

**Minutes**

**Village Board of Trustees**

**August 9, 2007**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller and Walt Herbst, Village Atty. John Groff, Police Chief Mike Barton, Clerk-Treasurer Sharron Cunningham, Planning Board Member Mike Stenpeck, Fire Chief Arthur Sullivan, Deputy Clerk Michele Accavallo, and Manager's Assistant Rachel Baer. Also present were Donald Zeigler, 535 Watkins Road; Andrea Schumaker, 535 Watkins Road; Donna Greene, 2197 Grand Central Ave.; George Koliwasky, 303 Eleanor St.; Sue Ungvasky, 523 Hatfield St.; Scott Rodabaugh, of Enviromental Emergency Services, Inc.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 12, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

General Fund	\$547,119.46 (includes \$450,000 investment check)
Water Fund	\$ 82,443.28
T&A	\$ 910.86

and be it further

RESOLVED, that \$58,025 be appropriated from the Capital Reserve Fund for the following items:

- \$ 1,150: Fire Dept. Radio
- \$40,800: Water Reader Upgrade
- \$16,075: Repairs to Doors at Fire Dept.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the Justice Reports for July, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of July 24, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that the application by Horseheads Medical Center, of 2777 Westinghouse Road, for a Special Sign Permit be received, and same be forwarded to the Village, Town and County Planning Boards for their review and comment, and be it further

RESOLVED, that a public hearing regarding this application be scheduled for Thursday, September 13, 2007 at 7:05 p.m.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, NYS regularly funds Transportation Improvement Projects throughout the state, and

WHEREAS, the Interstate Route 86 Horseheads Bypass Project is soon to be completed and is graphically revealing new gateways to the Village of Horseheads, and

WHEREAS, the completion of I86 has and is providing a new insight and vision as to how transportation routes in the Village of Horseheads can be improved to enhance economic development, transportation and the environment in general, and

WHEREAS, Chris Lawrick, Director of Public Works, has consulted with the Elmira-Chemung Transportation Council regarding the parameters of an improvement project for Grand Central Ave. in the vicinity of I86 as well as consulting with Chemung County Executive Tom Santulli and NYSDOT Regional Director Peter White, among others.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby ask that NYS Senator George W. Winner, and NYS Assemblyman Thomas O'Mara support the Village of Horseheads in its application for consideration of Grand Central Avenue in the Village of Horseheads for a NYS Transportation Improvement Project.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Presentation by Environmental Emergency Services, Inc.

Scott Rodabaugh, Flood Engineer for NYSDEC, came forward and made a brief presentation on their services.

- They are requesting a \$500 contribution.
- Provides two separate services: flood warning service, and chemical hazard info team.
- Didn't have warning times to respond to floods years ago. So we formed this organization.

- Have installed stations, gauges, all supplement USGS Corps of Engineers, Nat. Weather Svce.
- Fed by satellite into computer at Corning FD. Volunteers come in and get real time information. Data also gets fed to DEC.
- Chemical hazard info team has chem experts available for emerg. FD would request through 911 that this team be activated. They can help assess what to do.

Discussion ensued regarding where these monies would come from in the budget. Clerk-Treasurer Cunningham reported that we could take it from Contingency.

Motion by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Environmental Emergency Services, Inc. of Chemung and Steuben Counties has requested the sum of \$500 from the Village for its 2008 budget for the performance of services to communities including the Village relating to flood warning and chemical hazard teams.

NOW THEREFORE BE IT RESOLVED, that the Village Clerk-Treasurer is directed to transfer \$500 from Contingency and establish a line item to be identified as payment to Environmental Emergency Services, Inc.. Said funds to be appropriated as available and paid to them on or about January 1, 2008.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Trustee Herbst - in our discussion with bargaining units, its been considered to form labor management committee to look into the issues raised. This would be separate from contract negotiations.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, the Village of Horseheads, the Horseheads Police Benevolent Association, and the Horseheads CSEA have proposed the forming of a committee to further the exchange of open dialogue, and to conduct regular discussions regarding labor management issues.

NOW THEREFORE BE IT RESOLVED, that a Labor Management Committee is hereby formed consisting of the following: a Trustee, the Village Manager, and a representative from each bargaining unit. Said Committee shall be authorized and directed to meet as needed and develop a process for meeting on a continuing basis.

Trustee Swartz - would you meet with CSEA and PBA together, or separate.

Trustee Herbst - together for general matters, separate for specifics.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that a Deputy Clerk is hereby authorized to attend the KVS Software Training Conference, August 20-22, 2007 in Buffalo, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Michael Detota of Big Flats, and Brian Coon of Horseheads to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Motion by Trustee Miller, seconded by Trustee Herbst, that the following items be added to the agenda:

- Koppers Pond - Authorize Payment of Invoices
- Police Chief Presentation on School Resource Officer

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads is a potentially responsible party in connection with the Koppers Pond Environmental Study and possible remediation, and in particular is a member of the Koppers Pond RI/FS group, and

WHEREAS, the Group is engaging consultants, engineers and other professionals in the performance of the duties, functions and purposes of the Group in connection with a Consent Order with the US EPA, and

WHEREAS, the consultants, engineers, suppliers and others from time to time invoice the Group for services provided and materials supplied, costs incurred, etc., and

WHEREAS, the Group has established a protocol or procedure for the review and approval, by a majority of the Group, of such invoices, and

WHEREAS, Leo M. Brausch, consultant to the Group, has been engaged to review the invoices as to appropriateness, accuracy, etc., and provides a recommendation regarding the approval, rejection, or approval with qualification of such invoices, and

WHEREAS, it is anticipated that these invoices will be received at irregular intervals but will require prompt action and authorization for payment by the Village of Horseheads as a member of the Group.

NOW THEREFORE BE IT RESOLVED, that the Village Manager, and in the absence of the Manager the Mayor, is authorized to execute on behalf of the Village from time to time approvals and consents of such invoices after having reviewed and approved, disapproved, or qualified approved same. This shall be a standing resolution authorizing such action until such time as this resolution is revoked or rescinded by this Board.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Presentation by Chief Barton - SRO/CRO:

- I was contacted some time ago on this, school wants a new set of descriptions - 10 mo. Agreement or 12 mo. Agreement
- Had an incident on the first day of summer school this year, so the need is there.
- This year summer school consists of 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> graders. In 2010, there will be high school kids in summer school.
- Not just Horseheads students
- My recommendation is that in years we have summer school that we have a 12 mo agreement. If not, we can have a 10 mo agmt.
- In the process of hiring another officer now, only leaves us with 1 relief guy. Having this officer in the summer could help relieve that.

Mayor Gross noted that there won't be a summer school at Horseheads next year, but there will be the year after that. She added that some costs for the officer were not included in the budget amount, but will be added.

Motion by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, Police Chief Michael Barton has reviewed a proposal from Chemung County in conjunction with the Horseheads Central School District for Community Resource Officer/School Resource Officer for the July 1, 2007 - June 30, 2008 fiscal year with the costs of the officer to be fully reimbursed from those two sources, and

WHEREAS, Chief Barton has recommended that the Village enter into 12-month contract, and that in future years this be reexamined and consider fluctuating between 12 months to 10 months on the basis of summer school being hosted by Horseheads Central School District.

NOW THEREFORE BE IT RESOLVED, that the Village is authorized to enter into a supply contract for a police officer on this basis, provisions to be referenced fully in an agreement between Chemung County and Horseheads Central School District when approved as to form by the Mayor and the Village Attorney, and that Mayor Gross is authorized to execute the agreement once it is in final form.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Trustee Herbst reported on the recent meeting on GASB 45. An actuarial company has submitted a proposal to provide actuarial service at a cost of \$4,200/year. Is required by law. Other areas that

they are experts in is health insurance benefits. They look at different options that we might have, show us different kinds of insurance, etc. They have already identified an area to help under Medicare Part D subsistence. Employer can claim prescription costs of their insurance. They have outlined \$8,000 in savings immediately. Looking to authorize this company to go forward. Atty. Groff to review contract.

Trustee Miller - Is the healthcare research part of the \$4,200?

Trustee Herbst - yes. They are doing the required GASB 45, in the hopes of getting further business.

Motion by Trustee Herbst, seconded by Trustee Miller

WHEREAS, presentations have been made by Health Economics Group, Inc. and Flexcare to address mandates of GASB 45, and also to provide health benefit evaluation services going forward including evaluation of existing Village health insurance plans and various alternatives, and

WHEREAS, this Board has received a recommendation from Clerk-Treasurer Cunningham and Trustee Herbst based upon their consultation with the representatives.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized to enter into consulting agreements with Flexcare and Health Economic Group, Inc upon review and recommendation from the Village Attorney.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Trustee Miller - meeting today with Al Edwards on new recreation director who starts on Aug 16.

Sharron Cunningham - Fire Chief asked me to mention that he received a grant for sprinkler safety trailer.

Sharron distributed copies of the postcards which will be sent to the households getting the first round of new water meters. We are starting in the old section of the Village. 800 accounts at first. Doing this in increments.

Chief Barton - press release going out on new LEAD Program. Law Enforcement Against Drugs. Using drug asset forfeiture money. Purchased some home drug testing kits for parents. Will help kids say no by saying that my parents test. Available at the high school. One test kit, tests 4 major drugs, one for alcohol. With information included for counseling.

Chief Barton reported that most department statistics will double this year. Reviewed various stats.

This speaks volumes for efforts by our police officers.

Chief Barton stated that he was supposed to attend a law enforcement exec training a while ago, but it was deferred. Its now being offered next moth. Needs Board approval. Can do on next board meeting.

Chief Barton added that he would like to discuss something in Executive Session if possible.

Mayor Gross asked if anyone has heard anything on the old police radios.? Nobody has heard anything. She said she would follow up on that.

Mayor Gross - what is going on with the STEG contract to administer our CDBG funds. Atty. Groff - Board should consider adopting a resolution establishing that the origination fee is to be paid from the CDBG funds as opposed to other sources, including the borrower. The Board already approved entering into a contract, but nothing about origination fee. Their proposed contract called for the fee to be paid by the Village.

Motion by Trustee Herbst, seconded by Trustee Miller

WHEREAS, this Board previously adopted a resolution authorizing engagement of STEG as a plan administrator for the economic development component of the Village's Community Development Block Grant, and

WHEREAS, the administration of those funds would result in the entitlement to an origination fee to be paid to STEG for its role in loans and loan administration.

NOW THEREFORE BE IT RESOLVED, that the origination fee shall be paid from the CDBG loan funds directly rather than being paid by either the borrower or from general Village funds.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Motion by Trustee Miller, seconded by Trustee Swartz, that this Board, the Village Attorney, and Police Chief move into Executive Session to discuss the financial and employment history of a particular person or entity.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

At 8:00 p.m. the Mayor, Trustees, Village Attorney, and Police Chief entered into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:15 p.m., the Board reconvened back into its regular meeting of this date.

Motion by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Appleridge Retirement Community, Inc. is the owner and operator of a senior citizen housing project in the Village of Horseheads, and

WHEREAS, the project was developed utilizing Revenue Ruling 63-20 as a foundation for financing, and

WHEREAS, the project has encountered financial distress which may have repercussions on the Village of Horseheads which are not immediately apparent nor easily identified, and

WHEREAS, it has been recommended to and is the opinion of this Board that the Board retain expert legal counsel familiar with the project's financing and in particular the implications of Revenue Ruling 63-20, and

WHEREAS, Village Attorney John Groff has consulted with a number of firms regarding providing legal assistance to the Village in this matter, and has reported the results of his investigation to this Board.

NOW THEREFORE BE IT RESOLVED, that Mayor Patricia Gross is hereby authorized to retain the legal services of Orrick, Herrington, and Sutcliffe, LLP (John Keohane/Douglas Goodfriend), and be it further

RESOLVED, that the cost and expense of legal services provided to the Village shall be paid for by Appleridge Retirement Community, Inc.. Proper Village officials are authorized and directed to secure necessary funds from Appleridge in advance, same to be held for the above purpose.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

As there was nothing further to come before the Board, the meeting was adjourned.

/rmb

**Village Board of Trustees**

**EXECUTIVE SESSION**

**August 9, 2007**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Walter Herbst, Village Attorney John Groff, and Police Chief Michael Barton, at which time they discussed the employment and financial history of a particular person or entity.

A lengthy discussion ensued between individuals present. No action was taken.

At 9:15 p.m., upon motion by Trustee Herbst, seconded by Trustee Miller, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst	Aye

/rmb