

**OFFICIAL MINUTES OF THE BOARD OF TRUSTEES
FOR THE VILLAGE OF BATH
PUBLIC HEARING/REGULAR MEETING
JANUARY 21, 2014**

This meeting of the Board of Trustees of the Village of Bath was held on the 21st day of January 2014 at the Village of Bath, Village Hall, located at 110 Liberty St., Bath, NY 14810. This meeting was called to order by Deputy Mayor Jeanne Glass at 5:30 p.m.

Present:

Deputy Mayor/Trustee:	Jeanne Glass	Police Chief:	David Rouse
Trustee:	Mike Sweet	Fire Chief:	Dave Dowdle
Trustee:	Mike McNally	Clerk/Treasurer:	Jacqueline Shroyer
Trustee:	Mark Bardeen	BEGWS Director:	Guy Hallgren
Attorney:	Patrick McAllister	Code Enforcement:	Ralph Senese
Street Superintendent:	Jeff Muller		

Absent:

Mayor: William von Hagn

Public Hearing:

Empire Access Franchise Agreement:

Public Hearing was opened at 5:30 p.m.

The Village Attorney, Pat McAllister, read a letter sent from Time Warner Cable listing their concerns. Their letter states “New York State Public Service Commission (“NYPSC”) regulations require at Section 895.3 that the franchises of cable operators operating in the same franchise area contain equivalent economic and regulatory burdens. Sections 3.7 and 4.5 in the draft Empire Franchise contain a provision not included in Time Warner Cable’s franchise which would exempt Empire from extending its system to any location if such location has no access to streets. We are frankly not sure of the intent or significance of this exception from the requirement (also in Section 4.5) to comply with NYPSC buildout standards, but believe it merits your examination to assure that it does not result in discriminatory economic and/or regulatory burdens for Time Warner Cable in violation of NYPSC regulations.”

The Village Board discussed the issues with section 7.7 Trimming of the Trees. They would like Empire Access to get permission from the Village’s Shade Tree Committee before they consider pruning any trees in the village.

The Board also discussed their concerns with section 11.2 part C that they would not have to notify the village prior to any expiration or cancellation of insurance. They would like Empire to put that section back in the policy to state such insurance policy shall require that the Grantor be notified thirty (30) days prior to any expiration or cancellation.

Motion made by Trustee Sweet, seconded by Trustee Bardeen to close the Public Hearing at 5:37 p.m. All present were in favor and the motion was carried.

**Part-Time Police Officer Appointment:
Resolution to Appoint Ashley EMO:**

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Tuesday, January 21, 2014 INTRO. DATE: Tuesday, January 21, 2014

INTRODUCED BY: Trustee Bardeen SECONDED BY: Trustee Sweet

VOTE:	Mayor vonHagn	Aye	Nay	Abstain	Absent
	Trustee Glass	Aye	Nay	Abstain	Absent
	Trustee Bardeen	Aye	Nay	Abstain	Absent
	Trustee McNally	Aye	Nay	Abstain	Absent
	Trustee Sweet	Aye	Nay	Abstain	Absent

TITLE: Appointment of Ashley M. Emo as Part-time Police Officer for the Village of Bath.

WHEREAS, the Bath Village Chief of Police had previously announced the need to hire part-time police officers in an effort of having sufficient personnel to cover vacations and sick leave in order to keep police department over-time to manageable levels.

WHEREAS, the Bath Village Chief of Police, with approval of the Village Board, is authorized to maintain up to seven (7) part-time police officer positions, and is recommending that the Bath Village Board of Trustees appoint Ashely M. Emo, effective immediately, to the position of Part-time Police Officer contingent upon the following:

- Satisfactorily passing the background investigation conducted by the Bath Village Police Department.
- Satisfactorily passing the psychological examination for employment
- Satisfactorily passing a medical examination or providing satisfactory proof to the Chief of Police that she is medically and physically fit to perform the duties of a part-time police officer.
- All costs (tuition, lab fees, etc.) associated with the Basic Course for Police Officers at the Southern Tier Law Enforcement Academy, located at Corning Community College are the responsibility of Ashley M. Emo.
- The Village will compensate, pursuant to the collective bargaining agreement with the Bath Police Benevolent Association, only those hours worked during Supervised Field Training and hours assigned to her after successfully completing the Basic Course for Police Officers.
- Ashley M. Emo will remain on a probationary period not to exceed 18 months from the date of appointment.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby appointing Ashley M. Emo to the position of Part-time Police Officer, contingent on the aforementioned stipulations and said appointment shall take place immediately.

Resolution to Appoint Christopher Daloia:

RESOLUTION
VILLAGE OF BATH BOARD OF TRUSTEES
BATH, NEW YORK

DATE APPROVED: Tuesday, January 21, 2014 INTRO. DATE: Tuesday, January 21, 2014

INTRODUCED BY: Trustee Sweet SECONDED BY: Trustee Bardeen

VOTE:	Mayor vonHagn	Aye	Nay	Abstain	Absent
	Trustee Glass	Aye	Nay	Abstain	Absent
	Trustee Bardeen	Aye	Nay	Abstain	Absent
	Trustee McNally	Aye	Nay	Abstain	Absent
	Trustee Sweet	Aye	Nay	Abstain	Absent

TITLE: Appointment of Christopher J. Daloia as Part-time Police Officer for the Village of Bath.

WHEREAS, the Bath Village Chief of Police had previously announced the need to hire part-time police officers in an effort of having sufficient personnel to cover vacations and sick leave in order to keep police department over-time to manageable levels.

WHEREAS, the Bath Village Chief of Police, with approval of the Village Board, is authorized to maintain up to seven (7) part-time police officer positions, and is recommending that the Bath Village Board of Trustees appoint Christopher J. Daloia, upon satisfactory evidence of obtaining the Basic Course for Police Officer Equivalency, to the position of Part-time Police Officer contingent upon the following:

- Satisfactorily passing the background investigation conducted by the Bath Village Police Department.
- Satisfactorily passing the psychological examination for employment.
- Providing satisfactory proof to the Chief of Police that he is medically and physically fit to perform the duties of a part-time police officer.
- That he successfully passes Phase 2, Supervised Field Training, pursuant to the Municipal Police Training Council standards, with the Watkins Glen Village Police Department, thus obtaining the Basic Course for Police Officer Equivalency and providing satisfactory proof thereof.

- The Village will compensate, pursuant to the collective bargaining agreement with the Bath Police Benevolent Association, only those hours worked during Supervised Field Training with the Bath Village Police Department and all subsequent hours assigned to him.
- Christopher J. Daloia will remain on a probationary period not to exceed 18 months from the date of appointment.

BE IT RESOLVED, that the Village of Bath Board of Trustees is hereby authorizing the appointment of Christopher J. Daloia, to the position of Part-time Police Officer, contingent on the aforementioned stipulations and said appointment shall take place upon the Chief of Police receiving satisfactory proof that Christopher J. Daloia has met the requirements for the Basic Course for Police Officer Equivalency pursuant to the Municipal Police Training Council standards.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee McNally, seconded by Trustee Bardeen to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 5:40 p.m. to go into executive session to discuss the need for land acquisition. All present were in favor and the motion was carried.

Return to Regular Session:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to return to regular session at 5:51 p.m. All present were in favor and the motion was carried.

Regular Meeting:

Audit of Bills:

Motion made by Trustee Sweet, seconded by Trustee McNally to approve the payment of the Village bills in the amount of \$81,123.35. All present were in favor and the motion was carried.

Department Head Reports:

Jeff Muller, Street Superintendent:

Motion made by Trustee McNally, seconded by Trustee Bardeen to approve Street Superintendent, Jeff Muller to attend the Advocacy Day Meetings on March 4 and March 5, 2014 in Albany, NY. All present were in favor and the motion was carried.

Dave Rouse, Police Chief:

Chief of Police, David Rouse, submitted his monthly report to the Board. No discussion was made.

Ralph Senese, Code Enforcement:

There is a tentative date of February 17, 2014 for a Ribbon Cutting and Opening of Taco Bell. More details will be supplied at a later date.

Guy Hallgren, Director of BEGWS:

They are currently looking at the Gas Main replacement project on Liberty Street. Guy informed the board they will be working with the Village supervisors on this at a later date when more details are known.

Fairview Substation will be energized by the end of January.

There is a scam going around from PG&E Energy. Do not click on this link if you receive an energy statement from PG&E Energy. There will be a notice sent out to the public and posted on the website.

Committee Reports:

Mark Bardeen:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve Deputy Mayor/Trustee Glass to sign the approval letter for the SHPO Annual Report. All present were in favor and the motion was carried.

New Business:

Franchise Agreement:

Motion made by Trustee Sweet, seconded by Trustee McNally to approve the Mayor to sign the franchise agreement with Empire Access pending our attorney's, Pat McAllister's, final review and contingent on the following:

1. 11.2 section C – Insurance expiration and cancellation section be added back in to read – “Such insurance policy shall require that the Grantor be notified thirty (30) days prior to any expiration or cancellation by Empire and the insurance company.”
2. 7.7 – Trimming of Trees – That all tree trimming be approved by our Shade Tree Committee prior to pruning any tree.
3. Pat McAllister clarifies section 4.5 on the private property issue.

All present were in favor and the motion was carried.

General Code Estimate for Local Laws:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the General Code Estimate of between \$1,870 and \$2,325 to update the local laws numbers 1-2013, 4-2013, 5-2013, 7-2013, and 8-2013, including revisions to the Officials Page, Table of Contents, Disposition List and Index. This price includes shipping and handling. All present were in favor and the motion was carried.

Election Inspector Resolution:

Election Inspectors Resolution

Whereas, the Board of Trustees of the Village of Bath pursuant to section 15-116, sub.1, of the election law must appoint inspectors of the General Village Election.

Now therefore, be it resolved, that the Board of Trustees hereby appoints the following as inspectors for the General Village Election on March 18, 2014:

Democratic Election Inspectors:

Cynthia Dimmick, 3 Fairview Drive, Bath, NY 14810
Barbara Perry, 24 Vermont Street, Bath, NY 14810
Beverly Grose, 7861 N. Main Street, Bath, NY 14810

Republican Election Inspectors:

Barbara Beekman, 5 East Washington Street, Bath, NY 14810
Helen Robinson, 8143 Pleasant Valley Road, Bath, NY 14810
Doris Doucette, 7375 County Route 16, Apt.# 102, Bath, NY 14810

Resolution by: Trustee Bardeen
Seconded by: Trustee Sweet

Voting	Aye	Nay
Trustee Glass	Aye	
Trustee McNally	Aye	
Trustee Bardeen	Aye	
Trustee Sweet	Aye	

Approve Mayor to electronically sign grants:

Motion made by Trustee McNally, seconded by Trustee Sweet to approve the mayor to sign and certify grants electronically for the fire department. All present were in favor and the motion was carried.

Steuben County Agreement – Real Property Tax:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the Steuben County Agreement for the processing of Village Taxes. This agreement is for a three year term. All present were in favor and the motion was carried.

Town of Bath Agreement – Lease:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the Town of Bath Agreement for the lease of the building. All present were in favor and the motion was carried.

Town of Bath Agreement – Fire:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the Town of Bath Agreement for the 2014 Fire Contract. All present were in favor and the motion was carried.

Set Date for First Budget Meeting:

The first Budget meeting for the budget 2014-2015 is scheduled for Thursday, February 20, 2014 at 4:00 p.m.

Refuse Removal:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve Street Superintendent, Jeff Muller, to go out to bid for a new Refuse Removal. All present were in favor and the motion was carried.

Plow Sidewalk:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to give the street department permission to plow the front sidewalk of the church on Liberty Street when they are

actively plowing in that general area and as long as no Overtime occurs to do such. All present were in favor and the motion was carried.

Set Public Hearings for Next Regular Meeting:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to set the Public Hearings for the Tax Cap Override, Local Law on Garbage Truck Fees, Local Law on Taxi Cab Fees, and Local Law on Mossy Bank Park for Tuesday, February 18, 2014 at 5:30 p.m. All present were in favor and the motion was carried.

Mossy Bank Park Request – Bath/Avoca Civil War Days:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to approve the request for Dana L. Lyon Middle School to use Mossy Bank Park on May 29th and May 30th for their Civil War Days. All present were in favor and the motion was carried.

Labella Contract for Building Repair:

Motion made by Trustee Sweet, seconded by Trustee Bardeen to approve the Labella Contract for \$9,500.00 for the front of the building repair designs to be funded out of the Repair Reserve Funds. All present were in favor and the motion was carried.

Adjourn Regular Meeting/Executive Session:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting of the Board of Trustees of the Village of Bath at 7:42 p.m. to go into executive session for personnel reasons. All present were in favor and the motion was carried.

Return to Regular Session:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to return to regular session at 8:30 p.m. All present were in favor and the motion was carried.

Approve Part-Time Meter Repair Specialist:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to authorize the Chief of Police, David Rouse, to hire Nicholas Cole as a Part-Time Meter Repair Specialist at \$10.00/hour and a probationary period not to exceed 26 weeks. All present were in favor and the motion was carried.

Adjournment:

Motion made by Trustee Bardeen, seconded by Trustee Sweet to adjourn the regular meeting at 8: 31 p.m. All present were in favor and the motion was carried.

Respectfully submitted by:

Jacqueline Shroyer
Clerk/Treasurer