

Minutes

Village Board of Trustees

January 8, 2015

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

Present were:

Village Board and Staff

Mayor Donald Zeigler
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Mike Skroskznik
Trustee Brad Lytle
Clerk-Treasurer Sharron Cunningham
Village Manager Walt Herbst

Village Atty. John Groff
DPW Matt Mustico
PB Chair Mike Stenpeck
Fire Chief Arthur Sullivan
Parks Dir. Nate Nagle
Court Clerk Kendra Griswold

Others

Wayne Brubaker, Gardner Rd.
Debbie Hicks, Gardner Rd.
Mike Swasta, Watkins Rd.

Belynda Morse, W. Franklin St.
Jolynn Morgan, W. Franklin St.
Tom Rupp, Tift Ave.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of December 11, 2014 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Audience Participation

Mike Swasta, Watkins Road - on the SEQR Review for the Well 4-5 Interconnection, Question #20 of Part 1 is wrong. There was an oil spill at Well 4 years ago.

Manager Herbst - Our engineer says there are no issues there anymore, but the question was not answered correctly due to the history there.

Jolynn Morgan, W. Franklin St. - Hair salons in Hanover Square will be 11 total. Are they getting grants or something?

Manager Herbst - I will have to check with STEG. They administer the commercial side of our CDBG program.

Tom Rupp, Tiff Ave. - does the Village work to get businesses back into Hanover Square.

Manager Herbst - yes, we have an agreement with STEG.

Financial Report

Manager Herbst - General Fund receipts are down about 19K. At the same time expenses down 348K. In terms of overall financial health we are good. We do have more revenue coming from the Schlumberger PILOT. That's about 58K. Also some unpaid taxes have been relieved. Caden went through a corporate reorg and lost its PILOT agmt. On the water side YTD receipts last year were 570K, this year 531K. The reason is that last year at this time we received 44K in Well 1 insurance recovery - the chlorine leak. When that money came it raised the revenue for the water fund at that time. So basically last year's through December amount was inflated by that 44K. So we are still ahead of the game now in the regular course of business. On the expense side they are up 36K. A good part of that is 19K for Chris, a new employee, and the other major part is 15K for a payment to NYSEG for increased utility costs. Holding expenses well. Dept. Heads are keeping control of costs

Trustee Koliwasky - on the water fund, the payment from the insurance company, why wouldn't that money go into the general fund.

Manager Herbst - water fund is independent from general fund. Its mutually exclusive. There are exceptions, but generally we can't mix the two funds.

Trustee Lytle asked about the increase in energy costs.

Manager Herbst - mostly due to Well 5 starting up. And there is a demand charge in there of around \$11-12K. We are challenging that. It's a flat rate where they say they need to provide a certain number of kilowatts on demand. Whether we use it or not. The challenge we are making is that this demand charge exceeds the use of the entire plant for a month. So somewhere along the line there is an error.

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of December 10, 2014 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

SEQR Review - Well 4-5 Interconnection

Board Completed Part 2 of Short Form SEQR

Atty. Groff said that regarding the comment about Well 4, the well was shut down for a number of years for remediation under the oversight of DEC. After which DEC allowed the well to be brought back online. On occasion it has been used since then.

Atty. Groff - I believe the answer to Question #20 on Part 1 is still no because the location of the connection between the wells is nowhere near where the spill occurred. It's in close proximity though.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

A RESOLUTION DETERMINING THE ENVIRONMENTAL NON-SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW LAW OF THE PROPOSED CONSTRUCTION AND INSTALLATION OF A TRANSMISSION WATER MAIN BETWEEN WELL SITE #4 AND WELL SITE #5

WHEREAS, the Village of Horseheads recently completed the construction and installation of a new water filtration plant at Well Site #5 for the treatment of raw water, and

WHEREAS, review and analysis of other components of the Village of Horseheads water system has confirmed that it is feasible to install an inter-connecting transmission water main between Well Site #4 and Well Site #5 so as to enable raw water produced by Well 4 to be treated with additional filtration, and

WHEREAS, this Board has approved the development of design parameters for such a transmission line together with the financing of the cost of constructing and installing such a line.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Horseheads (hereinafter referred to as "Board"), as follows:

Pursuant to, and in accordance with, the provisions of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Board hereby makes the following determinations and classifications with respect to the proposed construction and installation of a transmission water main between Well Site #4 and Well Site #5 (hereinafter referred to as the "Action").

1. The Board hereby determines that the Action is subject to SEQR.
2. The Board hereby determines that the Action does not involve a Federal agency, and does not involve other agencies.

3. The Board hereby makes a preliminary classification of the Action as an Unlisted Action.
4. The Board hereby finds and determines that it is acting as the lead agency with respect to the adoption of, and approval of, the above-described Action.
5. The Board hereby finds and determines that: (a) it has considered the Action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed Action; (b) the proposed Action will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and (c) the reasons supporting this determination are set forth on the attached Determination of Significance with respect to this Action (a copy of said form will be on file in the Office of the Village Clerk of the Village of Horseheads).
6. The Board hereby: (a) adopts a negative declaration pursuant to 6 NYCRR section 617.7 with respect to the project, (b) authorizes the Village Manager to sign a negative declaration, determination of non-significance with respect to the project, and (c) authorizes the Clerk of the Village of Horseheads to forward a copy of said negative declaration, determination of non-significance to the New York State Department of Environmental Conservation, Town of Horseheads, and the Building and Code Inspector of the Village of Horseheads,.
7. This Resolution shall take effect immediately.

Atty. Groff - Mr. Swasta is right, the answer to #20 in Part 1 should be yes. Because it was detected soon enough the well was shut down and the contaminant was remediated on site where the spill was located. Monitoring wells were installed. 3-5 years while cleanup process was completed. The remediation has been completed. We've been using the well continuously for a year and a half.

Manager Herbst - we test the wells every day.

Trustee Koliwasky - the potential may still exist, also it could never happen again. I think we have enough safeguards in place. I see no problem.

Trustee Skroskznik - what is a negative declaration

Atty. Groff - it states that you've studied potential environmental impact and you don't find a detrimental environmental impact.

Motion by Trustee Skroskznik - I move to table this based on #5 of the resolution stating that we have thoroughly analyzed the environmental impacts. I really haven't had time to look at this, I would like to study it.

Atty. Groff - this would affect the project, it would require an env impact statement if you do eventually determine that there is a moderate or high likelihood of an adverse environmental impact

Trustee Lytle - before I came on the board I was all for this. As long as we did the well 5 project, and this would connect to it. But I didn't have a chance to review all this material. I would like to have more

time to look at things before we vote.

Trustee Lytle seconded the motion to table.

Roll Call Vote to Table the resolution:

Mayor Zeigler	No
Trustee Swartz	No
Trustee Koliwasky	No
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Motion to table failed.

Original resolution is still on the floor.

Motion to amend the original resolution in that Question #20 of part 1 was incorrectly answered No when the answer is in fact Yes. Reference to the Knispel oil spill, Ithaca Road. Motion seconded by Trustee Koliwasky.

Roll Call TO AMEND Original Resolution as stated above:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Roll Call on RESOLUTION AS AMENDED:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No
Trustee Lytle	Abstain

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, on October 9th, 2014 the Village of Horseheads Board of Trustees approved the financing of a Village wide program for the replacement of the existing water meters in an effort to more efficiently and accurately measure water consumption, and

WHEREAS, in order to replace the meters it is imperative that the Village, its employees, agents, representatives and contractors have access to existing meters and non-conforming meters located in or on private property, and

WHEREAS, in order to maintain, repair and replace various components of the Village water system it is imperative, from time to time that the Village, its employees, agents representatives and contractors have access to existing components located in or on private property, and

WHEREAS, not having access and the ability to replace the existing meters and non-conforming meters or to maintain, repair or replace such components will have a detrimental effect on the operation of the Village's water system, and as such the Village Board finds it necessary to implement or impose a fee for those who refuse to provide or grant access to a Village owned water meter or such components in or on private property by the Village, its employees, agents, representatives, and contractors, and

WHEREAS, the Village of Horseheads Water Department has rules and regulations addressing the operation of the water system and department which Rules and Regulations are subject to amendment by various means, including by resolution.

NOW THEREFORE BE IT RESOLVED by the Village of Horseheads Board of Trustees acting as the Board of Water commissioners as follows:

The following section shall be added to the Water Department Rules and Regulations:

6.13 Replacement of Water Meters, Access to Village, Penalties for Offenses. Effective with the date of passage of this section, the Village, or agents of the Village, shall replace all Village owned existing and non-conforming water meters at the Village's own expense provided the existing plumbing of the property owner or customer is in serviceable condition. The Village, its employees, agents, representatives, and contractors shall be granted access during business hours to any property, building, dwelling or structure to replace all Village owned existing and non-conforming water meters. Further, the Village, its employees, agents, representatives, and contractors shall be granted access during business hours to any property, building, dwelling or structure to maintain, repair and replace various components of the Village water system, and shall have such access during non-business hours in the event of emergency.

Any property owner, customer, or any employee or agent of any property owner or customer, who fails to provide access to their property or otherwise interferes with the installation of new meters during the Village Wide Replacement Program or otherwise interferes with the maintenance, repair or replacement of such components shall pay the greater of: a 100% surcharge on all water billings, or a \$250 penalty in addition to such billings, until such time as the Village owned existing and non-conforming water meter has been replaced or the maintenance, repair or replacement has been completed; in addition the cost of installation, and associated permits of the new meter shall be borne by the Owner.

BE IT FURTHER RESOLVED, that this resolution shall be placed on file in the Village Clerk's office immediately following its adoption, and shall be effective upon such filing.

Trustee Lytle - key phrase was "private property". Is this standard language? Also the 100% surcharge and \$250 fine, is that standard procedure?

Atty. Groff - the reference to private property is standard language. The objective behind this modification is that we own and control the water lines. Once the water leaves the road right-of-way and enters private property we no longer have the right to go on that property for maintenance and repair. Meters are inside the houses. Our employees on occasion have to access private property to maintain the meter, or repair it, etc. So the rationale behind this is that recognizing that you have thousands of water customers, there may be a few that are reluctant to provide you access to their property to replace the water meter. This regulation encourages them to cooperate. If they refuse we do impose a penalty for failing to allow you to replace the meter. The reason your replacing the meter is because the meter doesn't read accurately. Penalty is discretionary, the Board can discuss this.

Trustee Lytle - is there similar language in the rules now for water meter readers.

Atty. Groff - we used to. Now the meters are read remotely. Also, our other penalty is to shut the water off eventually. Our rules do require that they cooperate with us. This new rule is a stop gap measure before shutting water off.

Trustee Lytle - what happens if existing plumbing is not serviceable.

Atty. Groff - contractor will determine if it's in bad shape then they won't replace the meter. They will simply advise the property owner that they need to contact a plumber to repair the system sufficiently. What you have is Village owned property in the middle of private property.

Trustee Swartz - what about houses on a slab, I had asked Wendel if in the process of changing the meter the contractor breaks a pipe coming up through the concrete whose responsible. Wendel said it would not be the responsibility if the homeowner to repair that.

Motion by Trustee Lytle to table this matter. I haven't had sufficient time to look at this and consider it. I got this tonight. I move that we table this so I can have some time to review it. I'd like to receive these matters a few days before the meeting so we can research it on our own.

Atty. Groff - on the resolutions they are only offered to the Board. I don't know what your decisions will be ahead of time. I try to anticipate what I feel the Board's action will be and try to draft a resolution around that. Its become practice in general to draft things as approvals. It doesn't mean you have to. It just means I have to write something. Some of the resolutions weren't finalized until this morning. They aren't all prepared ahead of time, sometimes other things get prioritized.

Trustee Lytle - If its important enough we should have it a few days ahead of time. I have no problem with the way you write these resolutions, it's just the timing.

Motion to table seconded by Trustee Skroskznik.

Trustee Swartz - will two weeks make a difference or not.

Manager Herbst - I really don't know. Every time we push this back it pushes the project back. It's not like we started this project yesterday, it's been in the works a couple of years.

Mayor Zeigler - Trustee Lytle has made a valid point. I think information needs to brought out in advance as much as possible. If it's not something in writing then try to get a verbal explanation.

Roll Call Vote TO TABLE THE RESOLUTION:

Mayor Zeigler	No
Trustee Swartz	No
Trustee Koliwasky	No
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Motion to table failed.

Roll Call Vote ON ORIGINAL MOTION:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No
Trustee Lytle	No

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, on October 9th, 2014 the Village of Horseheads Board of Trustees approved the bond financing of a Village wide program for implementation of energy efficiency improvements at various village facilities in the amount of \$434,793.00.

NOW THEREFORE BE IT RESOLVED, that the 2014-15 Capital Budget is amended as follows:

New Line Item #5710 - Serial Bond - Energy Efficiency Improvements
\$434,793

Trustee Skroskznik - when we first approved the bonds I was the only one who voted no because of lack of information, so I have to be consistent and vote No.

Trustee Lytle - I was not in favor of this as a citizen.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No
Trustee Lytle	No

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, on October 9th, 2014 the Village of Horseheads Board of Trustees approved the bond financing of a Village wide program for purchase and installation of energy efficient street lights in the amount of \$805,823.

NOW THEREFORE BE IT RESOLVED, that the 2014-15 Capital Budget is amended as follows:

New Line Item #5711 - Serial Bond - Street Lighting
\$805,823

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No
Trustee Lytle	Aye

Trustee Koliwasky - thank you for the information we received on body cameras for the police officers. It was very informative.

Trustee Skroskznik - Thanked Barb from Wade's Jewelry for her dedication to the community and I wish her well in her retirement.

Trustee Skroskznik - I see there is a civil service exam for Community Service Officer, vacated by Kim Mikel. Does the Village Board have to approve a job posting.

Atty. Groff - no, it's a Manager function.

Trustee Skroskznik - then why isn't the exam for the Chief of Police being held. This is a Department Head position. That test is being held in March of this year.

Manager Herbst - we didn't announce the CSO test. Also, we didn't ask for a police chief exam in 2015. We were told there would be an exam in 2016.

Trustee Skroskznik - what is the process we are following.

Manager Herbst - we are evaluating in what way we are going to fill the position. We had an acting chief until January 1st.

Trustee Skroskznik - A lot of residents are worried. It's been 7 months that we've been discussing this same issue over and over. I'm not entirely sure what the plan is. We have a police Department without a leader. The world is more aggressive. Not having a police chief is a potential safety risk. Need someone supervising the officers and making sure the administrative duties of the department are being taken care of. I'm just asking for some guidance.

Mayor Zeigler - any recommendation would come from the Village Manager. That is the way this government operates.

Manager Herbst - in terms of supervisors the Sergeants are paid and trained to be supervisors. So the officers do have supervisors.

Trustee Skroskznik - who is supervising the Sergeants.

Manager Herbst - I am.

Trustee Skroskznik - ***So yes or no.*** Do we have any intentions of hiring a police chief, ***in Horseheads, for the Horseheads PD.***

Manager Herbst - yes we will.

Trustee Lytle - I get the same questions too. Also, the intersections at the bypass, the traffic lights are a problem. Lots of accidents.

Manager Herbst - NYSDOT did change the lenses so that you can't see the light on the second set of lights until your right there. It is a state issue. We did bring that to their attention and they changed the lenses.

Trustee Lytle - can we get some figures on number of accidents and send them to DOT.

Chief Sullivan - since they changed the lights there has actually been a decrease in accidents. There are still accidents but not as much.

Manager Herbst reported on the following items:

- Trustee Skroskznik mentioned before about a house on Center St. with code violations. Code Enf. reports that a violation notice had already been issued. So that is being processed.
- The body cameras for the officers, we probably will have a special meeting on this.
- Facility Dude - work order program - is underway. Nate will be training next week, and will be available to the trustees to input requests for services.
- PBA has filed for arbitration.
- Total lighting for Village Hall would have been over \$40K. We get credits of \$25K. So changeover will be about \$15K. Annual savings about 6500 a year.
- Info sent to Jim Roemer regarding PBA.
- Budget process is underway.
- Atty. Groff suggested we send a letter to NYS Comptroller to ask how much money was sent back by the state under the tax cap program.

Chief Sullivan - just finished out the year with 603 alarms. So far this year we've done 22 alarms in 8 days.

Nate Nagle - Youth basketball team going with 20 teams. Super Saturday program starting next week, and a cheerleading program. Pretty busy. We need to make a decision on training for Facility Dude. I would prefer to do it as a group. Pick a time to do it and we can set it up. We go live with it February 2nd. Takes about an hour.

After brief discussion it was agreed that the Board would do the Facility Dude training after the Board Meeting on January 22nd.

As there was nothing further to come before the Board, the meeting was adjourned at 8:25 p.m.

/rmb