

Minutes

Village Board of Trustees

October 8, 2015

A meeting of 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 Don Zeigler
Trustee Ron Swartz
Trustee George Koliwasky
Trustee Mike Skroskznik
Trustee Brad Lytle
Village Attorney John Groff
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Manager's Asst. Rachel Baer
DPW Matt Mustico
Fire Chief Arthur Sullivan

Others Present

David Reynolds, Matthews Cir.
Eileen Patocka, Watkins Rd.
Debi Lytle, Grand Central Ave.
Wayne Brubaker, Gardner Rd.
Holly Spencer, Albert Drive

Debbie Hicks, Gardner Rd.
Louise McIntosh, Renwick Lane
Pat Gross, W. Broad St.
Jean Quinn, Gardner Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of September 8th and 24th, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Trustee Koliwasky asked if we have received the PowerPoint Presentation from Trustee Skroskznik yet.

Trustee Skroskznik - not yet, my printer is broken.

Trustee Koliwasky - then I move the resolution be amended so that we again table the minutes from September 8th. Trustee Swartz seconded.

Trustee Lytle noted an error in the minutes from September 8th, which Rachel corrected.

Roll Call Vote to Accept Minutes of Sep 24th:

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

Audience Participation

Dave Reynolds - regarding the 56 acres of land your purchasing, is it going forward? And can we get horse shoe tournaments. We can do junior program leagues. Multiple businesses he knows that would help with construction. Would like to propose something down the line.

Manager Herbst - the survey of this land is about done. So our surveyor is going to be talking to OGS in Albany. They will do final survey then our attorneys will do the transfer. Second part of your offer is what the Parks and Rec dept. intends to do once we own it - go out to community for ideas. Then turn it over to a parks architect. We're probably about a year off from that.

Financial Reports

Manager Herbst - General Fund - down about 350K so far, revenue slow in coming in. We have about 200K coming in state money for AIM and Chips. AIM money is in but didn't come in till after September. Chips money - this year the state has modified claim procedure. Have to list all streets, dimensions, etc. to justify the money. Matt has sent that up to Albany for review and reimbursement. Could be a couple of months before we get those monies. Sales tax starting to show. Down about 100k over last year. 55K behind in franchise taxes. This comparison in your packet, shows that when we budgeted we brought down our expectations. With those expectations for sales tax we are still ahead about 4K each month. In expenses up 111K due to prepaid insurance, liability and workers comp. Water Fund - ahead about 16K. Expenses up nominally.

Water meter replacement - about 1800 meters have been installed. We expect to wrap up that part of the program by end of the month. Then we'll have one last ditch effort to finish up stragglers. We did pass an amendment in the water rules regarding failure to allow meter to be changed, which ends up being charged \$250. Next water billing goes out Nov 15.

Susquehanna River Basin Commission - Engineering on Well #5 and Renewal of Permit

Resolution by Trustee Swartz, seconded by Trustee Lytle

WHEREAS, the Village owns and operates a municipal water system including water supply Well #5, which well was approved by the Susquehanna River Basin Commission (Commission) for withdrawal and/or consumptive use of water by Docket No. 19870302 (Permit) which expires March 12, 2017, and

WHEREAS, said well is a critical component of the Village water supply system warranting application and renewal of the permit, and

WHEREAS, the renewal process requires the expertise of hydrogeologists and other engineering services not available from Village staff, and

WHEREAS, under the direction of Village Manager Herbst proposals were secured from Moody &

Associates, Inc. (Moody), and Barton and Loguidice (Barton), and

WHEREAS, these proposals were reviewed and analyzed by Village staff who have submitted their recommendations to the Village Manager, and

WHEREAS, both firms have significant experience in processing applications before the Commission, and

WHEREAS, Village Manager Herbst has recommended acceptance of the Moody proposal 15-344EC dated September 9, 2015 in an amount not to exceed \$53,474, subject to the condition that Moody be informed and agrees to include in the application process that the Village seeks to increase its permit withdrawal from the Well to a withdrawal of up to 2 Million gallons per day and that all data developed in connection with the renewal application and all design documents prepared or furnished by Moody with respect to this renewal application shall be owned by the Village.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized and directed to accept Moody's proposal subject to the modifications and conditions noted above, and further subject to review as to legal content by Village Attorney John Groff.

Trustee Skroskznik - this permit expires 2017. Don't know why we are doing it now.

Atty. Groff - sometimes it takes 18 months or longer. SRBC urged us to start process now because they anticipate it won't be completed by the expiration date. A lot of engineering work and data needs to be developed. And SRBC is not rapid in processing the application.

Manager Herbst - interconnect between wells 4 and 5 will be a plan B because well #4 could be routed through filtration plant.

Trustee Skroskznik - how often do we renew.

Atty. Groff - the well started in 1995. This is the first time permit has come up for renewal. Might be a 20 yr. cycle. There is some belief that the permit periods will be shortened. Commission wants to exert more regulatory authority.

Trustee Swartz - why choose Moody over Barton.

Manager Herbst - seems higher cost but in fact Moody's proposal was more comprehensive. Barton left out some elements that Moody will cover. Barton left those items for village staff which actually costs us more.

Mayor Zeigler - this money comes out of water fund.

Manager Herbst - yes.

Trustee Koliwasky - does SRBC work with EPA.

Atty. Groff - both are federal agencies. They aren't necessarily related to one another. SRBC only concerned with water. Farming, fertilizer, etc. are part of their jurisdiction. EPA is more about environmental protection overall.

Trustee Lytle - what is likelihood money will be less than what is in resolution.

Atty. Groff - don't know that it will be significantly less. Their original proposal was that figure. Then

when we contacted them they agreed to a not-to-exceed figure. Ultimately it will be based upon hourly rates of professionals involved, etc. Significant portion of that amount is the fee to pay to SRBC for processing application.

Trustee Lytle - when does money get paid.

Atty. Groff - they bill us incrementally during application process. Two step process - designing hydrology first, that gets submitted for approval first. Monitoring wells to determine impacts. Once the design of the permit has been approved then SRBC allows us to actually implement turning on the well, pumping out water, monitoring it at other locations. Paying half in next fiscal year, then the rest the following fiscal year.

Roll Call Vote:

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

Employee Handbook

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads, in extending services to its citizens, acknowledges that the wellbeing of its employees is essential for maintaining a high standard of operations and services to the citizens of this Village, and

WHEREAS, a sound employee-management working relationship makes it possible for the Village Manager, Department Heads, and employees to cooperatively develop an efficient, fair and functional personnel system to best serve the citizens of the Village, and

WHEREAS, the Board of Trustees has authority to adopt personnel rules and regulations concerning personnel matters including but not limited to probationary periods, vacation and sick leave regulations, compensation, health insurance, professional conduct, performance evaluations, work schedules and other matters which have not been delegated to the Village Manager, and

WHEREAS, it is the policy of the Village to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including but not limited to Title VII of the Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, Equal Pay for Equal Work Act, the Fair Labor Standards Act, the Americans with Disabilities Act, the Family and Medical Leave Act, and the Federal Consolidation Omnibus Budget Reconciliation Act (COBRA), and

WHEREAS, the Village of Horseheads Board of Trustees has determined that there is a need for an employee handbook to consolidate personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with laws and regulations, and further has determined that adoption of an employee handbook is in the best interest of the Village, its employees, and the citizens of the Village, and

WHEREAS, the employee handbook would apply to employees of the Village who are not covered by collective bargaining agreements and also, in certain circumstances employees who are covered by such agreements or personal services contracts, and

WHEREAS, this Board or predecessor Boards authorized the retention of Public Sector HR Consultants LLC to assist in the development of an employee handbook, and various drafts thereof have been prepared and reviewed by this Board, Village employees and others.

NOW THEREFORE BE IT RESOLVED that the Village of Horseheads Board of Trustees approves and adopts the Employee Handbook, the working copy shall be placed on file in the Village Clerk's Office which shall be replaced with a final 'execution' version upon completion of format and editorial corrections by Public Sector HR Consultants, LLC as noted below, and be it further

RESOLVED, that all previous Employee Handbooks, Employee Manuals, amendments and revisions to same which conflict with the terms and conditions of the Employee Handbook are repealed and rescinded effective immediately, and be it further

RESOLVED, that the Employee Handbook shall apply to all Village officials, employees, appointees, and volunteers as provided therein. In the event there is a conflict between the Employee Handbook and any collective bargaining agreement, personal services contract, federal or state law, the terms and conditions of that contract or law shall prevail. In all other respects the Employee Handbook shall prevail, and be it further

RESOLVED, that the Employee Handbook is intended to provide guidelines covering public service by Village employees and is not a contract. The provisions of the Employee Handbook may be amended and supplemented from time to time without notice, and at the sole discretion of the Village Board, and be it further

RESOLVED, that the Village Manager and all department heads are responsible for these employment practices. The Village Manager shall oversee and assist in the implementation of the policies and procedures in the Employee Handbook, and be it further

RESOLVED, that copies of the Employee Handbook, as revised from time to time will be produced and distributed to all current and future employees of the Village, and be it further

RESOLVED, that Village Manager Herbst shall promptly cause the above-noted working copy of the Employee Handbook to be transmitted to Public Sector HR Consultants LLC for formatting changes and corrections such as but not limited to indexing, page numbering, etc., the result of which is hereby adopted as the Employee Handbook, which, as noted above shall be placed on file in the Village Clerk's Office and shall replace the working copy.

Trustee Skroskznik - I make a motion to table based on what we learned at the workshops, there is lots to be considered. Only had two workshops I feel it's too much information involved in the handbook. We just touched on vacation and sick time, obviously we now have a letter from the Attorney regarding this, then the Village Manager and his health insurance. We need to really look at this closely.

Trustee Lytle- don't see need to pass it tonight. It's a lengthy document. I'm still reading and researching it. Not saying I'm against anything I've read.

Trustee Koliwasky - had two workshops, had it for almost two months. I have talked to Village Mgr. more than one occasion. Most is carry over from previous employee manual. It's not a perfect document, but there is a provision that it can be amended. It's something we need to put to bed. I'm ready to move forward.

Trustee Swartz - how difficult is it to be amended.

Atty. Groff - Depends upon nature of what is being modified. Simple resolution in many instances. Some might require a local law - for ex the ethics portion is actually a local law. But many portions it's a simple resolution whenever the board feels it's appropriate.

Trustee Lytle - then why the hurry to codify if we can change at any time. What is the need to do it

Discussion ensued.

Manager Herbst - 98% of this is codification of practices that have already been in place - some written, some verbal - for the last 25 yrs. at least. The changes have been since 2011 and that change was as simple as changing the accrual of vacation time to a bi-weekly pay period, instead of one lump sum on January 1. The only other changes are for new employees hired after July 2015. But the point is that this is a document that has been in place in the past, and frankly employees would like insurance that they have a handbook for them.

Trustee Skroskznik - I think we should have two more workshops. If the practice has been going on for 25 yrs., all I'm asking is more time to look more at it. The other thing was medical insurance. We learned that there was an overpayment. Then the attorney had input for insurance with previous mayor. I think only two workshops is not enough.

Mayor Zeigler - if you have concerns it would help expedite if you contacted John and talk with him. And Walt too. Ask some of these questions so we can move through this. If you don't communicate with us it will take forever.

Discussion continued.

Trustee Lytle made a motion to table this resolution. Trustee Skroskznik seconded.

Roll Call Vote on Motion to Table:

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

Roll Call Vote on Resolution for Adoption of Handbook:

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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the hours for Halloween in the Village of Horseheads will be 5:30pm - 8:00pm on Saturday, October 31st, 2015.

Roll Call Vote:

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

Motion by Trustee Koliwasky, seconded by Trustee Swartz, that the following item be added to the agenda:

- Insurance Benefits for Village Attorney

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads Board of Trustees has, from time to time, adopted policies, rules and procedures effecting Village employees and terms and conditions of employment of such employees, and

WHEREAS, this Board has adopted an Employee Handbook which applies to all Village officials, appointees, employees and volunteers, and

WHEREAS, Village Attorney John Groff is classified as Professional part-time staff, an Exempt class under the Chemung County/City of Elmira Regional Civil Service Commission Rules and Regulations, and

WHEREAS, numerous prior Village Board of Trustees and Village Managers have granted to him as a term and condition of employment medical insurance benefits to himself and his spouse while so employed and after retirement, eligibility for which was confirmed on December 13, 2006 by Mayor and then Acting Village Manager Patricia Gross, and

WHEREAS, this Board wishes to reaffirm such eligibility and entitlement.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John G. Groff, as part time Professional staff, is granted the same eligibility for medical insurance benefits as are afforded full time Village staff hired prior to June 1, 1990, while he is so employed. Further, upon his death while so employed or upon his retirement, he and his spouse shall be afforded such medical insurance benefits as are afforded to retirees who are full time Village employees hired prior to June 1, 1990 who retire from the Village or die

while employed by the Village, excepting that he shall not be required to “retire directly from the Village” due to the part time nature of his employment by the Village.

Atty. Groff - This resolution was initialized at my request in my own personal interest. Desire on my part to ratify a promise made to me by your predecessors on a number of occasions and I have asked periodically for this to be reaffirmed. The reason that you’re getting it now, it is related to handbook because the handbook deals with issue of compensation for employees. The handbook does not give me the benefit of this assurance for continued insurance coverage.

Trustee Lytle - Are these people that retire, when they reach 65 is Medicare their first insurance?

Manager Herbst - yes by law at 65 they do get Medicare, then the Village provides a supplemental coverage.

Roll Call Vote:

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

Trustee Koliwasky - What is update on Blostein Blvd. project.

Manager Herbst - still need to decide about charging a fee. Also NYSEG has finally put in the 100 amp service. And Bouille has been working on the electric to the gate, etc. That is where we stand, to take care of programming and for the board to decide about charging a fee. We made a recommendation for \$25/year for Village residents. Hours would be all daylight hours 12 mos. a year, except when it snows, etc. Other issue was commercial landscape companies. We had checked and felt that \$300.00 for landscape companies is reasonable.

Trustee Lytle - I thought it would be free for rest of the year. That shouldn’t have held up opening.

Manager Herbst - still not quite ready to do that. Electric not quite done, etc. Registration for residents, etc. Then we can move fwd.

Trustee Swartz- how do we monitor residents if we aren’t going to charge a fee at first.

Manager Herbst - to monitor you need an access code. After a period of time then if you’re going to charge, a month before that we issue a new code or cancel other codes, etc.

Mayor Zeigler - I like this soft opening idea. With sales tax reduction there could come a day that you need to look at a fee structure. I know that it will save highway dept. hours of work hauling that stuff.

Manager Herbst- in current year’s budget we put in revenue of \$5k for this project.

Mayor Zeigler - what about landscapers in other areas.

Walt - you control that with the fee. And the PIN #. And if it became unmanageable you could restrict the number of permits you issue.

Discussion continued.

Clerk-Treas. Cunningham - what about notifying people, and rules and regs need to be established. What they can and cannot do.

Trustee Koliwasky - I don't think we should jump in and decide all this tonight.

Matt Mustico - should have workshops on this. Don't get many people after November anyway dumping trash. If you open up to landscapers you will have a mess over there.

Trustee Lytle - how much have we spent on this project already.

Manager Herbst - I'll have to send that to you.

Trustee Lytle - How are we protecting our data. Are all of our personal computers backed upon a regular basis. I would like to know that all this stuff is protected and backed up.

Manager Herbst - yes all of our data are backed up redundantly. We also have several firewalls that protect the data. And we've had many attempts to breach data. All unsuccessful. In the unlikely event that we lose data we have cyber liability insurance.

Trustee Lytle - how about audio on website.

Manager Herbst - Accela is moving right along. Subject matter of the email they sent was testing process. So it's coming.

Trustee Lytle - local business concerned regarding CGI video, I believed that was free, and gave them right to contact our businesses in our community to sell video advertising. If we gave them that right does it seem like that they were being pressured by CGI, hard sell.

Manager Herbst - I hadn't heard that. We got it for free, but part of it was sponsors would be invited to support the process. The idea is to sell the area for tourism. It would be a link to CGI.

Trustee Lytle - if a particular person says they are being pressured do you want to know.

Manager Herbst - yes.

Trustee Lytle - people are getting final notices on new meters even though that have already had it done.

Manager Herbst - yes we are aware. We have a data base that will be screened to make sure that doesn't happen again.

Trustee Lytle commended CSO Pat Hinman, follows up very quickly.

Manager Herbst reported on the following items:

- Michele retiring. Effective Dec.5th, and we thank her for her years of dedication.
- STEG, George miner leaving, they are looking for a new exec dir.
- Exec summary of I86 project in your packets.
- Energy perform - water going well, purchasing street lights - currently at PSC, parks upgrade is

- control system for the lights. Work on generator.
- Fire Dept. open house tomorrow night.
- Staff has safety training on Tuesday.

Atty. Groff reported on the following items:

- Cable TV - another service provider looking to provide service in the Village. Predominantly in Finger Lakes area. Looking at merit of coming into the Village. With cable franchising it's a large process overseen by PSC. We cannot be discriminatory in how we treat these companies. Terms and conditions need to be like we did for Time Warner. We do get a franchise tax fee from their gross revenues.
- Gardner Road Subdivision - behind Jubilee- rezoned PUD - developer has encountered title issues. They had no plan, just concepts. Title issues are impacting their concepts. They have asked if we have a regulation that would control their ability to develop 8 acres instead of 14. But any proposed use would require Board approval because it's a PUD.

Fire Chief Arthur Sullivan - This is fire prevention week. We work through schools to teach children about fire prevention. They've gone to every school in Hhds. this week. Our FD has dedicated volunteers. Our Open House is tomorrow night. I encourage you to come over and thank them. I've talked to Manager Herbst about help to ease volunteers with more personnel, but with budget constraints it won't work. But volunteers can't go 24/7. In the future the Village has to look at something. We can't cut back on calls. We just found out there will be CO detectors in every business in two years. Do you realize how many CO calls we go on where we just change the battery. It's a difficult problem, and not just here in the Village. We have to look at something for the future. They want us to continue, and they want volunteers to do it - something has to change. We had two heroin overdoses in the Village. It's out there.

As there was nothing further to come before the Board, the meeting was adjourned at 8:30 p.m.

/rmb