

May 9, 2013

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  
Deputy Mayor Ron Swartz  
Trustee George Koliwasky  
Trustee Larry Clark  
Trustee Mike Skroskznik  
Village Manager Walt Herbst  
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Donna Hartsock  
Manager's Asst. Rachel Baer  
Code Enf. Officer Bob Young  
Justice William Driscoll

**Others Present**

Elton Shaw, Liberty St.  
Dave Padgett, W. Franklin St.  
Penny & George Kastenhuber, John St.  
Janice Murray, Millport  
Wayne Brubaker, Gardner Rd.  
Terry Clark, Tift Ave.  
Jean Quinn, Gardner Rd.  
Virginia Connelly, Perkins Ave.

Agnes Peters, Mallory Hill Rd.  
Tom Rupp, Tift Ave.  
Carol Gonzalez, Bush Ave.  
Brad & Debi Lytle, Grand Central Ave.  
Elliott Blauvelt, Jr., Fletcher St.  
Pat Gross, W. Broad St.  
Scott & Jessica McGrain, Gardner Rd.  
News Media  
Several students from Hhds. High School

Officer Scott McGrain presented a donation for the packhorse statue.

Deputy Mayor Ron Swartz - took a year to raise funds. It will be a totally bronze statue. Cost is over \$20,000 and will be paid for entirely by donations. The unveiling will be on May 18<sup>th</sup> at 10:00 a.m.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the April 25<sup>th</sup>, 2013 Village Board Meeting be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Clark, seconded by Trustee Swartz

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

General:	138,453.04
Water:	31,288.81
T/A:	1,027.44

BE IT FURTHER RESOLVED, that \$33,459.03 be transferred from the Capital Reserve Fund for the following:

\$28,827.89 - New Police Vehicle;  
\$ 4,631.14 - Pool Cleaning Equipment.

**May 9, 2013 (cont'd)**

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Financial Report -

Manager Herbst - General you can see that we are beginning to experience a decline in revenue, much of that is due to sales tax. We had in our 5 yr. plan a concern about where we would be. As we move forward we need to be even more careful. On the water side we are under about \$13K, but we will be doing another billing.

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the minutes of the Planning Board Meeting of April 23, 2013 is hereby received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Clark, seconded by Trustee Skroskznik

BE IT RESOLVED, that Part Time Court Clerk Kristen Schehr is hereby authorized to attend the SEI User Group Training Meeting, May 20<sup>th</sup>, 2013, in Chenango, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Discussion - School Resource Officer -

Trustee Skroskznik - we need to expedite the grant application to extend our SRO, like we did in 2001. I simply ask the Board to direct the mgr. to file the grant application to receive the funds. It would be over a 3 yr. period, but no new costs. This would simply extend the position.

Trustee Koliwasky - Does the County have talks with the school on this issue.

Manager Herbst - Yes.

Trustee Koliwasky - so right now the Sheriff has an SRO in Elmira and Boces schools, so if they get Horseheads wouldn't there be continuity in information? If one dept. is handling all the SRO's, seems it would be more consistent, more information communicated. We discussed this a while ago and we talked about the SRO program, at that time you felt Sheriffs Dept. was doing a good job at Elmira, why wouldn't you feel they would for Horseheads as well?

Trustee Skroskznik - Sheriffs office doesn't have an agmt with Horseheads. It was only prelim discussions. There is no obligation. We have an obligation for the Village to maintain security. Now we have the funding. There should be no excuse not to expedite this grant. In addition, the Sheriffs office is currently not in Elmira school district. Officer Holmes at EFA, and another at Ernie Davis - both are Elmira Police Dept. officers.

Trustee Koliwasky- we have an SRO in the high school. We have other schools in the Village. What if they all want one - where do we get the funding for all that? Grants are fine but eventually

the money dries up. I've brought this up in budget discussions before, why we are paying for this.

Manager Herbst - according to Supt. Ralph Marino, there will be an SRO in the school. As far as the finances, even if we qualified for this grant, we go down this road in three years we will need approx 10% tax increase in addition to any other increase we need to maintain services to fund this position. We will have depleted our reserves by then. In 2017, we are essentially in the hole by \$163,000. If we don't make changes we are in dire straits. We follow the same pattern as City of Elmira. If you look down the road, we have to make changes and be prudent. While you might think the grant is great, when it expires and you have an expense of \$89K to maintain that officer, we're already in the hole by \$60,000. Lets look at the grant itself, it is for 3 things only: - hire a new officer - can't do that; or its to rehire officers already laid off, or rehire officers who are currently scheduled to be laid off on a specific future date. We don't meet any of those requirements.

Trustee Skroskznik - this is to renew services we already provide.

Manager Herbst - the grant does not provide for that.

Trustee Swartz - have other towns contributed to the cost.

Manager Herbst - no. They all feel its a school problem. We have to consider our own residents. We have 6500 residents, 256 are students at the high school. Should those households be paying for an SRO to secure students from other areas.

Trustee Swartz - has school approached other towns on this?

Manager Herbst - I don't know. We have though. Town of Hhds. has said in writing they do not want to participate.

Mayor Zeigler - goal is to keep financial stability of this Village. Things like this add to the burden. Now we have a shortfall in sales tax of \$97K. Yes we are going to have to make changes.

Motion by Trustee Skroskznik to direct Manager Herbst to make this application for this grant.  
Nobody seconded motion.  
Motion dies.

Motion by Trustee Koliwasky, seconded by Trustee Swartz, that the following items are added to the agenda:

- Justice Reports
- Budget Amendments - Vacant Position
- Koppers Pond - Sediment Samples
- Well #5 Filtration - SEQR

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the Justice Reports for April 2013 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

**May 9, 2013 (cont'd)**

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads maintains a Police Department, and an officer of that Department recently resigned his appointment, his last pay date being May 3, 2013, and

WHEREAS, Village Manager Walt Herbst has recommended, for reasons of economy, that the above-noted position be abolished effective immediately.

NOW THEREFORE BE IT RESOLVED, that the position of William Goodwin as Officer of the Village of Horseheads Police Department is hereby abolished effective immediately, and be it further

RESOLVED, that the Budget for the Village of Horseheads for the **FY2012-2013** is hereby amended as follows to reflect the resulting budgetary changes:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
3120.128	1990.477	\$3,504.89

BE IT FURTHER RESOLVED, that the Budget for the Village of Horseheads for the **FY2013-2014** is hereby amended as follows to reflect the resulting budgetary changes:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
3120.128	1990.477	\$48,231.00

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads is a member of Koppers Pond RI/FS Group, an unincorporated association, and

WHEREAS, the Group is charged with studying, evaluating and possibly remediating alleged contaminants in an area commonly known as "Koppers Pond" subject to the oversight of the US Environmental Protection Agency, and

WHEREAS, the EPA has indicated a willingness to consider a monitored natural recovery remedy subject to the collection of additional sediment samples on a fast response basis which would be used to develop a proposed plan, and

WHEREAS, the cost of these additional samples and processing should not exceed \$40,000 to be shared by the Group, and

WHEREAS, the project cost savings could be dramatic if the additional sampling warrants the monitored natural recovery remedy.

NOW THEREFORE BE IT RESOLVED, that this Board authorizes the collection of additional sediment samples and payment of costs associated therewith.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the Village owns and operates a public water supply system, and

WHEREAS, Well #5 in the vicinity of the intersections of Ridge Road and Ithaca Road in the Town

of Horseheads is an integral part of such system, and

WHEREAS, Well #5 was determined to be a source of groundwater under the direct influence of surface water, and

WHEREAS, the Village has researched a number of alternatives to address that circumstance one of which being the treatment of groundwater supplied by Well #5, and

WHEREAS, the Village retained the services of Wendell to assist in the evaluation of options, costs, considerations, etc. as well as grants and other funding sources for implementation of the various alternatives, and

WHEREAS, as a result of such efforts a design for a water filtration system was developed and submitted to the Chemung County Health Department, and FEMA, among others, for approval and funding, etc., and

WHEREAS, the design has received necessary approvals and award of grant funding for a majority of the project has been received, and

WHEREAS, the Village of Horseheads entered into a Consent Order with the Chemung County Health Department on April 17, 2013 to address Violation ID #2013-5414, and

WHEREAS a project of this nature could be an Action requiring review under the NYS Environmental Quality Review Act and rules and regulations promulgated thereunder, and

WHEREAS, Village of Horseheads staff and consultants of Wendell have reviewed the proposed Action, the Act and rules and regulations, giving particular attention to the potential environmental impacts of same, and have offered opinions that the action is a Type II Action (as identified in 6 NYCRR Part 617.5 (c)(7) and (29)) in that the project would entail construction of a structural facility less than 4,000 sq ft. of gross floor area, and also is an action specifically required to be undertaken pursuant to an Order.

NOW THEREFORE BE IT RESOLVED, that this Board as an undertaking agency and funding agency hereby determines that the above project is a Type II Action and accordingly is not subject to the review requirements of SEQR.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Audience Participation:

Tom Ruup, - heard they will replace SRO with a deputy sheriff. Agencies don't share information with each other. I don't like having an SRO first of all. I don't want to see a few years from now the Sheriffs cars driving through the Village.

Cynthia, 104 Ryan Circle - this officer has done more for me and my family. I hope that you do know what your doing. He's very caring to all the people I know.

Agnes Pierce, Mallory Hill Rd. - I'm shocked and upset that this was shut down. I have so much anger. My daughter had problems at school, and there was nobody else there to help her. He went so far above and beyond to help her. I think if it was put to a vote, then maybe other towns would contribute. My daughter missed a month of school, and it was because of Officer McGrain that she was able to come back.

Several students from Horseheads High School made comments regarding the SRO Officer Scott McGrain.

George Kastenhuber, John St. - how much will this raise our taxes to keep the SRO in there. What really upsets me is that that there is a grant out there. If it was for an energy study you would have snapped it up. You always want to get on the bad side of the Police Dept. The one thing I don't think you guy see is you going over to the school, walking through, see what goes on on a daily basis. He knows the trouble areas. A new officer will take so much time to adjust to that.

**May 9, 2013 (cont'd)**

Motion by Trustee Swartz, seconded by Trustee Clark that the Board go into an Executive Session to discuss the status of collective bargaining negotiations, along with the Village Manager, Village Attorney, and Jim Roemer, Esq.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

At 8:03 p.m. the Village Board, Village Manager, Village Attorney, and Jim Roemer, Esq., moved into an Executive Session, the minute of which are attached hereto and made a part hereof.

At 9:12 p.m. the Board reconvened back into its regular meeting of this date.

As there was nothing further to come before the Board, the meeting was closed at 9:12 p.m.

**Village Board of Trustees  
EXECUTIVE SESSION  
May 9, 2013**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:05 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Larry Clark, and Mike Skroskznik, Village Attorney John Groff, Village Manager Walt Herbst, and James Roemer, Esq. of Roemer Wallens Gold and Minneaux, at which time they discussed the status of collective bargaining negotiations. No action was taken.

At 9:10 p.m., a motion was made by Trustee Swartz, seconded by Trustee Skroskznik, that the Executive Session be adjourned, and that the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Respectfully submitted,

Sharron Cunningham  
Clerk-Treasurer

/rmb