

Minutes

Village Board of Trustees

April 10, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Howard Miller, Walter Herbst and George Koliwasky, Village Atty. John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Police Chief Mike Barton, Fire Chief Arthur Sullivan, Recreation Director Nate Nagle, and Manager's Assistant Rachel Baer. Also present were: Tess Banfield, Catalpa Drive, and the news media.

Absent: Trustee Ron Swartz

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of March 27, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

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

General	\$110,440.36
Water	\$ 58,489.23
Trust and Agency	\$ 1,192.23

BE IT FURTHER RESOLVED, that \$19,827 be appropriated from the Capital Reserve Fund for the acquisition of Fire Radios (\$9,188) and a Tractor Deck for the DPW (\$10,639.20).

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Discussion on Portable Storage Units

Atty. Groff - would like some insight from board regarding this proposed legislation. These are those pods, portable storage units. People rent them on a temp basis. In some communities, they tend to stay for a long time and become quasi-permanent structures or permanent structures. There are similar kinds of structures that can sometimes fall into this description - like dumpsters. Some communities have experienced situations where demolition projects have dumpsters that

aren't taken away. Questions - do you want to consider the regulation of these units via an application and permit process which would have a fee that would help cover cost of admin. Alternatively you could have no permit, no fee, however it would be similar to junk car situation. Code Enf. officer would see a unit, note and monitor, then site if it stays there excessively. Just regulated by observation and monitoring. Another question - do you want to regulate the dumpsters or exclude them. Sometimes these are parked on public property, on a sidewalk, etc., during demolition process.

Trustee Miller - I prefer monitoring with no fee.

Trustee Koliwasky - I agree.

Mayor Zeigler - I have a problem with dumpsters being left for long periods of time.

Trustee Herbst - I would lean toward a permitting process. Shorter term for pods, longer for dumpsters.

Atty. Groff - I will redraft and resubmit - inclusive of dumpster type of units as well as pods.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, the Village of Horseheads Board of Trustees desires to establish a standard policy for the administration of the Village's health benefits program as it relates to certain elected officials (Mayor and Trustees), and

WHEREAS, in general elected officials are currently, and in the past have been, permitted to participate in the Village's health benefits program with the cost of same being paid by the Village by virtue of their status as elected officials pursuant to Village policy/practice, and

WHEREAS, this Board has studied the effects of discontinuance of this policy, including the cost savings from same, and

WHEREAS, the Village of Horseheads Board of Trustees wishes to implement a practice or procedure to phase out the policy of permitting certain elected officials to participate in the Village's health benefits program in a consistent, orderly and equitable manner, and

WHEREAS, the current annual cost of providing this benefit is \$11,125 per elected official, and elimination or reduction of this benefit to the Mayor and Trustees would save the Village an estimated \$41,000 per year.

NOW THEREFORE BE IT RESOLVED, that effective January 1, 2008 no person who is elected or appointed to the office of Village Mayor or Trustee for the first time on or after January 1, 2008 shall be permitted to participate in the Village's health benefit program.

BE IT FURTHER RESOLVED, that the Mayor and Trustees elected or appointed before January 1, 2008 shall no longer be permitted to so participate, except as otherwise provided herein.

BE IT FURTHER RESOLVED, that should such an official of the Village elected to office prior to January 1, 2008 be able to show, to the satisfaction of a majority of the Village Board acting at an

official meeting, that such official would be caused irreparable injury if such official (and family) was not permitted to participate in the Village's health benefits program (ex. such official is not eligible for Medicare), such official will be permitted to continue to participate in the Village's health benefits program until August 1, 2010, after which time no such elected official would be permitted to participate in such program under any circumstance. Such continuation is subject to the condition that the elected official's annual salary for so long as such official so participates shall be as follows: Trustee \$3,561.00, notwithstanding any tentative or final adopted Village budget providing for a different salary for such positions. This condition shall expire if such official ceases to so participate.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, this Board has established a policy, by resolution, eliminating participation in the Village's health benefits program by certain elected officials (Mayor and Trustees) excepting for good cause shown, and

WHEREAS, Trustee Howard Miller has requested that this Board act to continue to allow him and his family to participate in the program on the basis that irreparable injury would be done to him if he was no longer permitted to participate in the program, and

WHEREAS, this Board has entertained his request and fully considered the implications thereof.

NOW THEREFORE BE IT RESOLVED, that Trustee Miller and his family shall be permitted to continue to participate in the Village's health benefits program while he is such an official until August 1, 2010.

BE IT FURTHER RESOLVED, that Trustee Miller's salary as Trustee shall be fixed at the amount of \$3,561.00 commencing June 1, 2008.

BE IT FURTHER RESOLVED, that this salary shall be fixed throughout his term of office for so long as he or his family shall participate in said program notwithstanding any salary or salary increases that may be awarded to other Trustees of the Village.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Abstain
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, Clerk-Treasurer Sharron Cunningham has prepared and submitted a proposed budget for the fiscal year 2008-2009, and

WHEREAS, this budget has been reviewed and critiqued by the Board of Trustees, and

WHEREAS, a public hearing was held on March 27, 2008 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2008-2009 budget prepared by the Clerk-Treasurer which establishes anticipated revenues in the amount of \$5,150,577 and appropriations in the amount of \$5,150,577 with the schedule of salaries and wages and other appropriate schedules required by law is hereby adopted as the final budget for the Village of Horseheads for the fiscal year June 1, 2008 through May 31, 2009 containing a tax levy of \$4.75 per thousand dollars of assessed valuation.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Street Lighting Facilities agreement between the Village and New York State Electric and Gas be amended to add the installation of two new street lights in the Village Estates Subdivision - Phase 2B.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

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

- Fire Department Elections
- Receive Application from Klugo Enterprises for Rezoning of 901 South Ave.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, the members of the Village of Horseheads Fire Department at a General Convention thereof did on April 3, 2008 hold an election at which the following individuals received the most votes for nomination for appointment to the respective identified offices:

<u>Office</u>	<u>Nominee for Appointment</u>
CHIEF	Arthur F. Sullivan
FIRST DEPUTY CHIEF	Thomas Margeson
SECOND DEPUTY CHIEF	Brad Davies
THIRD DEPUTY CHIEF	Jeffrey Gray

and

WHEREAS, the by-laws of the Department empower the Board of Fire Commissioners to consider the nominations and appoint such persons to the offices to which they are nominated, and

WHEREAS, this Board has considered the nominees and the offices they are nominated to fill.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Fire Commissioners of the Horseheads Fire Department does hereby appoint the above-mentioned individuals as officers of the Department to hold the office noted for a term of one year or until a successor is appointed or a vacancy otherwise occurs in such office.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the application by Klugo Enterprises for rezoning of property at 901 South Avenue, commonly known as the former LRC facility, from Light Industrial to Planned Unit Development is hereby received, and same is to be forwarded to the effected planning boards for their review and comment.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Trustee Miller commended Sharron on the budget.

Atty. Groff reported on the following items:

- Received input on the draft law on newsletter. Will be providing updated draft law.
- Received input regarding host liquor liability issue.

- Received the allocation of costs of the MS4 stormwater team funding, and updated version of contract. Working its way through other reviews and approvals.
- Had arbitration this week on PBA - awaiting a decision.

Mayor Zeigler - Mike Smith called regarding 911 dispatching. Paperwork forthcoming on this for our review. Mike and John to review.

Chris Lawrick - bid packages went out this week for blacktop and sidewalk as well as for Hanover Square repaving. On the sidewalk work, once we get the price, I will put together a memo for the Board regarding this program.

Mayor Zeigler - need to let merchants know about the timetable for the Hanover Square project.

Chris Lawrick - once bid is awarded I will talk to contractor and set up a time schedule.

Nate - spring clean up for Sullivan Park started today.

As there was nothing further to come before the Board, the meeting was adjourned at 7:28 p.m.

/rmb