

Minutes

Village Board of Trustees

September 8, 2016

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 Louise McIntosh
Trustee Brad Lytle
Trustee Mike Skroskznik
Trustee Pat Gross
Trustee Bill Goodwin

Village Atty. John Groff
Manager's Asst. Rachel Baer

Absent

Clerk Sharron Cunningham

Others Present.

Jamie Gensel, Fagan Engineers
Barb Skroczewski, W. Franklin St.
Janet, Joe Ruhmel, Gardner Rd.

Denis Kingsley, Steuben St.
Jean Quinn, Gardner Rd.

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 25, 2016 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

Manager's Report

Manager's report
Sept. 8, 2016

- I have given you copies of the reports submitted by the Dept. heads Sept. 7. Please read them. If you have any questions, please call me to discuss.
- Server has been down quite a bit lately. Our IT people are monitoring it. Les and I are meeting with Steve Wilbur to discuss help from the County for the future.
- Financial reports will be submitted to the BOT no later than Friday Sept. 16 for your review before the next BOT meeting. Copies will be in your mailboxes. We will make every effort to have these ready the Fri. before the second monthly BOT meeting.
- CSEA negotiations have not moved forward.
- Have had several employee issues. Have had to request help from Matt Ryan on these issues.
- Windsor Garden streets will be paved Mon. & Tues. Sept. 12 & 13.
- Traffic Commission met: minutes will be available shortly: New parking signage will be posted on Carroll St. to help eliminate some of the school traffic congestion
- John & I met with Andy Avery & Mark Watts re: the Blostein Pit. I believe we have ironed out most of the concerns. John is compiling a draft of negotiations to be shared with the BOT in the near future.
- Town of Elmira submitted a draft of code mentoring & training. You have a copy.
- Completed the second morning interview on WENY for What's Happening in the Village of Horseheads? Segment.
- There is an ongoing investigation of the property damage on Thorne St. Park.
- I will not be in the office Mon. Sept. 12 for personal reasons.

Do we have a report from the Solar committee, John, Brad & Pat?

Saturday Sept. 10 1pm Firemans' Outing & First Responders celebration.

Thurs. Sept 15 6-8pm. Teal Park concert, a make up for the one rain day we had.

Sat. Sept. 24 is the last Farmer's Market.

The newly formed events committee will meet Monday Sept. 12 at 10am . Anyone who is interested in helping our with Holly days is encouraged to join.

Mayor McIntosh - is there a report from the solar energy committee - John, Brad, Pat

Trustee Gross - I need to recuse from that. Don't have time for this committee.

Trustee Goodwin said he would be on the committee.

Committee will meet sometime next month

7:10 p.m. - Public Hearing: Application of Appleridge for a Planned Unit Development Amendment for a parking lot expansion.

Atty. Groff declared open public hearing on Appleridge. Nobody came forward.

At this time the Board completed Part 2 of the SEQR for the Appleridge PUD Amendment, answering No to all 11 questions on the form. On that basis Atty. Groff stated they can issue a Negative Declaration, finding there to be no significant negative environmental impacts from the project.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Appleridge Senior Living Facility, LLC is the owner of real property located at 168 Miller Street, Village of Horseheads, Chemung County, NY (Tax Map Parcel #48.16-1-18), and formerly part of the Bethany Campus, and

WHEREAS, the property is currently zoned as Planned Unit Development (P.U.D.), and

WHEREAS, the applicant wishes to amend the current P.U.D. plan with the intent of developing a new parking lot consisting of 53 spaces adjacent to an existing parking facility, and

WHEREAS, the project is subject to SEQR and has been classified as an Unlisted Action pursuant to SEQR regulations, and

WHEREAS, the Village is informed and believes that it is the only involved agency relative to SEQR, and

WHEREAS, applicant has submitted a Short Environmental Assessment Form (SEAF) and

WHEREAS, the Village of Horseheads Board of Trustees has conducted a thorough review of the application, Parts 1 and 2 of the SEAF and all of the environmental consequences associated with the Action, and

WHEREAS, the application and plan has been reviewed by the Planning Boards of the Village of Horseheads, Chemung County, and Town of Horseheads Planning Board; with such Boards recommending approval, qualified approval, or local determination as to such proposal, and

WHEREAS, notice of a public hearing to be held regarding the proposed parking lot expansion was posted and published as required by law, and a public hearing was held on the application on this date and all interested parties were heard concerning the application, and

WHEREAS, the Board of Trustees has conducted a thorough review of the application.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS: Pursuant to and in accordance with the provisions of Section 617.6 (initial review of actions, and establishing Lead Agency) of the NYS Environmental Quality Review Regulations (6 NYCRR Part 617), the Village Board hereby makes the following determinations and classifications with respect to the project:

1. The Action is subject to SEQR.
2. The Action does not involve a federal agency, nor does it involve other agencies.
3. The Board makes a preliminary classification that the Action is an Unlisted Action.
4. The Board 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 SEAF Parts 1 and 2, 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 Acting 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 all appropriate state and local departments and agencies.

BE IT FURTHER RESOLVED, that the application of Appleridge Senior Living Facility for an Amendment to a Planned Unit Development at 168 Miller St., Horseheads, NY for expansion of a parking lot facility is hereby approved.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

Ongoing Items

Trustee Gross - talked to Matt - will be putting notices on doors of streets being paved.

Neighborhood watch had another meeting.

Audience Participation

Dennis Kingsley, 208 Steuben St.:

- Why wasn't there paving of eastern end of Steuben St. Substantial pot holes. One end was paved but not the other.
- Appliance sitting outside on Steuben St. for a number of weeks. Called Code Enf. - its between sidewalk and street. Same individual who had trucked park across the sidewalk.
- Cable company trimmed trees on Steuben St. They left limbs between sidewalk and road. My pile is still sitting there.
- Many sidewalks are bad. Still not getting better.

Mayor McIntosh - regarding the paving, the other end of Steuben is not on the list this year. I will check with DPW supt. and let him know about potholes.

Jean Quinn, 555 Gardner Rd. - potholes on Gardner Road across from jubilee. Very bad. West side of Gardner Road.

BOT, Department Head Updates

Trustee Gross:

- Street cleaning - sweeping. Common complaint. Will talk to matt. Broad St. has not been done.

Disc. ensued. Will bring up to Traffic Commission. Possible signage in Hanover Square for sweeping.

Atty. Groff - Police Chief can establish temporary no parking.

Discussion.

Trustee Gross read a statement into the minutes regarding the SRO:

I have two concerns: I have repeatedly asked for a full financial accounting and breakdown of all the costs for the SRO officers and have received nothing except the memo provided by Chief Stickler (not inclusive). But let me say I strongly support the School Resource Officer Program and these two officers. I believe that the Horseheads Police Dept. should provide the service, prompting a good working relationship between the SRO's and our Police Department. Two years ago I personally attended several Village Board meetings and spoke in support of Officer McGrain who represented the Department with outstanding performance. He was highly thought of by the students and administration. That being said, let me explain why I would like to see this financial breakdown. If it costs more than \$54,000 I want to be sure we have proof of all the costs and that the school district will pay those costs, and not just Village residents. (When we know already the village is facing extreme financial problems.) If we are overpaid by the School District that money should return to the District. As representatives of Village residents we should know these facts and as Acting Village Manager and Mayor so should you Mayor

McIntosh. This is simply good government and your elected officials being responsible to the Village of Horseheads and the citizens we represent. I don't believe I should have to repeatedly ask for this.

Mayor McIntosh- we talked about this several times, insurance liability - there is no extra liability. Things you are asking for are things we don't know the answer to until we get in the program. I've talked to Dr. Douglas and Chief Stickler and we agreed if amount is not sufficient to cover everything then that amount will be given to the Village.

Trustee Gross - Code Enf. - need another workshop on this. We don't need just supervision from the Town of Elmira.

Trustee Skroskznik - we've seen proposals in workshops. I had to sit here and voice strong opinion on wasting time for workshops when I asked a municipality for things we needed and we didn't receive it. So now we reached out to multiple municipalities and we finally got an answer from the Town of Elmira. There is a big need for some help. I would say let's move forward with that so we can get our Village cleaned up.

Mayor McIntosh - this is on tonight's agenda - let's move on and talk about this later in the meeting.

Trustee Skroskznik - noted the recent passing of Ken Howland. Also, encourage everyone to attend Fire Department outing. He noted in report from Nate Nagle, aquatic climbing wall. I think this will bring more people into the pool.

Atty. Groff.

- Tax challenge - Anschutz. Impacted mostly is the school. All involved attorneys are considering a possible settlement. There is a proposal on the table. 60% of unit of gas well is located in town. When we were provided with assessing info we levied a tax on revenue that was not generated in the Village. There is a proposal that would entail paying back \$147,000 - 88,000 from school, 16,000 Village, and 33,000 from Town. Part that only effects the Village - disputed amount is 33,000, 60% excess payment we received was 17,000. We are discussing merit of repayment of some or all of that. We collected 43,000, if we were to settle it would amount to a refund of 34,000. I ask for a resolution authorizing me to continue settlement discussions, and also authorize myself and the Manager to enter into a settlement agreement for a refund of not more than - some amount. That would enable us to continue with the dialogue. Or we will continue to pursue efforts to resolve and I can come back to you with results. The value in giving us some authority now is the case is on hold until Sep 16th by consent of all parties. Judge is delaying opinion. We don't want judge to render opinion that calls for a repayment that is in excess of the figure.

Trustee Lytle - isn't a settlement sometimes less than what you owe, Town of Hhds did our assessing. It was their error.

Atty. Groff - they provided the assessment, then we levied the tax. Also the taxpayer did not provide required info in a timely manner.

Trustee Lytle - what is risk of waiting.

Atty. Groff - Judge could find completely in favor of taxpayer, then we could owe the whole 43,000.

Trustee Goodwin - you and the Manager should have power to negotiate this.

Atty. Groff noted that she asked the Clerk about possible installment payments. She recommended no. Its easier administer to pay it back in same tax year.

Motion by Trustee Gross, seconded by Trustee Goodwin, that Village Atty. John Groff and Acting Village Manager Louise McIntosh are to continue efforts in settlement of Anschutz tax challenge, and are authorized to settle the dispute for an amount not to exceed \$34,000 and report back their findings and results.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

Atty. Groff:

- Bethany 6320 refinancing issue. Perception or possibility of a gift as far as this proposed process goes. I was directed to pursue info from bond counsel for IDA who is familiar with this process. Going to pursue this, and will report back.
- Blostein - meeting this week. Development of lease between Village and County that deal with use of the property and how the operation will be conducted. Also SEQR impact. Other sites were looked at as compost - by Mark Watts. His report was that he was advised by DEC that a permit is not required for compost alone. But if it produces topsoil then it has to register with DEC. He has registered this location with DEC as he is anticipating that it may be a topsoil producing compost facility.
- Working with Nate on cheerleaders renting practice facility from private source. Now they use domes. Looking at another location.
- Met with Mr. Corsi on traffic concerns on N. Main St. We're attempting to address his concerns.

Motion by Trustee Lytle, seconded by Trustee Goodwin, that the following items be added to the agenda:

- D&A: Intermunicipal Agreement with Town of Elmira for Code Enforcement Support Services
- Executive Session
- Possible Hiring of a Part Time Police Officer

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

Agreement with Town of Elmira for Code Enforcement Assistance

Mayor McIntosh - in January we asked Town of Horseheads if they would help us out by providing mentoring, counseling, etc. to our Code Enf. Officer. Just needed on the job training. I asked twice. They have not come back with anything like that, but they did say they would create a new code office and absorb our code dept. We looked at that, talked to a lot of people. I understand that the Village is looking bad right now. We were not effective in the past. Talked to Elmira Heights - for shared services. Then more info came and I was hesitant to do that. So we talked to Town of Elmira. Told them what we are looking for. I fully believe the Village needs to go this way until May 2017. We will also look at other opportunities but for now this is what we need for our Code Enf. Officer.

Trustee Gross - we need more than consulting. We need someone here to help him out in the field.

Mayor McIntosh - that is what we are getting. We have a Code Officer that needs more training. If we find in a few months he's fine, then we see about finding something else. I just rec'd this Tuesday. I would like to ask the Board to give the Acting Manager the authority with the Village Atty. to continue negotiating this. Its just too bad that the Town of Hhds didn't come up with this back in January.

Trustee Gross - I understand your reluctance to do the Town of Hhds deal.

Discussion ensued.

Mayor McIntosh - Town of Hhds wanted to create a code unit. Questions from the Heights and Village were never addressed. Plus we had to give up our bldg permit fees and fire insp fees. Town of Elmira doesn't ask for these.

Trustee Skroskznik- don't think we need to micromanage this agreement from the Town of Elmira - they provided us Matt Mustico which has been working out very well. We would be giving up \$100,000 in revenues if the Town of Horseheads gets their way.

Discussion ensued.

Trustee Goodwin - when we hire Code guys it seems like were training them and then they leave. Can we put a stipulation on after training.

Atty. Groff - you can't with code enf. officers That's only for police.

Trustee Gross- I wants a report in the future on when this extra person is here, etc.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, the Code Enforcement Department is in need of assistance and support and Acting Village Manager Louise McIntosh has explored with representatives of the Town of Horseheads, Village of Elmira Heights, and the Town Elmira the provision of departmental assistance services by a qualified

individual from the Town by various means, and

WHEREAS, Acting Manager McIntosh has recommended to this Board that the Village continue to explore the development of an intermunicipal cooperation agreement with the Town of Elmira regarding the provision of Code Enforcement assistance services at a cost not to exceed \$17,500 per year, and, assuming acceptable terms and conditions of such an agreement, entering into same.

NOW THEREFORE BE IT RESOLVED, that Acting Manager McIntosh is authorized and directed to continue to explore the merit of an Intermunicipal Cooperation Agreement with the Town of Elmira for the provision of Code Enforcement Consulting and Assistance services, and is authorized to enter into same upon such terms and conditions as are agreeable to Acting Manager McIntosh and recommended by Village Attorney John Groff.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

Possibly Hiring Part Time Police Officer

Mayor McIntosh - I received a call from Chief Stickler. More issues in Police Dept. Chief has concerns because he had hoped one of our officers out on medical would be back. He will not be back for another month. Another may now also be out indefinitely. And a third officer will be having surgery. The chief is very concerned about safety of officers and the village and would like the board to allow him to hire a part time officer and only use as needed. If something else happens to another officer we won't be able to cover the shifts.

Trustee Gross - I think we should do it.

All Trustees agreed. There is already money in the budget.

Atty. Groff - if it's a budgeted item you don't need a special resolution.

Approved.

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

BE IT RESOLVED, that this Board and the Village Attorney move into an Executive Session to discuss the employment history of a particular person.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

At 8:21 p.m. the Board of Trustees and Village Attorney moved into an executive session, the minutes of which are attached hereto and made a part hereof.

At 9:05 p.m. the Board reconvened back into the regular meeting of this date.

Discussion ensued regarding terms and conditions of employment of a part time Village Manager. The Board reviewed the employment contract of former Village Manager Walter Herbst using same as a template, and discussed specific provisions that would be modified to reflect a part-time Village Manager position with a salary of \$35,000 per year, 20-25 hours per week, which would be terminable by either party on 30 days notice. Village Atty. John Groff stated that he would be able to incorporate the Board's directions into a revised employment agreement to be presented to a candidate for the position.

At that time, Trustee Gross read a communication from her to the Board and asked that the letter be read into the minutes of this meeting. Trustees Goodwin and Skroskznik and Mayor McIntosh were agreeable to setting forth the written communication into the minutes. The communication is as follows:

Regarding the position of Village Manager and emails regarding the position of Village Manager, I have only received two emails - one from Bill, one Mike's response. Nothing from Brad. No full board discussion as to what his intentions are. No background check and no references. No interview. No resume. Which we required of other candidates. I believe that there is a process which included a resume, an interview and signed release to check references and a background check. Are we cheating the public out of a due process. Louise, you ran for Mayor and Brad for a board member, not manager. I have not been a part of any further discussion since those two emails - you might say your email today, Louise, blew me out of the water. It certainly shows a big lack of leadership quality on your current position as Acting Village Manager. Fellow Board Members: I would suggest we give this community to have representation we promised them. "A team working together and open communication" I believe you referred to it as transparent. I would also suggest that respected members of the community be included in the interviews. Do I feel betrayed by my colleagues - yes I do. By the way, there was one candidate who was very worth of being offered the position.

At this time Brad Lytle advised all in attendance that he was resigning as a Trustee of the Village of Horseheads effective immediately. He stated that he would be submitting a written resignation the following day, and requested that the content of the resignation be set forth in the minutes of the meeting. His request was agreed to.

September 8, 2016

Dear Mayor and Fellow Board Members:

I hereby tender my resignation as a Trustee from the Board effective September 8, 2016 in order to accept the position of Part Time Village Manager.

I have enjoyed serving as Trustee and Deputy Mayor and had every intention of completing my term. As you know, I did not seek the position of Village Manager, but will accept, if approved. After an extensive search for someone acceptable to a majority of the Board to fill the part time position of Village Manager proved unsuccessful, I am convinced that I can best serve our community in this new way.

We all know what a great job Mayor McIntosh has done in the position on an interim basis for 10 months, without any additional compensation. However, that is unsustainable and too much to ask for.

I look forward to working with the Mayor and the Board of Trustees to continue to serve the residents of our Village of Horseheads. I thank you for the confidence and trust you have expressed in me and will work diligently to prove they were well placed.

Sincerely,

Brad Lytle

Resolution by Mayor McIntosh, seconded by Trustee Goodwin

WHEREAS, the Village of Horseheads operates under the Village Manager form of government pursuant to local law, and

WHEREAS, this Board has determined that the position is best filled on a part-time basis, and

WHEREAS, this Board has sought candidates for the part-time position by various means and has engaged in extensive review and interviews of numerous applicants for the position, and has been unable to locate an outside candidate possessing the necessary skills and background to adequately fill the position, and

WHEREAS, this Board has reviewed the possible terms and conditions of employment which would be offered to a suitable candidate using the employment agreement of a previous Village Manager as a template, and

WHEREAS, former Trustee Brad Lytle has been asked if he would entertain employment by the Village of Horseheads as its part time Village Manager, and has indicated that he would consider serving in that position.

NOW THEREFORE BE IT RESOLVED, that Village Atty. John Groff is authorized and directed to prepare an employment agreement between the Village of Horseheads and Brad Lytle for the position of Part Time Village Manager effective September 12, 2016 with an annual salary of \$35,000 providing for a work week of 20-25 hours including attendance at meetings required by the Board, such meetings to be coordinated with the Mayor, it being understood that he would generally be in the Village offices at least 4 days per week. Further, the agreement would further provide for no additional benefits (health insurance, retirement plan, vacations, holidays, sick leave, life insurance). The final agreement shall be in a form agreeable to Mayor McIntosh, Brad Lytle, and Village Atty. John Groff.

BE IT FURTHER RESOLVED, that Mayor Louise McIntosh is authorized and directed to sign such agreement.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Abstain
Trustee Goodwin:	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 9:51 p.m.

/rmb

**Village Board of Trustees
EXECUTIVE SESSION
September 8, 2016**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:35 p.m. in Village Hall. Present were Mayor Louise McIntosh, Trustees Brad Lytle, Mike Skroskznik, Pat Gross and Bill Goodwin, and Village Attorney John Groff at which time they discussed the employment history of a particular person.

Discussion ensued.

At 9:03 p.m. a motion was made by Trustee Skroskznik, seconded by Mayor McIntosh, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye

/rmb