously.

**Parking Committee/Proposed Local Law:** Attorney Keene submitted a draft local law amending Chapter 125: Streets and Sidewalks, and Chapter 140: Vehicles and Traffic. Deputy Mayor Ayres moved to schedule a public hearing for the proposed local law on December 9, 2014 at 6:15 p.m., and the clerk to advertise the same. Trustee Brewster seconded the motion, which carried unanimously.

**FEMA Update:** Mayor Leary stated we received the final reimbursement from FEMA in the amount of $253,814.31, which reimburses the loan funds in their entirety. He thanked all involved for their work on this project.

**439 Fulton Street/NPL Building:** Attorney Keene stated the owner was advised that the property has been deemed unsafe. The owner was also given notice of the hearing scheduled for December 9, 2014. Attorney Keene stated she has not received a response from the owner.

**Town of Barton’s Recreation Budget:** Trustee Brewster stated he and Recreation Director Havens attended the Town of Barton’s Public Hearing for their budget, and asked the Board to reconsider their budget reduction of $2,000 for youth recreation. The Town of Barton’s Board did not reverse their decision, and adopted their budget as presented.

**Drug Free Work Place Policy:** Clerk Treasurer Wood stated the Drug Free Work Place Policy needs to be amended as Tioga County is cancelling the employees’ assistance program as of December 31, 2014. This program is directly mentioned in the policy. The Board advised the clerk to table for next meeting.

**New Gas Line Installation:** Mayor Leary stated the owners of 325 Broad Street would like to install a natural gas line and it would need to go through the grassy area of the Mini Park. Attorney Keene stated she would need to draw up an easement. Trustee Steck moved to approve the easement. Trustee Aronstam seconded the motion, which carried unanimously.

**Village Car/Mileage Comparison:** The clerk submitted a cost comparison of keeping the 2011 Ford Crown Victoria as a village car or paying mileage. The clerk noted that gasoline costs, and loss in resale value were not considered in this comparison. The results were as follows:

2013-2014 2014-current

Mileage Paid $1,157.08 Mileage Paid $ 996.66

Repairs/Insurance $2,902.33 Repairs/Insurance $2,894.50

**CDBG Consideration/Thoma Development:** Deputy Mayor Ayres stated he, Mayor Leary, Clerk Treasurer Wood, and Deputy Clerk Treasurer Hazen met with Bernard Thoma, of Thoma Development, and discussed possible grant funding opportunities. He submitted a proposal from Thoma Development for services to submit a CDBG application for rehabilitation of rental properties, in the amount of $5,500. He stated this cost could be expended from the loan programs (R Fund). Trustee Brewster stated concern that rental properties may not bring enough interest and may be better directed toward owner-occupied homes. The Board concurred and asked that the proposal be amended.

**Municipal Lot on Spaulding Street:** Deputy Mayor Ayres offered the following resolution, and moved its adoption:

WHEREAS, the Village of Waverly is the owner of the property located at the corner of Spaulding and Providence Streets; and

WHEREAS, it is no longer necessary for the Village of Waverly to retain the property for its municipal purpose; and

WHEREAS, the Village of Waverly desires to sell the property.

NOW, THEREFORE, BE IT RESOLVED that the property described above is no longer necessary for the municipal purposes of the Village of Waverly and the same may be sold by the Village of Waverly as permitted by law.

Trustee Steck seconded the motion, which was put to roll call vote as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck, Brewster)

Nays – 0

The motion passed.

**Sale of Municipal Lot on Spaulding Street:** Deputy Mayor Ayres stated Providence Street Corporation made an offer to purchase the municipal property, located at Spaulding and Providence Streets, for $29,000. He stated our appraisal came in at $41,000 and their appraisal was $22,000. He stated he felt that $29,000 was fair and adequate consideration for the property. Deputy Mayor Ayres moved to authorize Mayor Leary to sign paperwork needed to facilitate the sale of said property to Providence Street Corporation in the amount of $29,000. Trustee Aronstam seconded the motion, which was put to roll call vote as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck, Brewster)

Nays – 0

The motion passed.

**Mayor’s Update:** Mayor Leary stated the Board of Sewer Commissioner filed for a grant from Water Quality Improvement Program (WQIP) and was awarded $100,000. This will go to help offset the costs of their recent clarifier replacement project.

**Adjournment**: Trustee Brewster moved to adjourn at 8:14 p.m. Trustee Hughes seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

### WORKSHOP MEETING OF THE BOARD OF TRUSTEES

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, NOVEMBER 25, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees: Sinsabaugh, Aronstam, Steck, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WAVR/WATS, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times

**Public Comments:**  Ron Keene stated the *Wreaths Across America* event will be held on December 13th. The Waverly VFW and American Legion will be placing wreaths at all of Waverly’s Cemeteries, the memorial at Muldoon Park, and the tank at the VFW Building. He invited the Board Members, and public, to join in.

**Letters and Communications:** The clerk read a letter from Linda Vogel, of 201 Broad Street, requesting 15-minute parking on Loder Street along the side of her business on Broad Street. Mayor Leary stated we will have a public hearing on December 9th regarding parking and referred it to the parking committee.

**Return of Unpaid Taxes:** The clerk returned unpaid property to Tioga County in the amount of $129,032.97, and with penalties of $11,754.98, for a total of $140,787.95.

**Minutes:** Trustee Sinsabaugh moved to approve the Minutes of October 28, and November 11, 2014 as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $268,927.11; and Cemetery Fund $1,020.66; for a total of $269,947.77 ($257,404 was annual retirement payments), and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Parking Committee Update:** Deputy Mayor Ayres stated he, Trustee Steck, and Hunt Engineers met and discussed parking in Erie Alley. He stated we should have drawings and proposals for the alley by March 31st. He also stated the cost for Penelec to move 3 poles is estimated at $15,000 to $18,000.

**Shared Services Update:** Mayor Leary stated there will be another meeting on December 1, 2014 with representatives from Tioga County, Town of Barton, and Waverly School District. He also stated he invited Assemblyman Chris Friend.

**Drug Free Work Place Policy:** Clerk Treasurer Wood stated the Drug Free Work Place Policy needs to be amended as Tioga County is cancelling the employees’ assistance program as of December 31, 2014. This program is directly mentioned in the policy. The Board advised the clerk to draft an amended policy for next meeting.

**Loan Committee Update:** Deputy Mayor Ayres stated the loan programs are doing well. We have one significant delinquency with the Greg Palumbo loan. He is three months behind in payments, and November has not been paid as of yet. Discussion followed. Attorney Keene will review tax history and report at the next meeting.

**CDBG Consideration/Thoma Development:** The clerk presented an amended proposal from Thoma Development for services to submit a CDBG application for rehabilitation of owner-occupied properties, in the amount of $5,500. Trustee Brewster moved to approve the proposal from Thoma Development, as presented. Trustee Aronstam seconded the motion, which was put to roll call vote as follows:

Ayes – 6 (Leary, Ayres, Sinsabaugh, Aronstam, Steck, Brewster)

Nays – 0

Absent – 1 (Hughes)

The motion passed.

**Mayor’s Update:** Mayor Leary stated the new owners of 460 Broad Street should be making a presentation to the Planning Board at their next meeting.

**Meeting on December 23, 2014:** Trustee Steck moved to cancel the December 23rd meeting due to the Holiday. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 7:06 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**ADMINISTRATIVE HEARING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M. ON**

**TUESDAY, DECEMBER 9, 2014 IN THE TRUSTEES' ROOM**

**IN THE VILLAGE HALL REGARDING 439 FULTON STREET (NPL BUILDING)**

Mayor Leary called the hearing to order at 6:00 p.m., and stated this hearing is in regard to the property located at 439 Fulton Street, that is owned by Robert Mousa Khalil of Seedan Reality. Attorney Keene stated Mr. Khalil contacted her and could not be here tonight and requested the hearing be rescheduled. Mayor Leary stated Code Enforcement Officer Chisari is also unavailable tonight. The Board cancelled the hearing and will reschedule it.

Mayor Leary closed the hearing at 6:05 p.m.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:15 P.M.**

**ON TUESDAY, DECEMBER 9, 2014 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 03 -2014: AMENDING**

**CHAPTER 125: STREETS AND SIDEWALKS**

**CHAPTER 140: VEHICLES AND TRAFFIC**

Mayor Leary declared the hearing open at 6:15 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Aronstam, Steck, Sinsabaugh, Hughes, Deputy Mayor Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, Attorney Keene, Chief Gelatt

Press included Dawn Campbell of WATS/WAVR, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times. Linda Vogel, of 201 Broad Street, also attended.

Trustee Ayres explained the changes that were proposed to the parking. He stated the changes will help with safety of residents and will also alleviate problems with plowing of snow from the roads.

With no one else wishing to be heard, Mayor Leary closed the hearing at 6:27 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, DECEMBER 9, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, and Chief Gelatt

Press included Dawn Campbell of WATS/WAVR, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times.

**Public Comments:** No comments were offered.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, and Police Department. Chief Gelatt summarized the police department report. He commended Officer Kate Martinez for graduating from the academy, and did very well. He also thanked all of the part-time officers for filling 1,295 hours since May. He stated no full-time officers lost any of their vacation time due to the part-time being able to fill the open shifts.

**Treasurer's Report:** The clerk presented the following:

General Fund 11/01/14 – 11/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 193,821.18 | Current Revenues | 35,810.76 |
| Deposits | 61,303.65 | Year to Date Revenue | 2,318,265.05 |
| Disbursements | 415,284.96 | Current Expenditures | 405,196.14 |
| Ending Balance | -160,160.13 | Year to Date Expended | 1,473,803.89 |

\*General Capital Reserve Fund $84,002.46

Cemetery Fund 11/01/14 – 11/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 12,249.78 | Current Revenues | 1,385.89 |
| Deposits | 1,376.56 | Year to Date Revenue | 7,202.64 |
| Disbursements | 2,212.05 | Current Expenditures | 3,232.71 |
| Ending Balance | 11,414.29 | Year to Date Expended | 27,856.34 |

Loan Programs 11/01/14 – 11/30/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 45,790.04 | Checking-Rehab Beginning | 23,081.82 |
| Checking-Ending | 46,678.19 | Checking-Rehab Ending | 24,449.19 |
| Savings-Beginning | 235,694.13 | Checking-Sidewalk Beginning | 18,950.00 |
| Savings-Ending | 357,502.84 | Checking-Sidewalk Ending | 18,125.00 |
| Total Fund Balance | 404,181.03 | Savings-Beginning | 80,827.13 |
|  |  | Savings-Ending | 212,311.09 |
|  |  | Total Fund Balance | 254,885.28 |
|  |  |  |  |
| Total Outstanding Loans | 55,581.89 | Total Outstanding Loans | 83,278.23 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $37,097.27; and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**439 Fulton Street/NPL Building:** Trustee Aronstam moved to reschedule the administrative hearing for December 22, 2014 at 6:00 and the clerk to advertise the same. Trustee Brewster seconded the motion, which carried unanimously.

**Proposed Local Law 3 of 2014: Amending Chapters 125 and 140:** Deputy Mayor Ayres offered the following resolution and moved its adoption.

WHEREAS, The Board of Trustees of the Village of Waverly has authorized a public hearing to be held on December 9, 2014, to hear comments regarding proposed local law 3 of 2014, amending Chapter 125: Streets and Sidewalks, and Chapter 140: Vehicles and Traffic, and

RESOLVED, The Board of Trustees of the Village of Waverly has approved the adoption of local law 3 of 2014, as follows:

[**§ 140-45. Schedule XIII: Parking Prohibited Certain Hours**](http://www.ecode360.com/print/WA0132?guid=11150860#11150860)

In accordance with the provisions of § [140-18](http://www.ecode360.com/print/11150815#11150815), no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

| **Name of Street** | **Side** | **Hours/Days** | **Location** |
| --- | --- | --- | --- |
| Clark Street | Both | 2:00AM TO 6AM | From Broad Street north 155 feet. |
| Waverly Street | Both | 2:00AM TO 6AM | From Broad Street north to Chemung Street |
| Fulton Street | Both | 2:00AM TO 6AM | From Broad Street north 429 feet. |
| Park Avenue | Both | 2:00AM TO 6AM | From Broad Street to the southerly boundary of Howard Street. |

[**Chapter 140. VEHICLES AND TRAFFIC**](http://www.ecode360.com/print/WA0132?guid=11150815#11150773)

[**Article III. Parking, Standing and Stopping**](http://www.ecode360.com/print/WA0132?guid=11150815#11150803)

[**§ 140-18.1. Parking prohibited certain dates**](http://www.ecode360.com/print/WA0132?guid=11150815#11150815)

No person shall park a vehicle between the dates specified in Schedule XI-C (§ 140-43.3) at any time of the day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XI-C, attached to and made a part of this chapter.

[**Chapter 140. VEHICLES AND TRAFFIC**](http://www.ecode360.com/print/WA0132?guid=11150857#11150773)

[**Article VI. Schedules**](http://www.ecode360.com/print/WA0132?guid=11150857#11150837)

[**§ 140-43.3. Schedule XI-C: No Parking or Standing From November 1 to March 31**](http://www.ecode360.com/print/WA0132?guid=11150857#11150857)

In accordance with the provisions of § 140-18.1, no person shall park or stand a vehicle at any time upon any of the following described locations:

| **Name of Street** | **Side** | **Hours/Days /Dates** | **Location** |
| --- | --- | --- | --- |
| Fulton Street | West | All hours 11/1 to 3/31 | Chemung Street to Clinton Avenue |

**Adding to § 140-50 Schedule XVIII: Loading Zone**

| **Name of Street** | **Side** | **Location** | **Hours/Days** |
| --- | --- | --- | --- |
| Broad | South | From a point located at the Northeast corner of  358 Broad Street to a point 36 feet easterly along the south side of Broad Street. | 9:00AM to 4:00pm from Monday through Friday for fifteen minutes. |

[**Chapter 125. STREETS AND SIDEWALKS**](http://www.ecode360.com/print/WA0132?guid=11150672#11150588)

[**Article VII. Snow and Ice Removal**](http://www.ecode360.com/print/WA0132?guid=11150672#11150654)

[**§ 125-35. Parking during snow emergencies.**](http://www.ecode360.com/print/WA0132?guid=11150672#11150672)

[A.](http://www.ecode360.com/print/11150673#11150673) (is unchanged)

1. Whenever such an emergency exists, it shall be unlawful for any person to park or suffer to be parked any vehicle of any kind or description *for the entire duration of the emergency* upon any street, avenue or roadway in the Village of Waverly, provided that vehicles may be parked for a period of time not longer than three minutes for actual loading or unloading of passengers or 30 minutes for actual loading or unloading of property and provided further that no other ordinance restricting parking as to place or time is violated thereby.

[**Chapter 125. STREETS AND SIDEWALKS**](http://www.ecode360.com/print/WA0132?guid=11150661,11150672#11150588)

[**Article VII. Snow and Ice Removal**](http://www.ecode360.com/print/WA0132?guid=11150661,11150672#11150654)

**§ 125-30. Removal by village**

Whenever the owner or occupant of any parcel of real estate adjoining a public sidewalk fails to remove the snow and/or ice from such sidewalk within the time specified in this article, or within four hours after notice *from the Village Clerk or any officer or employee of the village designated thereby for the purpose of giving notice, which shall be by personal service or by United States mail, to the owner or occupant, as the case may be,*  *the Village of Waverly may remove the same, or contract with an individual or company to remove said snow or ice from such sidewalk.*

[**§ 125-31. Cost of removal; lien**](http://www.ecode360.com/print/WA0132?guid=11150662#11150662)

In all cases where the Street Department has removed snow and/or ice from any land under the provisions of this article or where the village has contracted with a private contractor for the removal of snow and/or ice, an officer or employee of the village shall certify such costs of removal to the Village Clerk, who shall examine the certificate of each item thereof, and, if approved by the Village Clerk shall promptly present to the owner or occupant of each parcel a bill for the removal of snow and/or ice as certified by the Street Department or as set forth on a bill from a contractor. If said bill is not paid within 30 days of the bill being mailed, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent village taxes

Trustee Steck seconded the motion, which was put to roll call vote as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Hughes, Aronstam, Steck, Brewster)

Nays – 0

The motion passed.

**Drug Free Work Place Policy:** Clerk Treasurer Wood presented the following amended Drug Free Work Place Policy for review:

**DRUG FREE WORKPLACE POLICY**

The Village of Waverly hereby makes it known to all Employees of the Village that it is unlawful, illegal, and contrary to the Village of Waverly policies to manufacture, distribute, dispense, possess, or use controlled substances or any other illicit drug in New York State and in the employees’ workplaces in the Village of Waverly.

Any employee found to be unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances or any other illicit drug in violation of any local, state, or federal statute, will be subject to criminal prosecution and disciplinary action to include reprimand, suspension, or termination.

The Village of Waverly recognizes the dangers of drug abuse in the workplace. These dangers of drug abuse can create adverse employee performance and employee health and safety problems.

It shall be the policy of the Village of Waverly to maintain a drug free work environment for all employees and violations of this policy will not be tolerated and will be dealt with pursuant to law.

The Village of Waverly makes it known to all employees that effective drug abuse counseling and rehabilitation may be pursued at the employee’s expense.

All current employees and future employees must abide by this statement as a condition of continued or future employment.

Penalties for violation of this policy will include criminal prosecution under federal or state statutes and/or termination. Any employee convicted of a criminal drug statute violation must, within five (5) days of said conviction, notify his supervisor or superior of such conviction.

Trustee Sinsabaugh moved to approve the changes to the policy as presented. Trustee Hughes seconded the motion, which carried unanimously.

**Police Impound Lot Relocation:** Chief Gelatt recommended moving the impound lot that is currently located on Spaulding Street, to the parking lot at Village Hall. It will be placed on the south side of the building, near the community room windows. Trustee Aronstam stated by reusing the current fencing, there would be minimal costs. Trustee Steck moved to approve the relocation of the impound lot. Trustee Aronstam seconded the motion, which carried unanimously.

**Budget Committee:** Mayor Leary appointed Trustees Aronsam, Sinsabaugh, and Brewster to work with Clerk Treasurer Wood and the department heads on the 2015-2016 General and Cemetery Budgets. They all accepted.

**Mayor’s Update:** Deputy Mayor Ayres stated the Main Street Grant decision is due tomorrow. He also stated that all the 15-minute parking spaces will be reviewed by the parking committee, with the rest of the parking review.

Mayor Leary reminded all that the December workshop meeting was cancelled.

**Adjournment**: Trustee Brewster moved to adjourn at 6:51 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 13, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, Tioga County Legislator Case

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times.

**Public Comments:** No comments were offered.

**Approval of Minutes:** Trustee Brewster moved to approve the Minutes of November 25, and December 9, 2014 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, Street, and Police Departments. Mayor Leary stated we received a grant of $700 from Tioga County Tourism to offset costs of the planter boxes.

**Treasurer's Report:** The clerk presented the following:

General Fund 12/01/14 – 12/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | -160,160.13 | Current Revenues | 277,441.49 |
| Deposits | 652,117.70 | Year to Date Revenue | 2,595,706.54 |
| Disbursements | 173,308.79 | Current Expenditures | 152,138.62 |
| Ending Balance | 318,648.78 | Year to Date Expended | 1,625,942.51 |

\*General Capital Reserve Fund $84,016.72

Cemetery Fund 12/01/14 – 12/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 11,414.29 | Current Revenues | 9.87 |
| Deposits | .43 | Year to Date Revenue | 7,212.51 |
| Disbursements | 3,173.99 | Current Expenditures | 2,153.33 |
| Ending Balance | 8,240.73 | Year to Date Expended | 30,009.67 |

Loan Programs 12/01/14 – 12/31/14

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 46,678.19 | Checking-Rehab Beginning | 24,449.19 |
| Checking-Ending | 49,162.75 | Checking-Rehab Ending | 26,503.25 |
| Savings-Beginning | 357,502.84 | Checking-Sidewalk Beginning | 18,125.00 |
| Savings-Ending | 357,563.56 | Checking-Sidewalk Ending | 18,125.00 |
| Total Fund Balance | 406,726.31 | Savings-Beginning | 212,311.09 |
|  |  | Savings-Ending | 212,347.15 |
|  |  | Total Fund Balance | 256,975.40 |
|  |  |  |  |
| Total Outstanding Loans | 53,357.38 | Total Outstanding Loans | 81,241.42 |

\*The report outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $127,443.67; and Cemetery $777.98; for a total of $128,221.65 and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Tioga County Legislator Case stated Waverly was not awarded the Main Street Grant. Teresa Saraceno is reviewing our application to make our next one stronger.

**CDBG Program:** Deputy Mayor Ayres moved to schedule a public hearing for our CDBG Program Application on February 10, 2015 at 6:15 p.m. Trustee Brewster seconded the motion, which carried unanimously.

**439 Fulton Street/NPL Building:** Mayor Leary read the Code Enforcement Officer’s recommendations. Attorney Keene stated a letter was sent to the owner and there has been no response. Attorney Keene will send another letter to the owner.

**NYCOM Winter Legislative Meeting**: The clerk stated NYCOM is holding their Annual Winter Legislative Meeting on February 8-10, 2015 in Albany. Trustee Steck moved the Mayor, the Attorney, and any Trustee be authorized to attend. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**NYCOM’s Webinar Wednesday:** The clerk stated a webinar on “The Property Tax Freeze – What You Need to Know”, is scheduled for February 4th between 1:30 and 2:30.

**Grievance Day Resolution:** Trustee Hughes offered the following resolution and moved its adoption:

WHEREAS, The Board of Trustees is required by the Real Property Tax Law to provide a Grievance Day on the third Tuesday, of February, 2015, and

WHEREAS, such third Tuesday falls on the 17th day February, 2015, and

WHEREAS, the Board of Assessment Review is required to meet for at least four hours to hear grievances,

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved that the Board of Assessment Review meet on the 17th day of February, 2015, in the Trustees’ Room, in the Village Hall, between the hours of 4:00 and 8:00 P.M. to hear complaints with respect to the Assessment Roll to be filed by the Assessor with the Clerk of the Village, on or before February 1, 2015, and the Clerk of the Village is further directed to publish statutory notice of such meeting required by the Real Property Tax Law.

The resolution was seconded by Trustee Aronstam and on voice vote, unanimously carried.

**Election Resolution:** Trustee Sinsabaugh offered the following resolution and moved its adoption:

WHEREAS, the Annual Election of the Village of Waverly be held in the Trustees’ Room in the Village Hall, at 32 Ithaca Street, Waverly, New York, between the hours of 12:00 o’clock noon and 9:00 o’clock in the afternoon of Wednesday, March 18, 2015, and

WHEREAS, the following be designated as Inspectors of Election: Sharon Alamo, Laura Hoppe, Roberta Hollenbeck, and Joan Case, be paid $100.00 each, and

WHEREAS, Sharon Alamo be and she hereby is appointed Chairman of the Board, and

WHEREAS, that the Board of Trustees of the Village of Waverly accepts the voting machine custodians designated by the Town of Barton, namely Joseph Satterly and James Deming, and be paid $100.00 each, and

BE IT RESOLVED, the Village of Waverly will hold their General Election on Wednesday, March 18, 2015 for the purpose of electing three Trustees, each for a term of two years.

The resolution was seconded by Trustee Steck and upon voice vote, unanimously carried.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer application from Richard West, of Waverly Swap Shop, located at 456 Broad Street. The clerk stated the background investigation was completed, and Code Enforcement will inspect once the shop is ready to open. Attorney Keene stated concern that a special permit may be needed since it is a change of use. Deputy Mayor Ayres moved to table discussion for Attorney Keene to review. Trustee Steck seconded the motion, which carried unanimously.

**Broad Street Fire Update:** Mayor Leary the recent fire at 369 Broad Street has been devastating to our community. He thanked all the fire departments that responded, and all of the volunteers that helped during the crisis. He stated the owner of The Pub, 371 Broad Street, is in the process of acquiring an engineer’s report on damages to their building. Mayor Leary stated 365 Broad Street sustained major damage also. Frank Fakir is the owner of both 365 and 367 Broad Street. Mayor Leary stated Mr. Fakir needs to get the rubble cleaned up as soon as possible, after review of his insurance company. Discussion followed. Deputy Mayor Ayres moved to direct Mayor Leary to send letter to Frank Fakir regarding these concerns, and ask him to keep in contact with the Village regarding his timeline and engineering reports. The Board would like Mr. Fakir to respond by January 27, 2015. Trustee Aronstam seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:06 p.m. to discuss an employee contract issue. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 7:43 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 7:43 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:00 P.M.**

**ON TUESDAY, DECEMBER 22, 2014 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Deputy Mayor Ayres called the meeting to order at 6:04 p.m. and led in the Pledge of Allegiance.

**Roll Call:** Present were Trustees Hughes, Deputy Mayor Ayres, Brewster, Sinsabaugh, and Steck.

Absent: Mayor Daniel Leary and Trustee Aronstam.

Also present Attorney Keene and Code Enforcement Officer Robert Chisari.

**Administrative Hearing – Village vs. Seedan Real Estate Holding, LLC and Mousa Khalil regarding 439 Fulton Street/NPL Building:**  Code Enforcement Officer Robert Chisari called upon to set forth in the record information regarding the Unsafe Building Code proceeding against Seedan Real Estate Holding, LLC and Mousa Khalil regarding 439 Fulton Street/NPL Building. Mr. Chisari stated that over a year ago on December 2, 2013 he sent a letter to Mr. Khalil setting forth the code violations and issues regarding the building. A copy of the letter was made a part of the record. Just prior to sending the letter Mr. Chisari had inspected the premises after having received written permission from the owner. Mr. Chisari had requested that Mr. Khalil be present for the inspection but he failed to appear. Mr. Chisari stated that for the next year he had made several contacts with the owner requesting that he address the serious problems with the building. On December 19, 2013, Mr. Chisari spoke with Mr. Khalil and he advised Chisari that he was having a contractor come to the property in January of 2014 to evaluate the building. After not hearing from the property owner, on March 21, 2014 another letter was sent to Mr. Khalil (the letter is attached and made a part of the record) advising owner of issues and demanding that the issues be address. A report was presented to the Village Board on October 14, 2014, which resulted in the Board setting a hearing pursuant to the Village Code Section 54. A notice was sent to the property owner advising that the Unsafe Building hearing was scheduled for December 8, 2014 at 6pm. The hearing was adjourned at the request of Mr. Khalil and rescheduled for December 22, 2014. Mr. Khalil failed to appear at the hearing tonight’s hearing. Mr. Chisari stated that the condition of the building presently is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Village of Waverly as defined by the Village of Waverly Unsafe Building Code and that the building needed to have all windows, doors and opening in the property secured, removal of all pigeons living in the property, repair or removal of the fire escape which is rusted and deteriorated, and the stairwell secured leading to the basement. Mr. Chisari stated that in the present condition there is a serious concern of people being able to enter the building. Just recently he had padlocked the front door of the building after being advised the door was unlocked.

**Motion:** Trustee Brewster moved to find the property located at 439 Fulton Street to be unsafe, unsanitary, and dangerous to the general welfare of the residents of the Village of Waverly as defined by Village of Waverly Code based upon the statements and reports presented by Mr. Chisari. Trustee Steck seconded the motion, which led to a roll call vote:

Ayes – 5 (Hughes, Deputy Mayor Ayres, Brewster, Sinsabaugh, Steck)

Nays – 0

Absent – 2 (Aronstam, Leary)

The motion carried.

**Motion:** Trustee Brewster moved to authorize the Attorney Keene to send notice to Seedan Real Estate Holding, LLC and Mousa Khalil setting forth the Board findings and to allow him 30 days to remedy the unsafe property, as outlined in Village of Waverly Unsafe Building Code.

Ayes – 5 (Hughes, Deputy Mayor Ayres, Brewster, Sinsabaugh, Steck)

Nays – 0

Absent – 2 (Aronstam, Leary)

The motion carried.

**Adjournment**: Trustee Brewster moved to adjourn at 6:32 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Betty Keene, Village Attorney

### WORKSHOP MEETING OF THE BOARD OF TRUSTEES

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, JANUARY 27, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees: Sinsabaugh, Aronstam, Steck, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WAVR/WATS, and Matt Hicks of the Morning Times

**Public Comments:**  Nobody wished to speak.

**Minutes:** Trustee Brewster moved to approve the Minutes of January 13, 2015 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $19,519.89, and moved to approve payment of abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**CDBG Application/Thoma Development:** Deputy Mayor Ayres moved to schedule a public hearing for our CDBG Application on February 10, 2015 at 6:15 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

**Police Impound Lot:** The clerk submitted a proposal from Kabes Fencing to move the impound lot from Spaulding Street to the Village Hall. They will reuse old fencing and posts when possible. The new lot will be 30’ x 40’. The cost is $3,130. Deputy Mayor Ayres moved to approve Kabes Fencing proposal as presented. Trustee Aronstam seconded the motion, which carried unanimously.

**Broad Street Fire Update:** Attorney Keene stated she has the insurance claim number and will file an interest against the property. Mayor Leary stated code enforcement is waiting on a report from the engineers. There has been no response from Frank Fakir regarding cleanup of the site, and plans for other building. Attorney Keene stated the Board could proceed with the unsafe building code, and hire an engineer to inspect the building. Discussion followed. Deputy Mayor Ayres moved to direct Attorney Keene to send letter to Mr. Fakir to have him secure a structural report from an engineer or the Village would proceed with unsafe building code. He also wanted to include that the Village would like to meet with Mr. Fakir to discuss. Trustee Brewster seconded the motion, which carried unanimously.

**NPL Building Update:** Attorney Keene stated she has not heard from Mr. Khalil regarding the letter she sent to him outlining code issues that needed to be corrected. Discussion followed. Deputy Mayor Ayres moved to have the clerk, with specs from Code Officer Chisari, advertise for RFP’s for work to be done on the NPL Building. Trustee Brewster seconded the motion, which carried unanimously.

**Secondhand Dealer License:** The clerk presented an application for a secondhand dealer license from Richard West, for 456 Broad Street. She stated Chief Gelatt performed the background check and Code Enforcement Chisari will inspect property when Mr. West is ready to open business. Attorney Keene stated this property has never been a retail business and would need a site plan approval from the Planning Board. Trustee Brewster moved to table discussion pending site plan approval. Trustee Steck seconded the motion, which carried unanimously.

**Budget Committee Update:** Trustee Brewster stated the committee has met twice and will meet again on Thursday with Street Foreman Pond. He also stated he will ask the Library to give presentation at the next meeting.

**Board of Assessment Review Appointment:** Mayor Leary appointed Kyle McDuffee to the Board of Assessment Review for a one-year term. Trustee Sinsabaugh moved to approve the appointment of Kyle McDuffee as presented. Trustee Steck seconded the motion, which carried unanimously.

**Orchard Street Portion Abandonment:** Mayor Leary stated the School District is considering selling some of their property to the Little League Organization. The property is located beside the Lincoln Street School and has been used by Little League for many years. Mayor Leary stated the Village of Waverly has abandoned our right-of-way in 1974 when the portion of Orchard Street was discontinued. Mayor Leary stated he is a huge supporter of Little League, but feels the school should not sell this property and questions how the price of $10,000 was figured. He also asked Attorney Keene if the property would revert to the Village and if there were any agreement that property could not be sold.

**Tree at Muldoon Park:** Mayor Leary stated Recreation Director Havens has brought to his attention that there is a bad tree at Muldoon Park. The tree has a large split in the trunk and appears that it could break and cause damage to the Muldoon Apartment Complex. Trustee Brewster moved the clerk to get estimates and award the lowest estimate for removal of tree. The stumping and seeding would wait until Spring. Trustee Sinsabaugh seconded the motion, which carried unanimously. Mayor Leary stated he wants the tree down within two weeks.

**2000 Ford Expedition Repairs:** The clerk submitted an estimate to repair the 2000 Ford Expedition from Fred Foote, Inc., in the amount of $891.61. The repairs are to replace the brake lines and fix an exhaust leak. She also submitted an estimate from Tryon Auto Sales in the amount of $2,400, however, that was to replace brake lines and replace exhaust system. Trustee Aronstam moved to approve the estimate from Foote’s and directed the vehicle get repaired. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Open New Bank Account for USDA Reserves:** The clerk asked for approval to open a new bank account at Chemung Canal Trust Company. She stated this account is for USDA Reserves, which is accounted for in the Water Fund. This account will be used for eligible repairs at Well #4, water building, and other projects that were funded by USDA. Deputy Mayor Ayres moved to approve Clerk Treasurer Wood to open a new bank account for USDA Reserves as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Recreation Commission Bylaws:** Mayor Leary would like to appoint a committee to review and make recommendations regarding the recreation commission bylaws. He appointed Trustee Aronstam, Trustee Brewster, Attorney Keene, and Recreation Director Havens to that committee. He also asked the Board to work with Clerk Treasurer Wood with their finances. Deputy Mayor Ayres moved to approve the Mayor’s appointments as presented. Trustee Steck seconded the motion, which carried unanimously.

**Approval to Purchase Printer and Computer:** Clerk Treasurer Wood stated the main high-capacity printer in the clerk’s office is over 10 years old and starting to have issues with it. She submitted a proposal from Pyramid Business Solutions for a new equivalent Hewlett Packard Printer at a cost of $650. She also recommended replacing computers in the clerk’s office as they also are aged. She stated they could be replaced as the budget permits. The cost of this equipment would be shared with the Water and Sewer Funds equally. Trustee Sinsabaugh moved to approve the purchases as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Approval to Purchase Ferris Mower:** Trustee Brewster stated Recreation Director Havens requested from the Budget Committee to budget for a new Ferris Pro Cut S series mower for the parks as the old one needs a lot of repairs and was purchased used in 1996. The committee recommended he purchase the mower in the current budget as most of the funds are available. He submitted two quotes, as follows: Little’s Lawn Equipment for $7,600, and New Holland for $7,799. Trustee Sinsabaugh moved to approve the purchase from Little’s Lawn Equipment for $7,600 out of the current budget. Trustee Steck seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:28 p.m. to discuss an employee contract issue. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:25 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 7:06 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:15 P.M.**

**ON TUESDAY, FEBRUARY 10, 2015 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING AN APPLICATION FOR 2014 NEW YORK**

**COMMUNITY DEVELOPMENT BLOCK GRANT**

Mayor Leary declared the hearing open at 6:15 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Aronstam, Steck, Brewster, Sinsabaugh, Hughes, Deputy Mayor Ayres, and Mayor Leary

Also present were Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WATS/WAVR, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times

Mayor Leary submitted the Citizen Participation Plan handout, and asked if anyone had questions.

With no one wishing to be heard, Mayor Leary closed the hearing at 6:30 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 10, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, and Tioga County Legislator Case

Press included Ron Cole of WATS/WAVR, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times.

**Public Comments:** Cynthia Durban, Library Director, stated the library has went through some hard times over the past couple of years. She requested $6,000 be donated to the library from the Village this year. She stated this funding will help pay for their annual audit, which has not been done in the past but will be done annually moving forward. It will also help fund the summer reading program, and the purchase of an early literacy station. She feels this is essential for our community and helps bring people back to the library.

Trustee Aronstam stated he is a big supporter of the library, but has concern with using tax dollars to donate to a non-profit organization. He stated these organizations have the ability to do fundraising events, whereas the Village does not. He questioned, “should we use tax dollars?” as the library is not under the auspices of village operations. Attorney Keene stated legally the village can donate to a few non-profits that meet a certain criteria, and the library meets the criteria.

**Letters and Communications:** Mayor Leary stated the DPW will be removing snow from Broad Street on Wednesday night. He stated they held off a couple of days due to another storm advisory. Mayor Leary also presented an inter-municipal agreement with the NYS DOT for shared services. NYS DOT will provide a front loader and driver for 8 hours to help remove snow from Broad Street, in return we will street sweep Cayuta Avenue four times per year. The costs are approximately the same at $480. Attorney Keene reviewed the agreement and had no concerns. Deputy Mayor Ayres moved to approve the agreement and authorize Mayor Leary to sign it. Trustee Steck seconded the motion, which was put to roll call vote, and resulted as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck, Brewster)

Nays – 0

The motion passed.

**Approval of Minutes:** Trustee Brewster moved to approve the Minutes of January 27, 2015 as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, and Police Departments.

**Treasurer's Report:** The clerk presented the following:

General Fund 1/01/15 – 1/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 318,648.78 | Current Revenues | 61,332.43 |
| Deposits | 82,442.51 | Year to Date Revenue | 2,657,038.97 |
| Disbursements | 257,333.16 | Current Expenditures | 245,781.06 |
| Ending Balance | 143,758.13 | Year to Date Expended | 1,871,723.57 |

\*General Capital Reserve Fund $84,030.99

Cemetery Fund 1/01/15 – 1/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 8,240.73 | Current Revenues | 9.70 |
| Deposits | .25 | Year to Date Revenue | 7,222.21 |
| Disbursements | 3,958.90 | Current Expenditures | 3,958.90 |
| Ending Balance | 4,282.08 | Year to Date Expended | 33,968.57 |

Loan Programs 1/01/15 – 1/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 49,162.75 | Checking-Rehab Beginning | 26,503.25 |
| Checking-Ending | 51,627.17 | Checking-Rehab Ending | 32,338.18 |
| Savings-Beginning | 357,563.56 | Checking-Sidewalk Beginning | 18,125.00 |
| Savings-Ending | 357,624.30 | Checking-Sidewalk Ending | 18,125.00 |
| Total Fund Balance | 409,251.47 | Savings-Beginning | 212,347.15 |
|  |  | Savings-Ending | 212,383.22 |
|  |  | Total Fund Balance | 262,846.40 |
|  |  |  |  |
| Total Outstanding Loans | 51,412.47 | Total Outstanding Loans | 75,168.89 |

\*The report also outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $31,094.49 and moved to approve payment of the abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Tioga County Legislator Case stated sales tax is higher than normal for the month of December. He also stated he feels the region will do well for the consolidated funding grant, and encourages the Village to send a representative to attend a meeting in Owego on February 25, 2015.

**CDBG Application Resolution:** Trustee Aronstam offered the following resolution, and moved its adoption:

BE IT RESOLVED, that Daniel Leary, as Mayor of the Village of Waverly, is hereby authorized and directed to file an application for funds from the New York State Office of Community Renewal through its Community Development Block Grant Program 2014, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the Village of Waverly for a housing rehabilitation program.

Trustee Sinsabaugh seconded the motion, which was put to roll call vote, and resulted as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck, Brewster)

Nays – 0

The motion passed.

**367-369 Broad Street Fire Update:** Mayor Leary stated things are moving in the right direction. The cleanup started today and hopefully will continue so that the barricades can come down soon. Deputy Mayor Ayres asked if the barricades could be removed from 367 Broad Street as it was deemed structurally sound, but in need of repairs, by the owner’s engineer. Mayor Leary stated Code Enforcement Officer Chisari will be working with the owner during the cleanup and repair work.

**439 Fulton Street/NPL Building:** Mayor Leary stated Code Enforcement Officer Chisari is working on the specs needed to secure the building.

**Erie Alley Parking Proposal:** Deputy Mayor Ayres stated he, Trustee Brewster, and Trustee Steck met with Hunt Engineers regarding Erie Alley Parking. They are looking at doing this project in phases. Hunt Engineers will present proposal to the Board on March 10, 2015.

**Budget Committee Update:** Trustee Brewster stated the committee is waiting for information before they can proceed further.

**Secondhand Dealer Application:** The clerk presented a Secondhand Dealer renewal application from Diane Reinhardt of Angie’s Closet at 446 Broad Street. Chief Gelatt had no concerns, and the building will be inspected during its annual inspection by code enforcement. Deputy Mayor Ayres moved to approve the application as presented. Trustee Brewster seconded the motion, which carried unanimously.

The clerk stated the Secondhand Dealer application from Richard West, of Waverly Swap Shop, to be located at 456 Broad Street was cancelled by the applicant.

**UNICO Request for Community Room:** Mayor Leary stated UNICO is an acting group and they will be presenting a play, as a fundraising event, and have requested use of the Community Room for rehearsals. They will need it on Sunday, Monday, and Thursday evenings until April. Trustee Aronstam moved to approve UNICO’s use of the community room at no charge, as requested. Trustee Steck seconded the motion, which was put to roll call vote, and resulted as follows:

Ayes – 6 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck)

Nays – 0

Abstain – 1 (Brewster)

The motion passed.

**NYS Building Officials Conference (NYS BOC):** Trustee Brewster moved to approve Code Officer Chisari to attend the NYS BOC Annual Conference on March 31 – April 3, 2015 in Liverpool, NY at a cost of $360, plus room and board. Trustee Steck seconded the motion, which carried unanimously.

**Executive Session:** Trustee Sinsabaugh moved to enter executive session at 7:23 p.m. to discuss an employee contract issue. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam moved to enter regular session at 7:29 p.m. Trustee Hughes seconded the motion, which carried unanimously.

Trustee Brewster moved to credit Police Officer Danae Nichols with twelve years of service, entitling him to receive four weeks of vacation time on his anniversary date of January 24, 2015, and Mayor Leary to sign agreement dated February 9, 2015. This resolves any and all issues relating to Officer Nichols’ entitlement to vacation time and vacation pay for the term of Officer Nichols’ employment to present. Trustee Steck seconded the motion, which was put to roll call vote, and resulted as follows:

Ayes – 7 (Leary, Ayres, Sinsabaugh, Aronstam, Hughes, Steck, Brewster)

Nays – 0

The motion passed.

**Adjournment**: Trustee Hughes moved to adjourn at 7:30 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, FEBRUARY 24, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Deputy Mayor Ayres called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Brewster, and Deputy Mayor Ayres

Also present Clerk Treasurer Wood, and Attorney Keene

Press included Ron Cole of WATS/WAVR, Alexis Bortle of the Daily Review, and Matt Hicks of the Morning Times.

**Public Comments:** No comments were offered.

**Letters and Communications:** The clerk submitted an invitation from the Greater Valley Chamber of Commerce for their Annual United Valley Business Banquet on March 25, 2015 at the Best Western Grand Victorian Inn.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of February 10, 2015 as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $151,875.00; Cemetery Fund $358.43; and the Loan Fund $189.40; for a total of $152,422.83 and moved to approve payment of the abstract. He stated $114,931 was for our bond payment for Village Hall. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Deputy Mayor Ayres stated Tioga County is holding a seminar tomorrow regarding Grant Filing.

**Budget Committee Update:** Trustee Brewster stated the budget is on target, however, the committee is waiting for information before they can proceed further.

**Replace HVAC Blower Motor/Economizer:** The clerk stated when Trane was doing their inspection, they found RTU-7 had a noisy combustion blower motor and failed economizer and recommended replacing it. Their costs for labor and materials would be $1,666. Discussion followed. Trustee Steck recommended replacing it before it failed completely, and motioned the same. Trustee Brewster seconded the motion, which carried unanimously.

**Liquor License Renewal:** The clerk submitted a 30-day notice for a renewal application of a liquor license being filed with New York State. The notice was submitted for the Rail House Restaurant and Tap Room located at 366 Broad Street. The clerk stated Chief Gelatt reviewed and had no concerns. Trustee Sinsabaugh moved to accept the notice with no comment to the State. Trustee Brewster seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 6:38 p.m. to discuss a personnel issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

The clerk did not attend.

Trustee Brewster moved to enter regular session at 7:55 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 7:55 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MARCH 10, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, and Chuck Franzese and Luke Grasmeyer of Hunt Engineers

Press included Matt Hicks of the Morning Times

**Public Comments:** Linda Boehm asked about the pending sale of the Little League field, and what impact it will have to the Village. Mayor Leary stated a survey is being done and he questions the ownership of the property. He is not sure if the Waverly School District owns all of it or if the Village may own a part. He stated it may be on the ballot in May, and he recommends Ms. Boehm attends the School Board Meeting next month.

**Erie Alley Parking Area Study Presentation:** Luke Grasmeyer, of Hunt Engineers, presented the Erie Alley Parking Area Study. He stated currently the area includes aged asphalt with little to no storm drainage. There are also three utility poles located in drive isles and scattered dumpsters which cause parking to be inefficient and unappealing. Hunt Engineers have been working with Trustees Ayres, Steck, and Brewster on this study. Hunt Engineers propose this project be done in four phases, as follows:

* Phase 1: Relocate three utility poles, install 36 parking spaces and 2 handicap parking spaces, granite curbing, concrete pavement for dumpsters, tree planting, 24’ drive isle, and new dry wells for storm water infiltration. The estimated cost is $210,354.10.
* Phase 2: Install 14 parking spaces, concrete pavement for dumpsters, tree planting, 8.5’ drive isle (requires vehicular access to be created to Broad Street), and new dry wells for storm water infiltration. The estimated cost is $71,445.90.
* Phase 3: Install 1 handicap parking space, concrete sidewalk and ramp connecting handicap parking and Broad Street sidewalk. The estimated cost is $7,125.00.
* Phase 4: Install 40 parking spaces and 2 handicap parking spaces, granite curbing, tree planting, 24’ drive isle connecting Loder and Fulton Streets, and new dry wells for storm water infiltration. The estimated cost is $169,002.50.
* The total cost of this project is estimated at $694,537.90.

Mr. Grasmeyer and Chuck Franzese answered all questions and addressed any concerns from the Board. Mr. Franzese stated there may be more testing needed for drainage before a final plan could be presented. Mayor Leary thanked them for their presentation. Deputy Mayor Ayres stated we could do a public presentation at the next meeting, with Hunt Engineers, at 6:15 p.m. and the Board concurred.

**Letters and Communications:** The clerk submitted a plan from Kathy Higgins regarding her fundraising event at East Waverly Park in June. The Board read her plan and had questions. Trustee Brewster and Trustee Sinsabaugh would discuss with Recreation Director Havens, and Police Chief Gelatt. They would also contact Ms. Higgins.

The clerk read a letter from Janelle Daddona, of Project Grow, asking if they could use our Community Room for a seed starting workshop on March 14, 2015. Ms. Daddona requests the rental charge be waived for the non-profit organization. Discussion followed. Trustee Ayres moved to allow the rental as presented and not to waive the fees. Trustee Steck seconded the motion, which carried unanimously.

The clerk read a letter from Marty Borko requesting use of the community room to have a Solar Program Presentation in late April or May. Mayor Leary stated he would get more information from Mr. Borko regarding this.

The clerk read a letter from Patrick Lane, Owner of Fast Lane Powersports, requesting a street closure on April 18, 2015 to host a WNYOA Event and display vehicles on the street. Discussion followed. Trustee Brewster moved to close off Broad Street from Pine Street to Loder Street, from 9:00 a.m. to 4:30 p.m. on April 18, 2015 to accommodate this event contingent upon proof of insurance. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Letter of Resignation:** The clerk read a letter from Dylan Arnold stating he is resigning from his position in the Street Department, effective March 12, 2015. Mr. Arnold stated he has a job offer with Valley Energy. Deputy Mayor Ayres moved to accept his resignation. Trustee Steck seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, Street (January & February), and Police Departments.

**Treasurer's Report:** The clerk presented the following:

General Fund 2/01/15 – 2/28/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 143,758.13 | Current Revenues | 47,063.23 |
| Deposits | 323,769.57 | Year to Date Revenue | 2,704,102.20 |
| Disbursements | 281,319.70 | Current Expenditures | 274,256.06 |
| Ending Balance | 186,208.00 | Year to Date Expended | 2,145,979.63 |

\*General Capital Reserve Fund $84,043.88

Cemetery Fund 2/01/15 – 2/28/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 4,282.08 | Current Revenues | 1,824.42 |
| Deposits | 11,816.25 | Year to Date Revenue | 9,046.63 |
| Disbursements | 2,152.68 | Current Expenditures | 2,152.68 |
| Ending Balance | 13,945.65 | Year to Date Expended | 36,121.25 |

Loan Programs 2/01/15 – 2/28/15

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 51,627.17 | Checking-Rehab Beginning | 32,338.18 |
| Checking-Ending | 55,349.21 | Checking-Rehab Ending | 33,632.05 |
| Savings-Beginning | 357,624.30 | Checking-Sidewalk Beginning | 18,125.00 |
| Savings-Ending | 357,679.16 | Checking-Sidewalk Ending | 18,125.00 |
| Total Fund Balance | 413,028.37 | Savings-Beginning | 212,383.22 |
|  |  | Savings-Ending | 212,415.80 |
|  |  | Total Fund Balance | 264,172.85 |
|  |  |  |  |
| Total Outstanding Loans | 47,959.23 | Total Outstanding Loans | 73,748.34 |

\*The report also outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $49,436.65 and moved to approve payment of the abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**367-369 Broad Street Fire Update:** Mayor Leary stated the barricades will be removed tomorrow from the front of the buildings. He stated 367 Broad Street will be opening as a different restaurant. Mayor Leary stated Code Enforcement Officer Chisari will be working with the owner during the cleanup and repair work.

**Street Repairs:** Mayor Leary stated there was a lot of damage to our streets this winter and many potholes resulted from the extreme cold. Last year the State provided extra funding in CHIPS to help cover the damage. Mayor Leary stated he would send a memo to Senator Libous seeking the additional funding be distributed again this year.

**Recreation Committee Update:** Trustee Brewster stated the committee has not met yet, however, should be meeting soon.

**Budget Committee Update:** Trustee Brewster stated the committee is meeting on Thursday and should complete the tentative budget.

**439 Fulton Street/NPL Building:** Mayor Leary stated Code Enforcement Officer Chisari is working on the specs needed to secure the building.

**2014 NYS CDBG:** Deputy Mayor Ayres moved to approve payment to Thoma Development in the amount of $5,529.38, from the Special Grant (R) Fund, for grant writing services for our application to the 2014 NYS CDBG. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Street Paving Proposals:** Mayor Leary, Trustee Steck, and Street Department Lead Pond will meet and get a list of paving projects for the Spring. He stated he wants to allow enough time for utilities to install services prior to paving. He would like the list by April 1st.

**Tioga Opportunities Group Workcamp:** The clerk presented information regarding Tioga Opportunities Group Work Camp. This will be during the last week of July. Mayor Leary asked the press and Board to help get the word out so homeowners can take advantage of this.

**Executive Session:** Deputy Mayor Ayres moved to enter executive session at 7:47 p.m. to discuss the employment history of an employee, and a business loan contract. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:45 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to approve a business loan application for Roberta Coleman and April Brotzman in the amount of $10,000, with the repayment terms of 5% for 5 years. This is for the purchase of three tanning beds to use in their business, The Classic Tan. Attorney Keene will file UCC filings on the equipment for our collateral. Trustee Aronstam seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 8:51 p.m. Trustee Steck seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:15 P.M.**

**ON TUESDAY, MARCH 24, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, and Attorney Keene

Press included Brighton Wood of WATS/WAVR, and Matt Hicks of the Morning Times

**Erie Alley Parking Area Study Presentation:** Luke Grasmeyer, of Hunt Engineers, presented the Erie Alley Parking Area Study. He stated currently the area includes aged asphalt with little to no storm drainage. There are also three utility poles located in drive isles and scattered dumpsters which cause parking to be inefficient and unappealing. Hunt Engineers have been working with Trustees Ayres, Steck, and Brewster on this study. Mr. Grasmeyer and Chuck Franzese answered all questions and addressed any concerns from the Board. Mayor Leary thanked them for their presentation.

**Proclamation for A. J. Burkhart:** Mayor Leary introduced A. J. Burkhart and presented him with this proclamation:

WHEREAS, We Realize That Participation In Organized Athletics Helps Build Character and Teaches a Wholesome Sense of Fair Play and Good Sportsmanship Among Our Youth; and

WHEREAS, To Really Excel In Any Sport, A Young Person Must Demonstrate, In Addition to a Great Deal of Natural Ability, An Outstanding Spirit of Dedication, Enthusiasm, and a Lot of Hard Work; and

WHEREAS, A Striking Example Of This Has Been Brought To Our Attention In The Achievements of a Waverly Central School District Student, Namely A. J. Burkhart; and

NOW, THEREFORE, I DO HEREBY PROCLAIM that March 24, 2015 as A. J. Burkhart Day in the Village Of Waverly, Extending My Personal Congratulations and Also Those of All Our Citizens. We Appreciate the Recognition He Has Brought to Our School District and Community as a Whole, and Wish Him Continued Success In His Future.

Mayor Leary recognized A. J.’s achievements, and the achievements of all who participate in wrestling.

He also presented him with a plaque that outlined his success.

**Public Comments:** Don Laman stated he was having trouble with his driveway contractor and requested his license be pulled. Attorney Keene stated the Village is not an arbitrator on personal contracts and there are just a few legal reasons for pulling a license, and this doesn’t comply.

Ron Keene asked if the Village was aware of the Tioga Opportunities Work Camp Program. Mayor Leary stated that it was discussed at the last meeting, and asked the press for help to notify the public.

Terri Bishop, Manager of the Farmers’ Market, stated they would like to change the location this year from Muldoon Park to the Mini Park on Broad Street. They feel there is more visibility there. It would begin on June 8th, every Monday from 3:30-6:30 p.m. Discussion followed. Trustee Aronstam moved to approve the Farmers’ Market be held in the Mini Park as presented, pending clearance from Recreation Director Havens. Trustee Ayres seconded the motion, which carried unanimously. Trustee Brewster stated he would contact Ms. Bishop after discussion with Mr. Havens.

**Letters and Communications:** The Board resumed conversation regarding Kathy Higgins’ request for event at East Waverly Park. Trustee Brewster stated he talked with Ms. Higgins and she is no longer interested in having alcohol at event, and she would have a crew to clean up after the event. He also stated that Recreation Director Havens has no concerns with event. Trustee Aronstam stated the rental fees should not be waived, and should be the same for everyone. Discussion followed. Discussion was tabled until next meeting.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of February 24, 2015, as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $16,728.48; Cemetery Fund $164.62; for a total of $16,893.10 and moved to approve payment of the abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Mayor Leary Ken Del Bianco, Tioga County DPW Supervisor, has retired. He stated the traffic light on Broad Street may need to be replaced.

**Recreation Committee Update:** Trustee Brewster stated the commission would like to review the bylaws. He also stated the process for filing a non-profit organization is much easier that before.

**367-369 Broad Street Fire Update:** Mayor Leary stated we have received $15,000 to hold in escrow until the area is cleaned up and work is complete.

**439 Fulton Street/NPL Building:** Mayor Leary stated Code Enforcement Officer Chisari will be submitting two proposals to seal up the building.

**School Board Update on Little League Survey:** Mayor Leary stated he requested the School Board do a survey and appraisal before selling the property. He feels it should be open to public bid. Attorney Keene stated the school is required to put the sale on the ballot at their next election.

**Recreation Request:** Trustee Brewster submitted two proposals to replace the backstop at the softball field in East Waverly Park. They were as follows: Best Way Fencing $3,880, and Kabes Fencing $4,180. Trustee Brewster moved to authorize Best Way Fencing to replace the backstop as presented in the amount of $3,880. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**2015-2016 Tentative Budget Public Hearing:** Deputy Mayor Ayres moved to schedule a public hearing to hear comments regarding the 2015-2016 tentative budget on April 14, 2015 at 6:15 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which carried unanimously.

**Proposed Local Law 03A-2015, NYS Tax Cap Override Law:** The clerk submitted proposed local law 03A-2015 Authoring a property tax levy in excess of the limit established in General Municipal Law §3-c. Deputy Mayor Ayres moved to schedule a public hearing for April 14, 2015 at 6:30 p.m. and the clerk to advertise the same. Trustee Brewster seconded the motion, which carried unanimously.

**Secondhand Dealer License Renewal:** Mayor Leary tabled to discuss in executive session.

**Authorization to Attend NYRWA Conference:** The clerk submitted a request from Jack Pond and Doug Kinsley to attend New York Rural Water Association (NYRWA) Annual Technical Conference in Verona, NY on May 18-21, 2015. The clerk stated this conference offers credits needed to maintain their water licenses, and all fees will be paid from the Water Fund. Deputy Mayor Ayres moved to approve their attendance at the conference. Trustee Steck seconded the motion, which carried unanimously.

**Reorganization Meeting:** Deputy Mayor Ayres moved to schedule the Reorganization Meeting for April 6, 2013 at 6:00 p.m. Trustee Brewster seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:35 p.m. to discuss a personnel and a contractual issue. Trustee Steck seconded the motion, which carried unanimously.

Trustee Steck moved to enter regular session at 8:10 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

**Secondhand Dealer License Renewal:** The clerk presented a Secondhand Dealer renewal application from Samuel Kolesnik of Sammy’s Swap Shop at 435 Broad Street. Chief Gelatt had no concerns, and the building will be inspected during its annual inspection by code enforcement. Trustee Aronstam moved to approve the application as presented. Trustee Steck seconded the motion, which carried unanimously.

**Cemetery Mowing:** Deputy Mayor Ayres moved to authorize the clerk to advertise for bids for the cemetery mowing, and to be opened at the meeting of April 14, 2015. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 8:14 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**REORGANIZATION MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT**

**6:00 P.M. ON MONDAY, APRIL 6, 2015 IN THE**

**TRUSTEES’ ROOM, IN THE VILLAGE HALL**

Present were Trustees: Aronstam, Sinsabaugh, Brewster, Steck, Deputy Mayor Ayres, and Mayor Leary

Also Present: Clerk Treasurer Wood, and Attorney Keene

**Call to Order:** Trustee Sinsabaugh called the meeting to order at 6:30 p.m.

**Oaths of Office:**  Clerk Treasurer Wood administered the Oaths of Office to Mayor Dan Leary, Trustee Michael Steck, Trustee Jerry Sinsabaugh, and Trustee Christopher Brewster.

**Mayor’s Appointments:** The following appointments were made by Mayor Leary.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Appointment** | **Term** | **Motioned by Trustee:** | **Seconded by Trustee:** | **Result** |
| Michele Wood | Clerk Treasurer | 2 years | Ayres | Steck | Approved Unanimous |
| Kerri Hazen | Deputy Clerk Treasurer | 1 year | Aronstam | Brewster | Approved Unanimous |
| Betty J. Keene | Village Attorney | 1 year | Steck | Brewster | Approved Unanimous |
| Patrick Ayres | Deputy Mayor | 1 year | Aronstam | Steck | Approved Unanimous |
| Robert Chisari | Code Enforcement/  Building Inspector | 1 year | Brewster | Sinsabaugh | Approved Unanimous |
| Ann Place | Water Board Commissioner | 5 years | Steck | Sinsabaugh | Approved Unanimous |
| Billie Jo Jennings | Justice Court Clerk | 1 year | Steck | Ayres | Approved Unanimous |
| David Boland | Acting Justice | 1 year | Brewster | Sinsabaugh | Approved Unanimous |
| Julie Dugan | Assessor | 1 year | Steck | Sinsabaugh | Approved Unanimous |
| Robert Wright | Planning Board | 5 years | Brewster | Ayres | Approved Unanimous |
| Andrea Giovenco | Zoning Board of Appeals | 5 years | Sinsabaugh | Brewster | Approved Unanimous |
| Gerald Keene, Sr. | Cemetery Coordinator | 1 year | Aronstam | Ayres | Approved Unanimous |
| Pauline Cleveland | Historian | 1 year | Brewster | Sinsabaugh | Approved Unanimous |
| Teresa Fravel  George Greeno  Tom McLean | Crossing Guards | 1 year | Sinsabaugh | Steck | Approved Unanimous |
| The Morning Times | Official Publication | 1 year | Brewster | Sinsabaugh | Approved Unanimous |
| Chemung Canal Trust  Chase Bank  Tioga State Bank | Official Depositories | 1 year | Sinsabaugh | Steck | Approved Unanimous |
| Regular Meeting | 2nd Tuesday @ 6:30 p.m. | 1 year | Ayres | Aronstam | Approved Unanimous |

Check Signature Resolution: Trustee Sinsabaugh offered the following resolution and moved its adoption:

RESOLVED, that checks drawn on the Village Funds be payable on signatures of two out of the four of the following persons: Mayor Dan Leary, Deputy Mayor Patrick Ayres, Clerk Treasurer Michele Wood, Deputy Clerk Treasurer Kerri Hazen. Trustee Brewster seconded the motion, which carried unanimously.

**Committee Appointments:**

|  |  |  |  |
| --- | --- | --- | --- |
| Police | Sinsabaugh | Hughes |  |
| Street | Hughes | Sinsabaugh | Leary |
| Bldgs, Grounds, Cemetery | Aronstam | Hughes |  |
| Recreation | Aronstam | Brewster |  |
| Sewer | Steck |  |  |
| Water | Steck |  |  |
| Planning | Ayres | Brewster |  |
| Technology | Brewster |  |  |
| Tioga County (COG) | Leary |  |  |
| Finance | Sinsabaugh | Brewster | Aronstam |
| Merchants | Ayres | Brewster |  |
| Town of Barton (2 per year) | Ayres  Aronstam | Sinsabaugh  Hughes | Brewster  Steck |

The Town of Barton meetings are held on the 2nd Monday of the Month at 6:30 p.m. at the

Town of Barton Hall.

Town of Barton Meeting Attendance Schedule:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| January |  |  | July |  |
| February |  |  | August |  |
| March |  |  | September |  |
| April |  |  | October |  |
| May |  |  | November |  |
| June |  |  | December |  |

Mayor Leary asked the Trustees to attend their scheduled meetings as chosen.

**Executive Session:** Deputy Mayor Ayres moved to enter executive session at 6:07 p.m. to discuss litigation. Trustee Steck seconded the motion, which carried unanimously.

Trustee Sinsabaugh moved to enter regular session at 6:28 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

**439 Fulton Street, NPL Building:** After the recent collapse of a section of roofing, Deputy Mayor Ayres moved to declare actual and immediate danger of the falling building so as to endanger public safety, life or property so as to be an actual or immediate menace to health or public welfare as a result of the conditions present in or about the building. The Village Board shall cause the necessary work to be done or render the building temporarily safe, whether the procedure prescribed in Chapter 54-9, and authorize to proceed with removal of the NPL Building, located at 439 Fulton Street in Waverly. Trustee Sinsabaugh seconded the motion, which was put to roll call vote, and resulted as follows:

Ayes – 6 (Leary, Ayres, Sinsabaugh, Aronstam, Steck, Brewster)

Nays – 0

Absent – 1 (Hughes)

The motion passed.

**Adjournment**: Trustee Brewster moved to adjourn at 6:35 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:15 P.M.**

**ON TUESDAY, APRIL 14, 2015 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**ON THE 2015-2016 TENTATIVE BUDGET**

Mayor Leary declared the hearing open at 6:15 p.m. and directed the clerk to read the notice of public hearing.

**Roll Call:** Present were Trustees: Sinsabaugh, Hughes, Brewster, Ayres, Steck, and Mayor Leary (Trustee Aronstam arrived at 6:22 p.m.)

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, and Attorney Keene

Press included, Ron Cole of WAVR/WATS, and Matt Hicks of the Morning Times

Mayor Leary stated the budget committee and the department heads worked closely to keep the proposed budget as low as possible. He thanked the committee for their efforts.

Mayor Leary opened the floor and asked if anyone had any comments regarding the tentative 2015-2016 tentative budget.

With no one wishing to be heard, Mayor Leary closed the hearing at 6:24 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**PUBLIC HEARING HELD BY THE BOARD OF**

**TRUSTEES OF THE VILLAGE OF WAVERLY AT 6:30 P.M.**

**ON TUESDAY, APRIL 14, 2015 IN THE TRUSTEES' ROOM,**

**VILLAGE HALL FOR THE PURPOSE OF PUBLIC COMMENT**

**REGARDING PROPOSED LOCAL LAW 3A-2015, AUTHORIZING**

**A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED**

**IN GENERAL MUNICIPAL LAW §3-c**

Mayor Leary declared the hearing open at 6:30 p.m. and directed the clerk to read the notice of public hearing.

Present were Trustees: Aronsam, Sinsabaugh, Brewster, Ayres, Hughes, Steck, and Mayor Leary

Also present were Clerk Treasurer Wood, Tioga County Legislator Case, and Attorney Keene

Press included Matt Hicks of the Morning Times, and Ron Cole of WATS/WAVR

Mayor Leary read the proposed local law and opened the floor for comments

With no one wishing to be heard, Mayor Leary closed the hearing at 6:32 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michele Wood, Clerk/Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, APRIL 14, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Hughes, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Tioga County Legislator, and Attorney Keene

Press included Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Public Comments:** Jim Hammond stated concerns with the demolition of the NPL Building. He asked what the costs where and if it would increase taxes. Attorney Keene explained the procedure and stated the costs would be levied to the property taxes of the building owner, and a lien would be attached to the property. Mayor Leary stated he doesn’t know what the costs would be at this point, however, he would keep the public informed.

**Letters and Communications:** The clerk read an email from Deb Twigg, of the SRAC, requesting the closure of Broad Street from Waverly Street to Pennsylvania Avenue, and one block of Park Avenue, on August 2, 2015 from 8:00 am – 6:00 pm. The SRAC will be holding Waverly’s Attic Festival, a fundraiser, the same as last year’s event. Trustee Brewster moved to approved her request for the street closures contingent upon Chief Gelatt’s approval and submission of insurance. Trustee Aronstam seconded the motion, which carried unanimously.

The clerk read a letter from Patricia Brunk, President of the Waverly Historical Society, stating they were recently organized as a non-profit organization and would like to open their collection up to the public. She requested the Village to consider annual funding to help accomplish their goals. Attorney Keene stated she would need to research the legality of this type of donation. Trustee Brewster stated as the budget was just adopted, he felt it was too late to consider this request in the upcoming year. He recommended they present their request next year during the budget preparation period. The rest of the Board agreed, and there was no motion for consideration.

**Approval of Minutes:** Trustee Sinsabaugh moved to approve the Minutes of March 10, March 24, and April 6, 2015, as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Cemetery Mowing Bid Results:** The Mayor opened the bids for cemetery mowing. There were three bids submitted, as follows:

Gerald Wade, Jr. $39,500

K & K Lawn Service $38,400

S & J General Contracting $67,000

Trustee Brewster moved to table discussion for further review of the bids. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, and Police Departments. Recreation Director submitted an updated version of the summer recreation program registration form. It includes a check box for residency.

**Summer Help in Parks:** The clerk submitted a request from Recreation Director Havens to hire Eric Reznicek and Colin Traub as seasonal part-time parks laborers at $8.75 per hour, up to 32 hours per week, for 12 weeks. Trustee Sinsabaugh moved to approve hiring two seasonal part-time park laborers, as requested. Trustee Brewster seconded the motion, which carried unanimously.

**Treasurer's Report:** The clerk presented the following:

General Fund3/01/15 – 3/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 186,208.00 | Current Revenues | 90,591.13 |
| Deposits | 244,822.73 | Year to Date Revenue | 2,794,832.17 |
| Disbursements | 206,179.60 | Current Expenditures | 152,323.93 |
| Ending Balance | 224,851.13 | Year to Date Expended | 2,298,303.56 |

\*General Capital Reserve Fund $84,058.15

Cemetery Fund 3/01/15 – 3/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 13,945.65 | Current Revenues | 16,359.10 |
| Deposits | 16,511.82 | Year to Date Revenue | 25,405.73 |
| Disbursements | 2,836.46 | Current Expenditures | 2,675.78 |
| Ending Balance | 27,621.01 | Year to Date Expended | 38,797.03 |

Loan Programs 3/01/15 – 3/31/15

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 55,349.21 | Checking-Rehab Beginning | 33,632.05 |
| Checking-Ending | 57,966.34 | Checking-Rehab Ending | 30,271.45 |
| Savings-Beginning | 357,679.16 | Checking-Sidewalk Beginning | 18,125.00 |
| Savings-Ending | 357,739.92 | Checking-Sidewalk Ending | 18,125.00 |
| Total Fund Balance | 415,706.26 | Savings-Beginning | 212,415.80 |
|  |  | Savings-Ending | 212,451.88 |
|  |  | Total Fund Balance | 260,848.33 |
|  |  |  |  |
| Total Outstanding Loans | 45,683.31 | Total Outstanding Loans | 260,848.33 |

\*The report also outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $39,655.52; and Unemployment $1,243.00; for a total of $40,898.52 and moved to approve payment of the abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Tioga County Legislator Case reported the following: the county passed a resolution to authorize submission of a new Main Street Grant Program application. The Youth Bureau will be approving applications soon. The Cannon Hole Bridge is being worked on. There has been a lot of concerns regarding the railroad crossing on Ellistown Road, and will hopefully be relocated.

**Proposed Local Law 3A-2015, Tax Cap Override:** Trustee Brewster moved to approve the adoption of Proposed Local Law 3A-2015 as follows:

A Local Law Authorizing a Property Tax Levy in Excess of the Limit

**Established in the General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Waverly to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in 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 (60%) percent of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Waverly, County of Tioga, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in the 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 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.

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 7 (Aronstam, Hughes, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**2015-2016 Tentative Budget Adoption:** Trustee Sinsabaugh moved to approve the 2015-2016 Tentative Budget as final. The total budgets are: General Fund $2,863,324; Cemetery Fund $51,562; Water Fund $718,703; and Sewer Fund $623,431. Trustee Hughes seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 7 (Hughes, Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried.

**439 Fulton Street/NPL Building:** Mayor Leary stated the biggest concern with the demolition of this building is safety. The demo is going well and is nearly complete. Residents that were evacuated may be back in their homes on Thursday. He thanked all the volunteers and stated the community pulled together.

**367-369 Broad Street Fire Update:** Mayor Leary stated we have $15,000 in escrow to ensure the property gets cleaned up. The owner signed an agreement to have it done by May 15, 2015. He also stated The Pub should be opening soon.

**Farmers’ Market:** Terri Bishop, Farm Market Manager, requested permission to relocate the farm market to the lawn in front of the Village Hall. She stated her committee met the day after the last Trustees’ meeting and they felt this would be a better location than Broad Street. Discussion followed. Mayor Leary stated he felt it should be on Broad Street to help promote the Business District. Andy Fagen stated there are many variables, and unsure how any other location would impact sales. He feels that changes need to be made, and suggested changing the location to see how it plays out. Ms. Bishop stated the vote of the vendors resulted in Broad Street being the least favored. Mayor Leary feels there hasn’t been enough research. Discussion followed. Deputy Mayor Ayres moved to keep the Farmers’ Market at Muldoon Park for the upcoming season. Trustee Brewster seconded the motion, which carried unanimously.

**Recreation Committee Update:** Attorney Keene stated the committee met and discussed restructuring of the Recreation Commission. She stated the Recreation Commission should be an appointed board of the Village. She also stated another group is forming a non-profit organization to do fundraising for the Commission. She would keep the Board updated as it progresses.

**Paving:** Mayor Leary stated we will be getting extra funding from CHIPS for the Extreme Weather Repairs again this year. The DPW has begun to repair the streets.

**Fulton Street Traffic Signal:** Mayor Leary stated the traffic light at Fulton/Broad Street has not been flashing since March 27th, and needs electrical repairs or replacement. He stated John Mills Electric will replace for $7,595. He feels this is an emergency and public safety is at risk. Deputy Mayor Ayres moved to have John Mills Electric replace the light as presented. Trustee Aronstam seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 7 (Aronstam, Hughes, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried

**East Waverly Park, Event Request:** Trustee Brewster stated Recreation Director Havens offered Kathy Higgins the East Waverly Park to do a fundraising event. Trustee Aronstam stated at this point, the only issue is charging for the use of the park. He will follow-up with Havens.

**2014 Main Street Program:** Mayor Leary stated Teresa Saraceno, Tioga County Economic Development, has revamped our prior application to make it stronger than it was last year. Trustee Brewster offered the following resolution and moved its adoption:

**Resolution by the Village of Waverly Board of Trustees Approving and Endorsing**

**Tioga County Economic Development and Planning Office Application for the Targeted Area**

**Within the Village of Waverly to the New York Homes and Community Renewal**

**for Funding from the 2015 New York State Main Street Program**

WHEREAS, the Tioga County Legislature has demonstrated support for revitalization of commercial and residential uses that make up the downtowns or “Main Street” areas of the county as per Resolution 159-03, and

WHEREAS, Tioga County Economic Development and Planning, desires to apply for up to $250,000 in financial assistance through the 2015 Consolidated Funding Applications under the 2015 New York Main Street Program, and

WHEREAS, the application proposes funding to assist property owners to complete building renovations to targeted, contiguous downtown “main street” buildings “Main Street” area along Broad Street per attached map (Attachment #1) in the downtown central business of the Village of Waverly, and

WHEREAS, the goal of this funding source is to assist NYS communities with their main street/downtown revitalization efforts and specifically in Waverly in the program category of interior and exterior building renovations and streetscape improvements. It will assist in stimulating reinvestment, preserving mixed-use commercial, civic, and residential main street buildings, addressing code compliances and building the Village of Waverly’s capacity to further implement their Main Street revitalization efforts and target this area of prospective businesses and residents, and

WHEREAS, the Village of Waverly has continually envisioned this targeted area of the Village to be the core of their downtown area as well as to be kept historically sensitive, as is stated in both their 1981 Comprehensive Development Plan and the more recent 2005 Downtown Action Plan. Subsequently, Village of Waverly officials partnered with residents, the New York Community Action Team, the Community and Rural (Regional) Development Institute at Cornell University, and the Alliance to bring that Downtown Action Plan to life. The NYMS grant will be the next effort to address these plans regarding downtown revitalization goals; and

WHEREAS, the intent of the Tioga County Economic Development and Planning application is to further such Main Street revitalization efforts in the Village of Waverly with focus on the properties in this targeted area; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located; and

NOW, THEREFORE, the Village of Waverly Board of Trustees, duly convened at a meeting hereby does;

RESOLVE, that the Village of Waverly Board of Trustees approves and endorses the 2014 New York Main Street Program grant application for assistance prepared and to be submitted by the Tioga County Economic Development and Planning Office.

Trustee Sinsabaugh seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 7 (Aronstam, Hughes, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

The motion carried

**Fair Housing Month:** Deputy Mayor Ayres offered the following resolution and moved its adoption:

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968; and,

WHEREAS, the month of April 2015 has been designed by the U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity as Fair Housing Month; and,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Waverly hereby declares and proclaims April as Fair Housing Month in the Village of Waverly.

Trustee Brewster seconded the motion, which carried unanimously.

**Horseshoe Pits at East Waverly Park:** Mayor Leary stated he talked with Recreation Director Havens and the Horseshoe League requested two additional pits be installed to meet their needs. He stated the League would help with expenses. Trustee Brewster moved to approve the addition of two horseshoe pits at East Waverly Park contingent upon the League helping with the expense and the grant funding from Senator Libous coming through. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Solar Power Educational Program:** Mayor Leary stated Marty Borko, Carantouan Greenway, requested the use of the Community Room to sponsor a presentation on Solar Programs, on June 2, 2015 from 7:00 p.m. to 9:00 p.m. Trustee Steck moved to approve the request as presented, and exempt from charge. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Open New Bank Account for Unemployment:** The clerk asked for approval to open a new bank account at Chemung Canal Trust Company. She stated this account is for Unemployment, which is accounted for in the Self-Insurance (M) Fund. Trustee Brewster moved to approve Clerk Treasurer Wood to open a new bank account for Unemployment, as presented. Deputy Mayor Ayres seconded the motion, which carried unanimously.

**Executive Session:** Trustee Brewster moved to enter executive session at 8:03 p.m. to discuss the employment history of an employee, and mowing contract. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:30 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Aronstam moved to award the cemetery mowing contract to K & K Lawn Service in the amount of $38,400, based on review of lowest bid having insignificant manpower, equipment, and insurance; and authorizing Mayor Leary to sign the contract. Trustee Brewster seconded the motion, which carried unanimously.

**Adjournment**: Trustee Brewster moved to adjourn at 8:33 p.m. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Respectfully submitted,

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Michele Wood, Clerk Treasurer

**WORKSHOP MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:15 P.M.**

**ON TUESDAY, APRIL 28, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Steck, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Attorney Keene, Ron Cole of WATS/WAVR, and Matt Hicks of the Morning Times

**Remembrance:** Mayor Leary requested a moment of silence for Margaret Aronstam, who passed away earlier in the week. He stated she was always involved with the Village and will be missed, and offered condolences to her family.

**Public Comments:** Teresa Pipher, Carantouan Greenway, talked about starting the Waverly Little League Historic Gallery, Lyme-Tick Educational Awareness Signs, and Muldoon Gardens Wildlife Habitat and Butterfly Gardens. She stated they will donate one Tick Educational Awareness Sign to the Village to display where needed.

**Approval of Minutes:** Trustee Aronstam moved to approve the Minutes of April 14, 2015, as presented. Trustee Steck seconded the motion, which carried unanimously.

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $19,072.33; Cemetery Fund $692.04; for a total of $19,764.37 and moved to approve payment of the abstracts. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**439 Fulton Street/NPL Building:** Mayor Leary stated the debris removal may be completed tomorrow. He stated Gorick Construction did a great job and were very considerate of our residents, and traffic. He also stated the Village DPW and the Town of Barton DPW will work together to fill in the basement area with millings from the Town of Barton.

**367-369 Broad Street Fire Update:** Mayor Leary stated the owner has until May 15, 2015 to remove the debris. Discussion followed. Mayor Leary read a letter from Code Enforcement Officer Chisari outlining his concerns. Chisari requested the Board make a determination that this property is dangerous and unsafe. Trustee Brewster moved to schedule an administrative hearing for May 26, 2015 at 6:00 to hear findings of said property and direct Attorney Keene to send notice of such hearing to the property owner. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**East Waverly Park, Event Request:** Trustee Brewster stated Recreation Director Havens offered Kathy Higgins the East Waverly Park to do a fundraising event. Trustee Aronstam stated at this point, the only issue is charging for the use of the park. Trustee Brewster stated he will follow-up with Havens.

**Tax Rate Resolution:** Trustee Aronstam offered the following resolution and moved its adoption:

WHEREAS, the Board, by resolution passed at the Regular Meeting held April 14, 2015, adopted its annual budget for the fiscal year, commencing June 1, 2015 and ending May 31, 2016; and,

WHEREAS, the total of taxable property in said Village as shown on the current assessment roll has been determined to be $70,245,997; and,

WHEREAS, the Board of Trustees of the Village of Waverly, by resolution dated the same date appropriated the sum of $2,863,324; less estimated revenues of $900,917 or a balance of $1,962,407 to be raised by real estate taxes, said Board of Trustees hereby levies the following tax pursuant to the provisions of the Real Property Tax Law of the State of New York upon the taxable property of the Village of Waverly, to wit: upon all taxable property of the Village of Waverly; and,

BE IT RESOLVED, that the tax rate on account of said levy be set at the rate of $27.936 per each $1,000 of assessed valuation; and,

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer be directed to extend and carry out upon the tax roll of the Village of Waverly, the amount to be levied against the value of each parcel of real property owed thereon; and,

It further appearing that the Board of Water Commissioners of the Village of Waverly has filed with the Clerk of the Board of Trustees its certificate in writing, indicating certain unpaid water rents and penalties thereon, as of May 1, 2015, with the properties against which said unpaid water rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid water rents in the amount of $9,667.77 be levied pursuant to the provision of the Village Law against said properties, as set forth, on said certificate, and in the amount set forth, and,

It further appearing that the Board of Sewer Commissioners of the Village of Waverly has filed with the Clerk, its certificate in writing, indicating certain unpaid sewer rents and penalties thereon, as of May 1, 2014, with the properties against which said unpaid sewer rents are charged.

NOW, THEREFORE, BE IT RESOLVED, that a total amount of such unpaid sewer rents in the amount of $9,459.17 be levied pursuant to the provision of the Village Law against said properties, as set forth on said certificate, and in the amount set forth, and,

NOW, THEREFORE, BE IT RESOLVED, that a total amount of $407.00 of unpaid grass and weeds be levied pursuant to the provision of the Village Law against said properties, as set. Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $304.00 of unpaid snow removal charges be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $79.65 of prorated tax bills be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

NOW THEREFORE, BE IT RESOLVED, that a total amount of $446,828.75 of unsafe building remediation charges be levied pursuant to the provision of the Village Law against said properties, as set Forth, on said certificate, and,

BE IT FURTHER RESOLVED, that the Village Clerk be directed to extend and carry out upon said tax roll of the Village of Waverly the amount so levied against the several parcels of real property:

Trustee Steck seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

The motion carried

**Tax Collection Proposal:** Mayor Leary stated he and Clerk Treasurer Wood met with representatives of Chemung Canal Trust Company and discussed tax collection. Mayor Leary stated Chemung Canal would collect our property taxes at a flat rate of $300. He recommended having them collect taxes for one year to see how it goes. Discussion followed. Deputy Mayor Ayres asked Clerk Treasurer Wood what she would recommend. Clerk Treasurer Wood submitted a list of pros and cons and recommended that our Clerks’ office collect the taxes. She stated that she had no concerns with the bank, however, she felt it didn’t appear to benefit the tax collection process as much as assumed. Deputy Mayor Ayres moved to approve Chemung Canal Trust Company to collect the 2015-2016 Village of Waverly’s property taxes as presented. Trustee Steck seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 4 (Ayres, Sinsabaugh, Steck, Leary)

Nays – 2 (Aronstam, Brewster)

Absent – 1 (Hughes)

The motion carried

**2015 Sidewalk Replacement Program:** Deputy Mayor Ayres stated there wasn’t much action with our last sidewalk program, and recommended some changes to increase its activity. Discussion followed. Deputy Mayor Ayres moved to conclude the 2014 Sidewalk Replacement Program. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Deputy Mayor Ayres moved to launch the 2015 Sidewalk Replacement Program. This program will be under the same guidelines as the previous program, however, the Village will grant 75% of the costs (the grant will not exceed $1,000), the owner will be responsible for the remaining costs, and will be effective immediately. Trustee Steck seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

The motion carried

**DPW Uniform/Clothing Proposal:** The clerk submitted a proposal from Coyne Textile Services for DPW uniform services. She stated, for comparison purposes, the proposal is based on what we currently have with Unifirst Services, however, some changes will need to be made. Currently, we pay approximately $151 per month, and Coyne proposed $100 per month. She also stated the DPW are in support of Coyne Textiles, as they are a local vendor. Deputy Mayor Ayres moved to switch our DPW uniform service to Coyne Textiles as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Village Hall Floor Cleaning:** Trustee Steck moved to authorize Duane Coe to clean/wax the floor in the community room at a cost of $500. Trustee Brewster seconded the motion, which carried unanimously.

**Summer Art Camp Proposal:** Mayor Leary stated he was asked by the Waverly Schools Art Department if we could provide space for a summer art camp. It would be held in July and August on weekdays from 10-3 p.m. Trustee Aronstam stated he would like to clarify some information and moved to table discussion for next meeting. Trustee Brewster seconded the motion, which carried unanimously.

**Main Street Grant Program Application:** Deputy Mayor Ayres stated as part of the application process, there will be an informational meeting tomorrow at 6:00 p.m. This meeting is for all interested building owners.

Deputy Mayor Ayres indicated a need for interim construction funding that may be needed by property owners.  Trustee Brewster moved to guarantee “bridge” construction loans for amount of approved grants using the Village of Waverly Business Revolving Loan Program funding.  These bridge loans would be available at 0% interest for up to 90 days to be paid in full once reimbursement from program is processed.  A written extension of term would be considered.  Trustee Aronstam seconded the motion, which led to a roll call vote, and resulted as follows:

Ayes – 6 (Aronstam, Ayres, Brewster, Sinsabaugh, Steck, Leary)

Nays – 0

Absent – 1 (Hughes)

The motion carried

**NYS Park Funding:** Mayor Leary stated NY State awarded $72M dollars in park funding, however, there was no award for Two Rivers State Park. He stated the Governor pledged $1M in 2005, which was never received. Mayor Leary called Assemblyman Friend’s, and Senator Libous’ offices to see why we were not included. He will update the Board to his findings.

**Executive Session:** Trustee Brewster moved to enter executive session at 7:51 p.m. to discuss an employee’s work history. Trustee Steck seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:10 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Sinsabaugh moved to adjourn at 8:10 p.m. Trustee Aronstam seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**REGULAR MEETING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:30 P.M.**

**ON TUESDAY, MAY 12, 2015 IN THE**

**TRUSTEES’ ROOM IN THE VILLAGE HALL**

Mayor Leary called the meeting to order at 6:30 p.m. and led in the Invocation and the Pledge of Allegiance.

**Roll Call:** Present were Trustees Hughes, Sinsabaugh, Aronstam, Steck, Brewster, Deputy Mayor Ayres, and Mayor Leary

Also present Clerk Treasurer Wood, Chief Gelatt, Tioga County Legislator, Attorney Keene, and Dave Mastrantuono and Superintendent Dr. Richards of Waverly Central Schools

Press included Ron Cole of WATS/WAVR, and Amanda Renco of the Morning Times

**Public Comments:** Dr. Richards presented an overview of the upcoming school budget overview. He highlighted capital improvements including a new parking lot at the stadium, upgrading the library, and modernizing technology. They will also be leasing three more buses to save on maintenance and repair costs.

**Letters and Communications:** The clerk read a letter from Attorney Fredrick Luther on behalf of his clients James and Pamela Page stating they would like to be advised of any future meetings concerning the property at 439 Fulton Street.

The clerk read a letter from Merle Hakes asking to be considered for mowing non-compliant lawns in the Village of Waverly. The clerk stated he has been used as back-up last year.

The clerk read a letter from Attorney Mary Finlayson on behalf of the Waverly Free Library requesting the funding provided by the Village of Waverly. The clerk stated we can expend funds after the beginning of the new fiscal year.

**Approval of Minutes:** Trustee Aronstam moved to approve the Minutes of April 28, 2015, as presented. Trustee Brewster seconded the motion, which carried unanimously.

**Department Reports:** The clerk submitted department reports from the Code Enforcement, Recreation, Court, Street (March & April), and Police Departments. Chief Gelatt stated he has increased patrol for “Click it or Ticket” week. He stated we will receive grant funds for the extra patrol and other safe driving events. Chief stated Officer Harvey and Officer Martinez have been trained and certified in proper use and fitting of child car seats.

Deputy Mayor Ayres requested signage and striping be done on the Broad Street loading zone. He feels the current signs are inadequate. Discussion followed, and issue will be discussed with the Street Department.

Deputy Mayor Ayres stated he has received feedback from the business owners wishing to have Yield to Pedestrians signs put up at the crosswalks on Broad Street. They feel this would help make the crosswalks safer to use. Deputy Mayor Ayres referred to Chief Gelatt to review.

**Street Department Seasonal Laborer:** Trustee Sinsabaugh moved to hire Andrew Roney at $8.75 per hour, 32 per week, for 15 weeks, as a part-time temporary/seasonal DPW laborer, as budgeted, and to start on May 26, 2015. Trustee Steck seconded the motion, which carried unanimously.

**Summer Recreation Counselors:** Recreation Director Havens recommended the following persons be hired for the 2015 Summer Recreation Program. The program is for five weeks. They are as follows:

Brittany Kipling Director 28 hours $9.10 per hour

Victoria Cron Asst. Director 28 hours $9.00 per hour

Megan Wilbur Counselor 28 hours $8.75 per hour

Hayley Miller Counselor 28 hours $8.75 per hour

Jacob Hazen Counselor 28 hours $8.75 per hour

Samantha Lloyd Counselor 28 hours $8.75 per hour

Kyle Kinsley Counselor 28 hours $8.75 per hour

Zakery Gingerich Counselor 28 hours $8.75 per hour

Sidney Shaffer Counselor 28 hours $8.75 per hour

Morgan Salsman Counselor 28 hours $8.75 per hour

Dylan Perry Counselor 28 hours $8.75 per hour

Tanner Cantrell Counselor 28 hours $8.75 per hour

Dylan Wright Counselor 28 hours $8.75 per hour

Niqalas Sinsabaugh Counselor 28 hours $8.75 per hour

Samantha Mennig Counselor 28 hours $8.75 per hour

Trustee Brewster moved to approve the recommendation as presented. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Treasurer's Report:** The clerk presented the following:

General Fund 4/01/15 – 4/30/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 224,851.13 | Current Revenues | 57,002.68 |
| Deposits | 74,631.64 | Year to Date Revenue | 2,851,834.85 |
| Disbursements | 149,684.88 | Current Expenditures | 143,875.73 |
| Ending Balance | 149,797.89 | Year to Date Expended | 2,442,179.29 |

\*General Capital Reserve Fund $84,071.97

Cemetery Fund 4/01/15 – 4/30/15

|  |  |  |  |
| --- | --- | --- | --- |
| Beginning Balance | 27,621.01 | Current Revenues | 59.00 |
| Deposits | 277.84 | Year to Date Revenue | 25,464.73 |
| Disbursements | 2,352.52 | Current Expenditures | 2,125.77 |
| Ending Balance | 25,546.33 | Year to Date Expended | 40,922.80 |

Loan Programs 4/01/15 – 4/30/15

|  |  |  |  |
| --- | --- | --- | --- |
| **Business Loans** | **Balances** | **Rehab Loans** | **Balances** |
| Checking-Beginning | 57,966.34 | Checking-Rehab Beginning | 30,271.45 |
| Checking-Ending | 28,365.12 | Checking-Rehab Ending | 11,013.48 |
| Savings-Beginning | 357,739.92 | Checking-Sidewalk Beginning | 18,125.00 |
| Savings-Ending | 387,802.34 | Checking-Sidewalk Ending | 18,125.00 |
| Total Available Balance | 416,167.46 | Savings-Beginning | 212,451.88 |
|  |  | Savings-Ending | 232,489.21 |
|  |  | Total Available Balance | 261,627.69 |
|  |  |  |  |
| Total Outstanding Loans | 45,367.94 | Total Outstanding Loans | 70,886.82 |

\*The report also outlined the status of individual loan repayments

**Finance Committee:** Trustee Brewster presented bills for in the amount of General Fund $26,846.25, and moved to approve payment of the abstract. Trustee Sinsabaugh seconded the motion, which carried unanimously.

**Tioga County Update:** Tioga County Legislator Case reported the bi-annual mortgage tax will be distributed and our share is $14,507.01. He also stated that the Main Street Grant Application has been increased from $250,000 to $500,000.

**439 Fulton Street/NPL Building:** Mayor Leary stated the clean-up is complete and it has been filled in by the Town of Barton, and Village DPW crews. He thanked them for the work. Attorney Keene stated a letter has been sent to the owner, Mousa Khalil, which included an invoice for the demolition, in the amount of $440,103.75. She also stated if this is not paid within 10 days, it will be sent to the county and relevied upon the property taxes.

**367-369 Broad Street Fire Update:** Mayor Leary stated the owner, Frank Fakir, has been notified of the administration hearing set for May 26, 2015. He also stated Mr. Fakir has until May 15th to clean up the property, per the signed agreement.

**Fulton Street Traffic Signal:** Mayor Leary stated a temporary signal has been installed and working. The new signal will be installed by June 10, 2015.

**Summer Art Camp:** Trustee Aronstam stated Mr. Hogan, Art Teacher, has requested the use of our Senior Room for an art camp during the summer. He stated this is not a non-profit organization, nor is it a school program. Discussion followed. Attorney Keene requested time to review.

**Disposition of Vehicle:** Chief Gelatt requested the disposition of 2011 Ford Crown Vic (2FABP7BV4BX158082). Trustee Steck moved to send car to State Line Auto Auction to be auctioned. Trustee Aronstam seconded the motion, which carried unanimously.

**Review Parking on Waverly Street:** Mayor Leary stated residents of Waverly Street are concerned with the new year-round parking limitations on Waverly Street. Chief Gelatt stated he felt there was no need to review at this time.

**Tioga Downs Resolution:**

RESOLUTION IN SUPPORT OF TIOGA DOWNS FOR SELECTION AS EASTERN

SOUTHERN TIER REGION CASINO GAMING LICENSE AWARDEE

Trustee Sinsabaugh offered the following resolution, and moved its adoption.

WHEREAS, in November 2013, New York State voters approved a constitutional amendment to allow casino gaming in the State, and

WHEREAS, Tioga County voters showed overwhelming support of said constitutional amendment with 69.2% of voters in favor, and

WHEREAS, Tioga Downs has already proven to be a valued community partner by way of job creation, capital investment and revenue generated, and

WHEREAS, Tioga Downs owner has also shown experience in the gaming industry, not only at the existing facility in Tioga County but also in other facilities across New York State, and

WHEREAS, in anticipation of the passing of the Upstate New York Gaming and Economic Development Act, Tioga Downs has made substantial improvements to their already existing facility located in Tioga County, and

WHEREAS, the Tioga Downs existing facility is centrally located within the identified Eastern Southern Tier Region to best serve all residents of the region, now therefore be it

RESOLVED, that the Village of Waverly pass this resolution in support of Tioga Downs being awarded the Eastern Southern Tier Region Gaming License.

Trustee Steck seconded the motion, which carried unanimously.

**2015 Sidewalk Replacement Program Application:** Deputy Mayor Ayres presented application SP15-1, and stated the application was reviewed and determined eligible. This will replace 45’ of sidewalk in the amount of $1,200. The program would cover $900, and the homeowner would be responsible for the balance. Trustee Aronstam moved to approve SP15-1 as presented. Trustee Brewster seconded the motion, which carried unanimously.

Trustee Aronstam moved to approve corner lots be considered as two separate sidewalks when reviewing for the 2015 Sidewalk Replacement Program. Trustee Brewster seconded the motion, which carried unanimously.

Deputy Mayor Ayres presented application SP15-2, and stated the application was reviewed and determined eligible. This will replace 85’ of sidewalk in the amount of $2,600. This is a corner lot, and more information would be needed to determine the program costs. Trustee Steck moved to table application for more information. Trustee Hughes seconded the motion, which carried unanimously.

**Executive Session:** Trustee Aronstam moved to enter executive session at 7:53 p.m. to discuss a contractual issue. Trustee Sinsabaugh seconded the motion, which carried unanimously.

Trustee Brewster moved to enter regular session at 8:10 p.m. Trustee Steck seconded the motion, which carried unanimously.

**Adjournment**: Trustee Aronstam moved to adjourn at 8:11 p.m. Trustee Hughes seconded the motion, which carried unanimously.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer

**ADMINISTRATIVE HEARING OF THE BOARD OF TRUSTEES**

**OF THE VILLAGE OF WAVERLY HELD AT 6:15 P.M. ON**

**TUESDAY, MAY 26, 2015 IN THE TRUSTEES' ROOM**

**IN THE VILLAGE HALL REGARDING 369 BROAD STREET**

Mayor Leary called the hearing to order at 6:15 p.m., and stated this hearing is in regard to the property located at 369 Broad Street, which is owned by Frank Fakir.

**Roll Call:** Present were Trustees Sinsabaugh, Aronstam, Hughes, Sinsabaugh, Steck, Deputy Mayor Ayres, Mayor Leary, Clerk Treasurer Wood, Code Officer Chisari, and Attorney Keene

**Hearing for Frank Fakir of 369 Broad Street:** Mayor Leary stated Mr. Fakir was given proper notice of this hearing, however, he is not in attendance. Mayor Leary stated Mr. Fakir has signed an agreement to have the property cleaned up by May 15, 2015 and has not done so. He also stated the Village is holding $15,000 in trust from Mr. Fakir’s insurance company for such clean up.

Code Officer Chisari stated 369 Broad Street caught on fire on January 1, 2015 and had to be brought down to extinguish the fire. Although some attempt to clean up the property was begun, the property is still covered in debris, and the storefront has not been removed. Code Officer Chisari stated this property has been left in an unsafe condition.

With no one else wishing to be heard, Mayor Leary closed the hearing at 6:28 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michele Wood, Clerk Treasurer