

Minutes

Village Board of Trustees

April 2nd, 2020

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. via teleconference in Village Hall.

Present were:

<u>Village Board and Staff</u>	
<p><u>Via Teleconference:</u> Mayor Rob Maloney Trustee Mike Skroskznik Trustee Pat Gross Trustee Bill Goodwin Trustee Mark Cronin</p>	<p>Village Manager Nate Nagle Manager's Asst. Rachel Baer</p> <p><u>Via Teleconference</u> Clerk-Treas. Donna Dawson Village Atty. John Groff Police Chief Tom Stickler Deputy Clerk Kelby Hollenbeck PT Clerk Tammy Miele Village Justice Dave Brockway</p>

***NOTE:** Present for the meeting at Village Hall were Village Manager Nathan Nagle, and Manager's Assistant Rachel Baer. All others participated on the phone via teleconference due to the Coronavirus lockdown.

CORONAVIRUS UPDATE:

Village Manager Nagle - within the County we have 16 positive tests, 4 in the Village of Horseheads. I have weekly conference calls with officials from Chemung County and other municipalities. As a Village we are holding our own. DPW and Police are at full strength. Remaining staff is either working from home, in the office, or both. We are being very conscious of our distances from each other. We continue to clean and sanitize on a daily basis. Parks crew sanitizing playground units and picnic tables. We have taken the basketball rims off in our parks because of continued activity. Thorne Street park still being used by people walking.

Families First Coronavirus Response Act:

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the US Congress has passed, and the President Donald Trump has signed, the Families First Coronavirus Response Act which includes the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act, intended to ease the economic consequences stemming

from the novel coronavirus disease (COVID-19) outbreak by expanding FMLA and sick leave available to certain employees effective April 1, 2020, and

WHEREAS, NYS enacted legislation regarding leave and other benefits for certain employees relating to COVID-19 effective immediately, and

WHEREAS, the legislation provides for a temporary change to the Village's health insurance coverage and FMLA rights, in pertinent part as follows:

The Village's health plans and its insurer must cover—without cost-sharing, preauthorization, or other medical management requirements—FDA-approved, in vitro diagnostic products to detect the virus that causes COVID-19. The coverage also includes related services furnished during urgent care, emergency room, or in-person or telehealth provider visits that result in an order for administration of a covered diagnostic test. This requirement is effective for the duration of the public health emergency declared by the Secretary of HHS.

The Village and its insurer are obligated to comply with the Emergency Family and Medical Leave Expansion Act, which amends the FMLA, to provide paid public health emergency leave to certain employees effective April 1, 2020 through December 31, 2020 for a 'public health emergency' such as COVID-19. The emergency leave generally is available when an employee, who has been employed for at least 30 days, is unable to work or telework due to a need for leave to care for a son or daughter under the age 18 because a school or place of care has been closed, or a paid childcare provider of such child is unavailable due to a public health emergency with respect to COVID-19 that is declared by a federal, state, or local authority. The first 10 days of leave may be unpaid, thereafter paid leave is required, calculated based on an amount not less than two-thirds of an employee's regular rate of pay and the number of hours the employee would otherwise be normally scheduled to work, not to exceed \$200 per day and \$10,000 in the aggregate. For the 10 day period an employee may elect to substitute any accrued, unused vacation leave, personal leave, or sick leave, for unpaid leave.

The Emergency Paid Sick Leave Act establishes a new paid sick time benefit effective April 1, 2020 through December 31, 2020. The Village must provide 80 hours of paid sick time to full-time employees who are unable to work or telework for specified virus-related reasons set forth below. Part-time employees are entitled to sick time based on their average hours worked over a 2-week period. This benefit is immediately available regardless of the employee's length of employment. The maximum amounts payable vary based on the reason for absence. Employees who are:

- (1) subject to a quarantine or isolation order,
- (2) advised by a health provider to self-quarantine, or
- (3) experiencing symptoms and seeking diagnosis

must be compensated at their regular rate, up to a maximum of \$511 per day (\$5,110 total).

Employees caring for an individual described in category (1), (2), or (3), caring for a son or daughter whose school is closed or childcare provider is unavailable, or experiencing a "substantially similar condition" to be specified by HHS must receive two-thirds of their regular rate, up to a maximum of \$200 per day (\$2,000 total). The Village cannot require employees to find a replacement worker or use other sick leave before this sick time.

The above benefits have been enhanced by NYS legislation which took effect immediately. This law permits employees to take leave when they are subject to a mandatory or precautionary order of quarantine or isolation issued by NYS, the Dept. of Health, a local board of health or any governmental entity with authority to issue such an order due to COVID-19 (an Order). Public employers must allow employees 14 days of paid sick leave without deducting from the employee's accrued sick leave. The law creates a new category of Paid Family Leave which eligible employees may apply for if they are taking leave because they or their minor dependent child are subject to an Order.

An eligible employee may also apply for disability benefits where the employee is unable to work due to an Order and has exhausted all paid sick leave provided under this law. PFL and disability benefits may be paid concurrently, however there are some exceptions. Further, employees can only obtain any leave and benefits under NYS law that are in excess of any leave or benefits provided by federal law or regulations.

NOW THEREFORE BE IT RESOLVED, that the above requirements are acknowledged by the Village Board and are, as long as in effect by federal or NYS law, rule or regulation, made a part of the Village Employee Handbook and/or applicable collective bargaining agreements, if any. This resolution shall take effect immediately. Copies of this resolution shall be posted on bulletin boards available to Village staff.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Skroskznik	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Open Meetings Law During Coronavirus

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

WHEREAS, various Executive Orders of Governor Cuomo have suspended aspects of the Open Meetings Law during the COVID-19 pandemic to protect the health, safety and welfare of the public and public officials, and

WHEREAS, numerous governmental operations must continue despite the pandemic and in a way so as to protect the health, safety and welfare.

NOW THEREFORE BE IT RESOLVED, until further notice:

1. The Village Hall and all other Village governmental buildings and facilities are closed to the public.
2. At the Village Manager's discretion, all meetings of Village public bodies including the Board of Trustees, Planning Board, and Zoning Board of Appeals are closed to the public, except by invitation. At the Village Manager's discretion, all meetings of Village public bodies may be conducted by teleconference by the public body to avoid face to face contact. Such meetings will be recorded, transcribed and made available to the public as soon as practical, and posted on the Village website. If the public is allowed to

physically attend a meeting the number of attendees will be limited and spatial separation will be required and maintained. Whether a meeting is open or closed to the public, the public is encouraged to submit comments via telephone (607-739-5666), email (nnagle@horseheads.org), or correspondence (202 S. Main St., Horseheads, NY 14845).

- 3. Meeting agendas will be posted on the Village website in advance to the extent practical.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Skroskznik	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of March 3rd, March 5th, March 10th, and March 12th, 2020 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Skroskznik	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Purchasing Policy

The Board discussed the proposed changes in the redline version prepared by Atty. Groff and Village Manager Nagle. Questions were asked about the phrase “at the direction of the Board” being removed from Paragraphs 1 and 2 of Section “The Purchasing Officer”. Atty. Groff noted that in reviewing the current document, he felt that these phrases were redundant considering that the Board approves the policy every year. After further discussion the Board asked that this phrase stay in the document, and that all other proposed changes and modifications were fine. The final updated version will be on the Board’s agenda for approval at its April 16th meeting.

Draft 2020-2021 Budget

Village Manager Nagle presented the Board with the tentative budget for 2020-2021. He noted that per the Board’s instruction, the proposed raises for the non-union employees was moved to the Contingency Fund, then again per the Board’s instruction it was removed from the budget entirely. Manager Nagle advised the Board that these employees are here every day keeping the Village going, many of them putting in extra hours each week and not asking for overtime. He added that not giving them a raise while the employees under contract will be getting one sends a bad message to these dedicated people. He recommended that the proposed raises be reinstated in the budget for each employee’s line item effective June 1.

The Board discussed the matter, then agreed to put the raises back in the budget for the non-union employees. Atty. Groff added a paragraph to the proposed resolution regarding same.

Village Manager Nagle noted that this budget includes a 2% property tax increase. This is a proposed increase. I put 2% in there basically as our goal to keep property tax at 2% or less, at the same time reducing gap between revenue and expense. This would make the tax per thousand of assessed valuation at \$6.01, and increase of 11 cents.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

BE IT RESOLVED, that the Tentative 2020-2021 Village Budget as prepared by Budget Officer Nathan Nagle is hereby received, and a public hearing regarding said budget is hereby scheduled for Thursday, April 16th, 2020 at 7:00 p.m., and be it further

RESOLVED, that the proposed salary/wages for non-union employees embedded in the Contingency Fund be moved to the individual salary line items, and the budget be adjusted to include these raises for the individuals effected, and be it further

RESOLVED, that due to the public health concerns related to COVID -19 the public will not be permitted to physically attend and participate in the public hearing, it will not be an 'in person public hearing'. Due to limited telephone and videoconferencing functionality, Village Manager Nathan Nagle is directed to cause the Tentative Budget to be published on the Village's website as soon as practical and to invite public comments regarding same by any safe and available communication including, but not limited to: correspondence to 202 S. Main St., Horseheads, NY 14845, email to nnagle@horseheads.org, and telephone to 607-739-5666. All such comments will be noted and become part of the record of the public hearing, and will be given due consideration.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Skroskznik	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Manager's Report

Manager Nagle added that we are in a very stressful situation, being cooped up in our homes, etc. It's just something we have to work through together as a community. This will end and we will get through it.

BOT, Department Head Updates

Clerk-Treasurer Donna Dawson - expressed her appreciation to the Manager and to the Board for taking into consideration the non-union employees. She noted that Kelby from the front office is home on quarantine. Her daughter came into contact with someone who tested positive, so she will be home with her on a two-week quarantine.

Judge Dave Brockway - as you may be aware the Chief Judge has shut down all local courts. Any essential matters are being heard by an assigned judge in Elmira. We are still on-call however. We are also available for essential qualified offenses via Skype.

Police Chief Tom Stickler - commended his officers for their work during this crisis. Their working through this without complaint and doing an excellent job doing whatever is needed. I also see DPW workers out doing their jobs every day, as well as the staff at Village Hall.

Atty. Groff - commended Village Department Heads and staff for continuing business as usual, and I compliment the Board on their recognition of the employees. He added that he presented a proposed Work At Home Policy to the Manager. It was developed with the idea that it would be temporary. He added that Village staff are covered by the Employee Manual, and all other policies whether their working in Village Hall or from home. It might be worth looking at this to see if it has any merit. Should a Village employee get injured in their home while engaged in Village business, then they would be covered by workers compensation, and OSHA rules, etc. All of those things continue regardless of where they are working.

Atty. Groff noted that he has a conflict with our meeting on April 16th. I will make myself available to the Manager and the Board anytime between now and then.

Manager Nagle noted that we will be looking into the possibility of using Zoom for remote meetings and will report back to the Board on this.

As there was nothing further to come before the Board, the meeting was adjourned at 8:15 p.m.

/rmb