

**SPECIAL MEETING OF THE NORTH HORNELL VILLAGE BOARD
OCTOBER 5, 2009**

ATTENDANCE: Mayor John Falci
Trustees: Glenn Thomas, Frank Libordi &
Peter DiRaimondo
Fire Chief Mike Robbins
Fire President Walt Rutski

Mayor Falci opened the meeting with the pledge of allegiance at 6PM.

Purpose of the meeting is to discuss the immunity of the Village regarding zoning codes for the construction of the fire hall.

Mayor Falci addressed the following factors as set by the NY Court of Appeals in the 1988 case of *Matter of County of Monroe v City of Rochester*:

1) the nature and scope of the instrumentality seeking immunity;

Mayor Falci – the Village seeks immunity

2) the encroaching government’s legislative grant of authority;

Mayor Falci – Village is the host community

3) the kind of function or land us involved;

4) the effect local land use regulation would have upon the enterprise concerned;

Mayor Falci – Public safety – fire house

5) alternative locations for the facility in less restrictive zoning

Mayor Falci – Village previously looked at several locations. In order to stay in the Village this was the only location.

6) the impact upon legitimate local interests;

Mayor Falci – Favorable impact – Need more room for the fire trucks and equipment.

7) alternative methods of providing the proposed improvement;

Mayor Falci – No known method.

8) the extent of the public interest to be served by the improvements ; and

Mayor Falci – Better and more efficient public safety – a well contained fire department.

9) intergovernmental participation in the project development process and an opportunity to be heard

Mayor Falci – Town of Hornellsville is favorable for Village to maintain a Fire Company. If Village were to become part of the City of Hornell, the Town would lose the coverage the Village supplies.

RESOLUTION

Be it **RESOLVED** that the North Hornell Village Board of Trustee after having carefully examined the nine factors presented by the courts in the *Matter of the County of Monroe, 72N.Y. 2d 338 1988* which is referred to the “balancing of public interest” have declared the Village immune to the Village zoning codes in regards to this project. We further declare that this resolution is in the best interest of the public and for public safety. We further take into account the June 2009 positive public referendum to build the hall at our present site.

Motion made by Trustee Frank Libordi, seconded by Trustee Peter DiRaimondo and carried.

Mayor Falci	Yes
Trustee Glenn Thomas	Yes
Trustee Frank Libordi	Yes
Trustee Peter DiRaimondo	Yes
Trustee Joseph Dick	Absent

Trustee Libordi asked what else is needed for the construction to begin. The following points are requested from CEO Jim Schieder:

Resolution for immunity

Storm water management program during construction

Operating hours

Letter from NYSEG regarding the right of way.

Zoning opt out
Commercial vehicle access road approved in writing by DPW
Security lighting
Fencing
Material storage location
All change orders to be reviewed
Good workmanship through out

Motion made by Mayor Falci to grant a building permit immediately to Joe Rose as of October 5, 2009 with the above conditions being met within reasonable time. Motion was seconded by Trustee Libordi.
Motion Carried.

Mayor Falci	Yes
Trustee Thomas	Yes
Trustee Libordi	Yes
Trustee DiRaimondo	Yes
Trustee Dick	Absent

Clerk Libordi gave Mayor Falci the contract from Architect Simpson that we should have drawn up between the Villages and Joe Rose.

The Clerk was directed to call those contractors who still have specs out for the new fire hall. They have until October 13th to return the plans and pick up there \$100 deposit.

Meeting was adjourned on a motion by Mayor Falci, seconded by Trustee Peter DiRaimondo and carried.

Village Clerk
Kristene Libordi