

**Minutes**

**Village Board of Trustees**

**August 9, 2012**

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 Donald Zeigler  
Trustee Ronald Swartz  
Trustee Larry Clark  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Village Manager Walt Herbst

Manager's Asst. Rachel Baer  
DPW Matt Mustico  
Code Enf. Off. Bob Young  
Fire Chief Arthur Sullivan

**Absent:**

Village Atty. John Groff  
Clerk-Treas. Sharron Cunningham

**Others Present**

Dave Padgett, W. Franklin St.  
Elton Shaw, Liberty St.  
T. George, Gardner Rd.  
L & J Trumbull, Fletcher St.  
Brandon George, Gardner Rd.  
Vickie Everett, Greenridge Dr.  
Sue Hostettler, W. Broad St.  
Mike Skroskanik, Center St.

Earl Pratt, Watkins Rd.  
Kenneth Andrus, Lynhurst Ave.  
Dan Coon, Segar Rd.  
Ricky Skebey, W. Franklin St.  
Rob Malone, Westlake St.  
Dot Gebhart, Bitlmore Dr.  
Carl & Pat Gross, W. Broad St.  
Several Members of Hhds. Fire Dept.  
News Media

Mayor Zeigler and Parks and Rec. Director Nate Nagle made a special presentation to the Village lifeguards on their recent rescue of a little girl at the swimming pool, Shay Law. Nate Nagle presented awards to lifeguards who were on duty that day:

Kelby Hollenbeck  
Natalia Cowilich  
Kristen Breitung  
Connor Everett  
Haleigh Farrell  
Megan Byers  
Dylan George

Mayor Zeigler also presented the Village Fire Dept. with a plaque honoring their assistance during the recent severe storm damage. He presented the plaque to Fire Chief Arthur Sullivan.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 12, 2012 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 Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Clark, seconded by Trustee Peters

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

General	-\$156,403.21
Water	-\$28,149.72
T/A	-\$819.42

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Financial Report:

Manager Herbst reported that YTD receipts are up 84K from last yr. Expenses appear to be up, but we paid the blacktop bill for 290K in June. On the Water side, revenue is up about 8,800. Expenses are down from last year 5,300.

Village Manager Herbst declared open a public hearing on a proposed local law authorizing payment of fines, etc. by credit card. Nobody came forward to speak. Manager Herbst then declared the public hearing closed.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, the Village is considering a local law Authorizing Payment of Fines, Civil Penalties, Taxes, Fees and other Amounts by Credit Card, and

WHEREAS, this proposed local law was presented to this Board on July 2, 2012, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a

public hearing regarding same was held on August 7 , 2012 and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Authorizing Payment of Fines, Civil Penalties, Taxes, Fees and other Amounts by Credit Card is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Peters, seconded by Trustee Koliwasky

WHEREAS, Economic Opportunity Program, Inc. of Chemung County (“EOP”) has applied to the Village of Horseheads for the use of portions of Sullivan Park and Maple Grove Lane field and other facilities for the conduct of an event known as the Southern Tier Jazz Festival on August 17-18, 2012, and

WHEREAS, EOP has also requested that the Village Board grant special permission to allow possession and consumption of alcoholic beverages in a designated area of Sullivan Park in connection with the Festival, and

WHEREAS, Village Code Chapter 76 regulates possession and consumption of alcoholic beverages in open containers on Village property, and

WHEREAS, this Board is advised and believes that events of this nature do not historically present public safety issues with respect to possession and consumption of alcoholic beverages.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby grant to Economic Opportunity Program, Inc. special permission waiving the prohibitions of Village Code Chapter 76 as follows:

1. Glenora Wine Cellars, the approved vendor of alcoholic beverages for the event, shall provide the Village with an Indemnification Agreement in a form approved by the Village Manager and shall cause the Village of Horseheads to be named as an additional insured on its public liability insurance policy in an amount not less than \$1,000,000.
2. The waiver of the application of Chapter 76 shall apply to the westerly portion of Sullivan Park, bounded on the south by Sayre St., on the west and north by Thorne St., and on the east by the pool area, excluding streets, as more specifically depicted on the map placed on file with the Village Manager.
3. EOP shall agree to indemnify and hold the Village harmless with respect to the event and the permission granted herein shall provide the Village with an

indemnity agreement in a form acceptable for the Village.

4. This permission is contingent upon Glenora Wine Cellars filing with the Village proof of its authorization from the NYS Alcoholic Beverage Control Board, to sell alcoholic beverages off-premises.
5. This special permission is granted for August 18, 2012 from 12:30 pm through 7:00 pm local time.
6. The permission granted herein may be revoked at any time by the Village Manager, without prior notice, in his sole discretion.

Trustee Koliwasky - the Village is providing police coverage? Manager Herbst - yes, at least one officer full time, plus security supplied by EOP.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that due to the rescheduling of the State and Local Primary Election to September 13, 2012, the regularly scheduled Village of Horseheads Board Meeting of the same date is hereby rescheduled to Tuesday, September 11, 2012 at 7:00 p.m.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Peters, seconded by Trustee Swartz

BE IT RESOLVED, that the Village of Horseheads hereby establishes the standard work days for **elected and appointed officials** per the attached schedule, and will report the days worked to the NYS and Local Employee's Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	SS# (Last 4 Digits)	Regis. #	Standard Work Day  (Hrs.)	Term  Begins/Ends	Participates  in Employer's  Time Keeping System	Days/  Month (Based on ROA)
<b>ELECTED OFFICIALS</b>							
MAYOR	Donald W. Zeigler	xxxx	xxxxxxx	6	12/11-12/15	N	10
TRUSTEE	Ronald R. Swartz	xxxx	xxxxxxx	6	12/08-12/12	Y	10
TRUSTEE	Suzanne Peters	xxxx	xxxxxxx	6	12/08-12/12	N	10
<b>APPOINTED OFFICIALS</b>							
VILLAGE MANAGER	Walter J. Herbst	xxxx	xxxxxxx	8	12/09-12/12	Y	20
VILLAGE ATTORNEY	John G. Groff	xxxx	xxxxxxx	6	12/11-12/12	N	10
CLERK-TREASURER	Sharron Cunningham	xxxx	xxxxxxx	8	12/08-12/12	Y	20
DEPUTY CLERK	Donna Hartsock	xxxx	xxxxxxx	7.5	12/11-12/12	Y	20
DEPUTY TREASURER	Michele Accavallo	xxxx	xxxxxxx	7.5	12/11-12/12	Y	20
CODE ENF. OFFICER	Robert Young	xxxx	xxxxxxx	8	12/11-12/12	Y	20
MASTER MECHANIC	Arthur F. Sullivan	xxxx	xxxxxxx	6	12/11-12/12	N	10

AND BE IT FURTHER RESOLVED, that the Village also establishes the standard work day for its **employees** per the attached schedule and will report days worked to the NYS and Local Employees' Retirement System or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs./day)
<b>EMPLOYEES</b>	
PARKS AND RECREATION DIR.	8
POLICE CHIEF	8
POLICE SERGEANT	8
POLICE OFFICER	8
PUBLIC WORKS DIRECTOR	8

Manager Herbst noted that this is to bring our former resolutions in conformity due to recent state legislation changes.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads owns and operates a Water Department and water supply and distribution system which supplies water to customers inside and outside of the Village limits, and

WHEREAS, the Village of Horseheads Board of Trustees acts as the Board of Water Commissioners of said Department, and

WHEREAS, Village Law Section 11-1116 permits the Board to adopt rules and regulations for the collection of water rents and relating to the use of water, and

WHEREAS, this Board has heretofore adopted such rules and regulations and has reviewed proposed revisions to same, and

WHEREAS, this Board has received recommendations from Village Manager Walt Herbst and Water Dept. personnel that said Proposed Rules and Regulations be adopted.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby adopt the proposed Water Rules and Regulations last dated July 2012, the same to be effective immediately, and be it further

RESOLVED, that a copy of the Rules and Regulations be placed on file with the Village Clerk and with the Water Department.

Trustee Koliwasky - the interest rate charged on unpaid water bills, did we make that up, or is that an industry standard. Manager Herbst -I believe that is set, but I can check on that.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that Parks and Recreation Director Nate Nagle is hereby authorized to attend the National Parks and Recreation Association Congress, October 15-19, 2012 in Anaheim, CA with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, the Village of Horseheads is the owner of vacant real property commonly known as 901 South Avenue, Horseheads, NY which was the former site of a Thomas and Betts manufacturing facility (LRC), and

WHEREAS, buildings and improvements on this site have been cleared and prepared for subsequent development and possible sale, and

WHEREAS, it has been determined by this Board that the property is not necessary for the Village of Horseheads' municipal or public purposes.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby declare the above-noted real property to be surplus, and be it further

RESOLVED, that the property shall be offered for sale for a fair and adequate consideration, and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to offer the property for sale by public auction or negotiated sale, as he in his discretion deems appropriate. Further, the Village Manager is authorized to list the property for sale with one or more real estate brokers of his selection, and be it further

RESOLVED, that the Village Manager is directed to present any offers received for the purchase of said property to this Board for its review, acceptance, conditional acceptance and/or rejection.

Manager Herbst - because its already zoned PUD the prospective buyer would have to include its plans for the site and would have to conform to those approved plans.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads is the owner of real property commonly known as 657 W. Broad St. having recently acquired the same from Margaret Berger, and

WHEREAS, this property is improved with a single family dwelling, garage and outbuildings, and

WHEREAS, the property was acquired for future expansion of Maple Grove Cemetery and/or other municipal purposes, and

WHEREAS, Village Manager Herbst has recommended to this Board that the parcel be subdivided in such a way as to allow for the retention of the rear portion of the parcel for the above purposes, and for the sale of the north portion of the parcel which is improved with a dwelling, garage, etc.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is hereby authorized and directed to cause the above-noted parcel to be divided into two portions with the improved north portion of the parcel to be offered for sale and the rear portion to be retained by the Village with the actual subdivision line to be fixed by the Village Manager, and be it further

RESOLVED, that the improved portion is hereby deemed to be surplus, as it is no longer needed for municipal purposes, and be it further

RESOLVED, that the Village Manager is hereby authorized and directed to offer the improved portion of said property for sale by public auction or negotiated sale, as he in his discretion deems appropriate. Further, the Village Manager is authorized to list the property for sale with one or more real estate brokers of his selection, and be it further

RESOLVED, that the Village Manager is directed to present any offers received for the purchase of said property to this Board for its review, acceptance, conditional acceptance and/or rejection.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

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

- Schedule Special Board of Trustees Meeting

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Resolution by Trustee Peters, seconded by Trustee Koliwasky

BE IT RESOLVED, that a Special Board of Trustees Meeting is hereby scheduled for Thursday, August 16<sup>th</sup>, 2012 at 8:00 a.m.

Manager Herbst stated that the purpose of the special meeting is to approve probationary appointments to the Fire Dept.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye
Trustee Peters:	Aye

Trustee Peters- the Mayor and I watched a webinar on 5 year financial planning, and property tax cap update. I found it very informative.

Trustee Swartz - thanked Nate for his leadership of the lifeguards.

Trustee Clark - Met Life property next on Broad St. looks good. Great improvement.

Trustee Koliwasky - thanked Fire Dep't. for their assistance during tornado. Matt Mustico and our own DPW helped out a lot too.

Trustee Koliwasky - I86, who maintains the weeds coming into the Village. Does the state do it?

Manager Herbst - I believe they will leave as is.

Manager Herbst commended everyone honored tonight, Nate's staff worked so well. The Fire Dept. during the storm helped patrol every street to make sure there were no wires down, etc. We have a lot to be proud of.

Mayor Zeigler - Moose Club officials were in town to look at new facility. Five governors from east coast were there.

Mayor Zeigler - Linear Park, people adopting sections to help maintain.

Matt Mustico - thanked Village for extending their help during tornado. Lots of village workers came down for days to help with the clean up.

Matt Mustico - On Lynhurst Ave., between Myers and Bowers, replacing culvert starting Monday. Road will be closed for 3 weeks.

Audience Participation:

Dave Padget, W. Franklin St. - we need a new sound system in here.  
Manager Herbst stated that we are working on it, and it will be taken care of soon.

As there was nothing further to come before the Board, the meeting was adjourned at 7:52 p.m.

/rmb