

Minutes

Village Board of Trustees

September 10, 2020

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. in Village Hall.

Present were:

<u>Village Board and Staff</u>	
Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin - Absent Trustee Mike Skroskznik - Absent Trustee Mark Cronin	Village Manager Nate Nagle Clerk-Treas. Donna Dawson Manager's Asst. Jessica Molter Attorney John Groff Jamie Burgess- Code Enforcement Melanie Smith- ZBA
<u>Others Present</u>	
Ron Swartz, Renwick Lane Suze Wallen, Lititz, PA Ryan Wheeler, Canal Street Marc Terpolilli, Sayre Street	Kim Seymour, Horseheads Jerry Zupky, Horseheads Elliott Blauvelt, Fletcher Street Caitlin McGurgan, Hulett Street

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of July 9 and August 13, 2020, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Clerks Financial Report:

Donna Dawson: Detail and summary report: doing well, should be at 25% of the budget and are currently at 19% expenses on water and 23% general, have paid YTD all workers comp and liability insurance left \$4,900 left on the table between water and general.

93% property tax has been received

Should Receive CHIPS money by Oct for money spent

Sales Tax- doing well and on target we had lowered anticipated to \$1,000,000 from \$1.2 million

Water arrears report- there's a balance carried forward and it is inching up. Last billing cycle \$31,000 left unpaid by users and cannot charge penalties or shut off. Will probably continue to grow.

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that the reading of the minutes of the Planning Board Meeting of August 24, 2020, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that the reading of the minutes of the Traffic Commission Meeting of August 31, 2020, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Item #5 Regarding Lot 102 for Kennedy Drive:

Jamie Burgess, Code Officer: This was a lot that was not being kept up with, they are already building the foundation, and everything is on schedule.

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that this Board is in receipt of an application for Subdivision Approval regarding two building lots located on Kennedy Drive in the Village of Horseheads, and be it further

RESOLVED, that a public hearing regarding said application is hereby scheduled for Thursday, September 24, 2020 at 7:00 p.m.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Security Breach Information Law

Attorney Groff: Information Security Breach law is in place now to protect private info of individuals and that we provide notice under certain circumstances to state of NY

The Law changed that the Local Law was based on to identify additional info to be protected and establish additional thresholds to be implemented. We are updating the existing law to comply with NYS mandate.

This is regarding information that would be collected by the clerk's office in course of their work, and would also include certain information within the courts and police department. It is a law we need to adopt, and it is not optional. We are setting the public hearing for the public to express their views.

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, September 24, 2020 at 7:00 p.m. regarding the Proposed Local Law: Security Breaches of Information, repealing Local Law #4 of 2012.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Attorney Groff: In response to some issues that were raised previously in respect to noise and regulation/control

There are two ways of addressing- utilize decibel meter & measure sound scientifically - we don't have the technical ability as it requires equipment and training

Regulate on unreasonable vs. reasonable which is subjective

Typical approach of most municipalities would be what is unreasonable. Essentially assessment of multiple things and whether unreasonable to a normal person. Intensity, nature of it, human or nature made, background noise, proximity, nature of zoning, time of day, duration, volume, continuous or impulsive, multiple complaints, etc. These are the factors that are looked at by the courts. Unreasonable is defined as noise created or caused that either annoys / disturbs / injures or endangers the comfort, repose, health, peace or safety of the public, endangers animal life or causes damage to property or businesses. There are other elements of the law in terms of man-made noise (machineries, motor vehicles, etc.) based upon necessity of the noise and if efforts are made to minimize or reduce it.

There are penalties for violation. Most officers are not present at time the incident occurs and have not observed the violation. It requires participation by the complainant that is troubled by the noise. It is custom in law enforcement for the complainant to file a complaint, code will assist with how the law is applied and what information is needed for a judge to make a determination of violation and take action. Because it is not typically observed, documentation is needed. Present the documentation to court and it is up to the court to make the decision if it is a violation or not. Penalties apply if found in violation either financial or jail time or both.

Trustee Cronin: When was this last updated?

Attorney Groff: 2005. It can be changed, but it is comprehensive. It does require proof of unreasonable. The law talks about different scenarios to recognize noise during typical work hours as what is tolerated/ reasonable. Different day / time may be unreasonable.

Mayor Maloney: Know of a few complaints regarding jake brakes on trucks on Westinghouse.

Attorney Groff: We don't regulate Westinghouse Road; it is a state highway. NYSDOT or state police / sheriffs would be who to contact for complaints.

Manager Nagle: Martin Butler, traffic engineer gave the following information: Jake brake signs are not allowed as they are a safety feature and are allowed by highway law and noise limit sign are allowed but would only install them if local enforcement had instruments and training to record the noise level and expressed commitment to enforce this on a periodic basis. If we are willing to make the commitment and finance it, they would be willing to put the signs in. The noise limit is at 90 decibels and we would have to purchase the equipment.

Mayor Maloney: Is equipment reasonable and affordable? Can we look into it?

Manager Nagle: Yes, we will look into it

Attorney Groff: We can explore it

Donna Dawson: Previously worked for many years in safety and health in corporate environment. Could we ask Corning Inc or Holding Point if they have one to loan us to see if it is worthwhile?

Jamie Burgess: No one has them. State police has to call someone down from Bath to do special sound-targeted control.

Mayor Maloney- Would like to look into it to see if we should have it

Manager Nagle: Annual NYCOM conference is virtual typical a fee of \$350, this year it's \$99/ person. Would like to purchase 3 slots for staff and elected officials, look at the agenda and see which items they are interested in. All on zoom from 9/22 - 9/24/2020.

Topics include running meetings, establishing accounting reserves, open meeting laws, operations plans for emergencies, finance fundamentals, social media, work/life balance & stress management, updates from Albany, cash flow, work from home and managing employees at a distance, understanding FOIL, policies and procedures, ethics, managing budget, procurements, e-bikes/e-scooters, water & sewer, fraud prevent, political signs/protests, etc.

Mayor Maloney: Well worthwhile

Trustee Cronin: Agreed. It would be good to have training for us and staff too.

Manager Nagle: Would like to set up 3 stations in Village hall and have it set up like the agenda and signs for the topics for who wants to attend where.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads is a member of the New York State Conference of Mayors, which conducts multiple trainings and education programs for municipal officials throughout the year including a traditional fall training school for City and Village officials and,

WHEREAS, the Village has a long-standing history of sending Village officials and staff to the training school, benefitting immensely from the various trainings such officials and staff receive at the school and bring back to the Village, and

WHEREAS the Fall Training School shall be conducted as a virtual event in lieu of the traditional in-person training event with a registration fee of \$99.00 per official who attends, and

WHEREAS, Village Manager Nathan Nagle has requested authorization to attend this training school virtually, and has recommended the purchasing of two (2) additional registrations to allow Village staff and officials to attend specific meetings in an area of special interest to them, both at a historical cost savings to the Village in lieu of in person attendance.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized to

attend the NYCOM virtual fall training school September 22 through September 24, 2020 with the purchase of an appropriate registration fee for him and with authorized to purchase two (2) additional registrations, the latter if feasible and permissible by NYCOM policies and procedures.

BE IT FURTHER RESOLVED, that Manager Nagle and such Village officials and staff who attend the training school shall have all expenses paid as are allowable under Section 77-B of the General Municipal Law.

Roll Call Vote:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Cronin	Aye

Mayor Maloney: Amend and add-on to the meeting for the fire department grant

Attorney Groff: We need a resolution and for information for the grant be submitted to the village manager to review because of the short notice and for him to have the ability to approve once received or take care of this at a future meeting. Trying to expedite this but need to recognize that we do have a grant policy for data and so forth to be presented. There is no local match that is required from the Village.

Mayor Maloney: FEMA put this out originally in June. It was such a short turnaround timeline that not many applied for and they put it back out again. Especially for smaller communities This grant is to be used for COVID related Personal Protective Equipment.

Ryan Wheeler: Has a list of information the grant pertains to and will complete the grant application and provide the information to Manager Nagle. This is in no way connected to grant for air packs submitted previously.

Attorney Groff: We are trying to find a vehicle for you to go forward with this and still follow policy.

Manager Nagle: When is the deadline?

Ryan Wheeler: Unsure, as it hasn't opened yet.

Mayor Maloney: It's expected to open in the next few days. Worried if we wait to act on it on the 24th it will be too late.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS FEMA had a grant program offering to provide reimbursement to municipalities throughout the country for COVID related Personal Protective Equipment, and

WHEREAS, FEMA has reopened it's grant application process for such reimbursement for Personal Protective Equipment gear, affording the Village of Horseheads Fire Department an opportunity to apply for a grant at this time in a maximum amount of \$3,000, requiring no local match, and

WHEREAS, the details regarding this grant have not been fully provided to the Manager's office for review in accordance with the Grant Application and Administration Policy but nevertheless it appears on the basis of the information currently available that the application for this grant is

appropriate.

NOW THEREFORE BE IT RESOLVED, that the grant information and data be provided to the Village Manager as soon as practical. In the event that the Village Manager concludes that it is appropriate to proceed with the application on the basis of the above understanding he shall have the discretion to authorize pursuit of the grant application and submission to FEMA as soon as is practical.

Roll Call:

Mayor Maloney

Trustee Gross

Trustee Cronin

Audience Participation:

Elliott Blauvelt: Understand that Empire is available for commercial. When will residents be able to get it?

Manager Nagle: Was in contact a few weeks ago. It is looking at late October, early November.

Will get more detailed information

Elliott Blauvelt: Is there a problem?

Manager Nagle: On Empire access side, yes. Maybe financial, they may have not been considered essential staff, lack of supplies, etc. unsure as to what the issue was.

Caitlin McGurgan: August minutes not online prior to the meeting tonight. Will this be the new normal?

Jessica Molter: They will be up tomorrow

Manager Report:

Press conference by Moss regarding Lighthouse Baptist. 20 people had tested positive 8/18 - 9/6. If you were at that facility or know anyone that was you are asked to get tested and/or ask the person that was in contact to get tested.

County is not going into quarantine. They were able to reach out to 80 contacts of those tested positive and they are under self-quarantine for 14 days. Infected individuals are in 5 counties. Currently Schuyler- 2, Chemung- 20, and several tests are still pending. More will be tested. This is under investigation with the state and each health departments in the region have been notified

Pedestrian safety plan- awarded grant. There is no initial financial commitment from the Village. The Village will have responsibility of maintenance for upkeep of crosswalks and signs. The work will be going out to bid soon and then awarded and we will have to create a resolution. This is for signs, crosswalks, and ADA ramps. South Main is complete. Requested other areas to supplement the work already done on South Main. Will be completing the signage around the school this year.

CHIPS: NYS has officially taken 20% from our program (CHIPS, Pave NY and Emergency Winter Recovery) NYS has taken 20% out of each category. Start with 172K, state took 20% 128K rolled over \$30K Pave NY started with \$39K, left with \$31,500. Emergency Winter Recovery started with \$31,800 now with \$25K.

Roads are finished. We knew they could take the \$ away and prepared. Successfully able to complete 2020 season under 80% of budget and were able to put in signage on S Main.

Reimbursed 161K received and paid invoice for. Oil and stone and needs to be submitted for \$16K and need invoice for slurry- should be ~\$45K. Potential rollover \$3,700 into next season. Probably end up putting new signage from rollover before using village funds.

NYS took a little over \$48K total

Policy: Telework/work at home. We do not have one currently. The Pandemic has put everyone in a place where that is a possibility Did allow some to work from home in the Spring. Have a draft of the policy. Do we continue with this or not consider it?

Attorney Groff: Draft policy and agreement. Policy would allow (discretionary) in the event it is needed and appropriate for employee to work from home / off premises. There are requirements regarding safety and preservation and securing of records. Same policies subject to if working at the Village or regular work site would still apply. It is clear it's not to allow for caregiver services while working from home. Comprehensive yet flexible. Can be terminated any time if determined unworkable based on personnel of situation

Mayor Maloney: Would be case by case? Some positions can't do it.

Attorney Groff: Really can only be performed by clerical and administrative. May need off site access to village server. Not suitable for most DPW and Police.

Mayor Maloney: Was it based on something from other communities?

Attorney Groff: Based on a lot of research and different policies and working with the manager to determine which would pertain to the Village. For your thought and review. May need something of this nature in the future.

Past Monday- governor signed into law the we have to create an operation plan for pandemics. Need to submit something preliminary by 2/4/2021 and need to be completed and submitted by 4/1/2020. Sessions in NYCOM meeting regarding this topic.

Looking into are we having Holly Days or not. Cannot give an answer tonight. If forced to, would say no tonight but will need to make a decision soon. Will make a resolution when it comes to the time or cancelling or proceeding with the event.

Attorney Groff: Governor established order cannot collect late fees or turn off water. Entire time state of emergency is in place +180 days afterward. Blanket coverage concept to consider - create 1 policy for everyone rather than 2. How much time do we want staff to research someone that says they have been affected by COVID and that's why they aren't paying.

Manager Nagle: Brought in March and need an answer.

Attorney Groff: State Policy gives no option to those affected and certified they are affected. There is a payment plan for delinquent customers. The water bill is not being waived (water charges) may be deferred or paid for in installments after the period is up. Effectively written agreement in place with customer and Village

Donna Dawson: Casual agreement now- pay off so much a month and send an informal letter from the Clerk's office

Attorney Groff: State allows of the formalization of payment agreement.

Mayor Maloney: Draw up formal procedure if someone needs to delay payments and provide a payment plan?

Attorney Groff: For anyone that is asking for it vs. those effected by the virus

Trustee Cronin: What do you normally ask for?

Donna Dawson: 50%

Manager Nagle: Late fees annually is typically \$10,000 and cannot collect it at all now and any deferment that takes place between now and 180 days there will be no late fees. Day 181 can charge late fees. Then make determination of when the shut off date is after that. Do realize the potential cash flow problem. We will get paid for the water that is used, just not the late fees.

Trustee Cronin: Suggest we put together a firmer plan?

Manager Nagle: Acknowledgment and situation that takes some of the task off the clerks on if they are given a story of why someone cannot afford it. This is for Residential only. Consider what should be done and let us know.

Manager Nagle: Sales tax distribution: Attended Chemung County budget meeting. Proposal to budget committee: Currently County receives 63.3% Municipalities receive 36.7% distributed amongst based on population. Existing sales tax distribution to remain the same in 2021. 2022 would change to 66.7% to the county and 33.3% to municipalities. Currently ahead of the \$1,000,000 by \$10K today. Conversations had been 70 / 30 and 75 / 25 but that is not the case. This is doable. Municipal survey- country treasurers submitted what was done to adjust for the pandemic. 10 out of 16 returned the survey (we did). This is what we have done:
Not filled 2 FT positions: Parks & Rec Leader and Cemetery Sexton.

Seasonal workers not hired

Deferment- camera / security replacement at Thorne St

Clerks office reno not done

Bandstand roof not replaced

Deferred purchase of plow truck

Not purchasing police vehicle

Cancelled Park & Rec events

Cancelled travels / trainings / software.

\$548K reduction out of capital plans during pandemic.

This info considered into how will distribute sales tax.

Can make reduction work. If consumers continue to spend may not be as bad as we think.

Population- census being taken is very important (as the percentage we receive is based on this)

Reevaluate in 2 years

78% current revenue through property tax in first fiscal quarter

Look at raising fees for all other revenue to make up for the difference in sales tax loss (pavilion rentals, parking tickets, building permits, etc.) and don't take from expenses. Have to figure out how to get those items that were removed back into budget. Would like to work on that in October / November.

The county Sales Tax is just a proposal at this time.

WIIA Grant: Wrote a grant to do a lot of water system upgrades. To receive \$3mil need to spend up to \$5mil We currently have a little over \$8mil to update / upgrade. Trying to establish a meeting the week of 9/21 to get more detail. The state is now trying to alleviate monies for projects in place / started

Fire Hose Grant: Tuesday it was approved, goes in front of legislature Monday to see how it goes.

FEMA Grant for breathing apparatus: 187K to replace air tanks of fire dept. They will expire in December 2020. If we do not receive grant they still need to be purchased. Decision needs to be made end of October. Reached out to Lee James at Reed's office. She has reached out to FEMA about status will let Manager know

Police Reform: Create a reform / retention program. We as well as others in County are collaborating with County and county taking lead. Hope to have another meeting at the end of the month. Last one was last Tuesday. Chief to attend meeting on 9/24 to give update

On vacation 9/14 - 9/18.

Jamie Burgess: 709 Sayre- meeting with homeowner. Currently have new permit the plan is for it to be her primary residence. Hope to live there by end of year. Complaint about bats has been addressed. 1018 S Main- house still placard since December last year. Ownership changed-

working with them for a clean up of the interior to be livable, they have until 9/24 to complete and could pursue charges against new homeowner. Red Carpet Inn- going through twice a week, common complaints are garbage in dumpster- they have installed screening around dumpster, and it is dumped weekly, 4-wheelers disappeared from Red Carpet and noise complaints stopped. Several unregistered vehicles have been cited and corrected at Red Carpet. New investor in hotel (by friendly's) required a financial audit before they move forward and hopefully will be moving forward with construction.

Manager Nagle: Parks and Rec- lifeguards completed their painting. Painted signs, fence, teal park lighthouse and bandstand, pool building, etc. Adult softball ended last night. Cheerleading begins 9/21 there is a lot of confusion between scholastic and not scholastic due to guidance. No fall season for volleyball, football, competitive cheer in Spring. Parks cheerleading program no competitions in January. 71 participants and are able to do clinic-based coaching and will go on as planned. Working with school district about Super Saturday- fall session will not take place at any of the schools

Attorney Groff: County condemned property to instruct interchange (connector road) the Village was going to lose point of access to Well #4. New access point developed, curb cut off new connector road and permanent easement on county property to drive to and access well #4. In order to implement we have to enter into another addendum to purchase agreement and it will be signed to give us access.

Sexual harassment & discriminatory policy have had minor modifications due to state law. Will receive copies of proposed revised policies for

Resolution record retention and disposal plan to be received in the near future. Based on NYS and determined by the nature of the document. After expired can dispose of the record.

Probably won't have a significant impact. Need resolution by 12/31/2020 to follow

Trustee Cronin: In March we stopped spending etc. and Manager Nagle went over the information on security equipment and plow truck. Should get on the agenda the plow truck and security cameras and these items should be discussed further. Teal park bandstand roof should be looked into too. Voting stuff came out, please register to vote.

Trustee Gross: Fill out your census forms, a lot of the money we get is based on it. Also please vote

Mayor Maloney: bandstand roof, get done soon if possible- can historical society help with this? Will it last through the year?

Manager Nagle: It will last through the winter, was working with someone at the historical society on this.

Mayor Maloney: agree with plow truck would like to move ahead as soon as we can. Thank the FD for putting out the mulch fire on Labor Day. 3 hours to put it out. County is looking at 4 or 5 smaller mulch piles instead of one large one. Police Department was busy over the weekend- thank you for protecting the village. Thanks to DPW and Parks and Rec for everything they did during the summer.

Neighborhood watch 9/18/2020 at 7:00pm. Officers will be in to speak

Mayor Maloney: Would like a chance for all of the trustees to meet the new police officers. Set up for morning coffee?

As there was nothing further to come before the Board, the meeting was adjourned at 8:35pm