

Minutes

Village Board of Trustees

January 10, 2013

A regular 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 George Koliwasky
Trustee Larry Clark
Trustee Mike Skroskznik
Village Manager Walt Herbst
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer
Code Enf. Bob Young
DPW - Don Gaylord
Parks Dir. Nate Nagle

Others Present

Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Colin Diehl, MRB Group
Elton Shaw, Liberty St.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of December 13, 2012 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Skroskznik

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

General - \$150,468.97
Water - \$ 32,986.25
Trust/Agency - \$809.33

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Skroskznik

BE IT RESOLVED, that the Clerk-Treasurer is hereby authorized to transfer the funds indicated on the attached sheet.

Roll Call Vote:

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

7:05 p.m. - Public Hearing: Draft Local Law on Best Value Procurement Standard

Atty. Groff declared open a public hearing regarding a proposed local law establishing a Best Value Procurement Standard. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, GML Section 104-b requires each municipal governing body to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, this procedure is intended to introduce standard procedures and effect more stringent cost controls, and

WHEREAS, GML Section 103 was recently amended to allow purchase contracts to be awarded

on the basis of “best value” to a responsive and responsible bidder or offeror, the intent being to allow governments the ability to purchase products and services that may not be the lowest in the initial price but due to factors such as product life or quality may provide a more cost effective long term solution based upon objective an quantifiable analysis, and

WHEREAS, Village Manager Herbst has recommended the adoption of a local law permitting best value as a procurement standard which must be established, if at all, by adoption of a local law, and

WHEREAS, a resolution was duly adopted by the Village Board for a public hearing to be held by the Board on January 10, 2013 at 7:05 p.m. to hear all interested parties on a proposed local law entitled A Local Law Authorizing the Use of Best Value Procurement Standard in the Village of Horseheads, and

WHEREAS, notice of said public hearing was duly published in the Elmira Star-Gazette on December 19, 2012 and posted December 19, 2012, and

WHEREAS said public hearing was duly held and all parties in attendance were permitted the opportunity to speak, and

WHEREAS, this proposed local law is not subject to SEQR, and

WHEREAS, the Village Board of Trustees after due deliberation finds it in the best interest of the Village of Horseheads to adopt this proposed local law.

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby adopts said proposed local law as Local Law #1 of 2013, a copy of which shall be placed on file with the Village Clerk, and that the Village Clerk-Treasurer is directed to enter said local law in the minutes of this meeting, and to notify the Secretary of State of the adoption of same.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads Board of Trustees has adopted a Purchasing Policy governing the acquisition of goods and services and

WHEREAS, such policy is to be reviewed annually and was last revised in May 2011, and

WHEREAS, this Board has recently adopted a local law establishing a “best value” procurement

standard regarding purchasing goods and services, and

WHEREAS, adoption of this law has necessitated amendments to the current Purchasing Policy, same having been reviewed and recommended by the Village Manager.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Purchasing Policy, last revised January 2013 to include the 'best value' procurement standard, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer and distributed to all Department Heads.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that a proposed Local Law Regarding Peddling and Soliciting (Repealing Chapter 171 of the Village Code) in the Village of Horseheads is hereby received by this Board, and be it further

RESOLVED, that a public hearing regarding said law is hereby scheduled for Thursday, January 24th, 2013 at 7:10 p.m.

Roll Call Vote:

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

Motion by Trustee Koliwasky, seconded by Trustee Skroskznik, that the following items be added to the agenda:

- Extension of DPW Shared Services Agreement Between Communities
- D&A: Continuation of Terms and Conditions of CSEA Contract
- Surplus Vehicle, and Authorize Purchase of New Vehicle
- Authorize Attendance at NYCOM Winter Meeting

Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Clark

WHEREAS, by resolution on February 8, 2007 this Board approved a Shared Services Contract with respect to the Village's Department of Public Works and the Departments of Public Works of various municipalities in Chemung County, and

WHEREAS, by the terms of this resolution, the various municipalities agreed to rent, exchange or borrow various materials, machinery and equipment from or with the other municipalities when the same were needed by one municipality and at the same time not necessary or critical to the mission of the providing municipality, and

WHEREAS, said agreement was to be reviewed each year by the Village Board and had an initial term of five years, and

WHEREAS, said agreement may be revoked at any time upon 30 days notice.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby extend the said Shared Services Agreement for a period of one year effective immediately.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Skroskznik

WHEREAS, negotiators for the Village of Horseheads and the CSEA bargaining unit have engaged in a series of negotiation sessions in an attempt to arrive at a successor collective bargaining agreement to the 'at-issue' agreement which expired May 31, 2011, and

WHEREAS, the negotiators have been unsuccessful at arriving at a comprehensive collective bargaining agreement that satisfactorily addresses the primary concerns of both the Village of Horseheads and the bargaining unit, and

WHEREAS, on June 11, 2012 this Board imposed the contract for a period of one year, continuing the terms and conditions of the agreement from 6/1/11 to 5/31/12, and

WHEREAS, in lieu of continuing negotiations or engaging in fact finding and mediation, the representatives of the bargaining unit have since proposed that the terms and conditions of the agreement which expired 5/31/12 be extended for an additional year with no change - meaning in major part no change in the current health benefit program and the current wages and compensations of the members of the bargaining unit, and

WHEREAS, Village Manager Walt Herbst has recommended that the agreement be continued for an additional year as provided above, and

WHEREAS, this Board concurs that it will be in the best interest of the residents and property owners of the Village of Horseheads.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized to sign an agreement or memorandum providing for an extension of the collective bargaining agreement as noted above when same is presented in a form satisfactory to the Village's counsel.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

BE IT RESOLVED, that a 2001 Mercury Marquis (VIN#.....32479) is hereby declared as surplus equipment, and the Village Manager is hereby authorized to dispose of same as a trade in for a replacement vehicle, and be it further

RESOLVED, that the following transfer of funds of \$16,500.00 is authorized for the acquisition of a 2009 Chevy Silverado ½ ton Pickup Truck (with trade-in) for use by the Code Enforcement Office:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$11,440.00	1619.142	1619.200
5,060.00	1619.440	1619.200

Trustee Skroskznik asked what happened to the old vehicle.

Manager Herbst - The original Code Enf. vehicle was adopted by the Police, and then Code got the Chevy Marquis, but it is in very bad shape. So we want to trade in the Marquis on this used truck. Also, just to let you know I have a Purchase Order for a new police car to replace car #401, which has 120K miles on it. It needs a lot of repairs. A police car was budgeted for purchase this budget year. The 2009 truck is a flex-fuel vehicle.

Manager Herbst added that both vehicles will be striped. The code vehicle will have an amber light on the roof for added safety. As far as the money transfer, the first line listed is from the PT CSO money we had in the budget. Moving that money to Equipment. Second line is Code Enf. Contracted Services, again moving to Equipment.

Mayor Zeigler - the current white vehicle that is now in the PD, how did we get that.

Sharron Cunningham - it was donated by Simmons Rockwell to the PD.

Manager Herbst- The minutes for that meeting state that it was donated for the Community Svce. Officer/Police Department.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that Deputy Mayor Ron Swartz and Village Manager Walt Herbst are hereby authorized to attend the NYCOM Winter Legislative Conference, February 10-12, 2013 in Albany, NY, 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 Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Mayor Zeigler - I was going to start doing audience participation at the beginning. But when we have public hearings at 7:05 it makes it difficult. So tonight was an exception.

Trustee Clark - I'd like to commend Atty. Groff on the proposed peddler law. Should add something to the next newsletter about solicitors.

Trustee Skroskznik - I would like to commend the Police for their quick response during the new years eve incident at local bars. Multiple agencies responded. Also the DPW did a great job during the recent snow storm. All roads were very clear.

Trustee Skroskznik noted that there is a large pile of ice in the turning lane for Brickyard Lane.

Manager Herbst said that is the State's responsibility.

Trustee Skroskznik - how are we doing on the audit reports for the Court?

Manager Herbst - still in the works. Rick McNeilly is still working on this with the judges.

Trustee Koliwasky - in light of what happened in Webster, NY, we should look at volunteer firefighters in a different way. I think we should thank them for their dedication. Also, Village parking lots - our DPW had to work around many cars in the S. Main St. parking lot. There are still cars in the John St. lot with snow on them. I would like me and Trustee Clark to sit down and come up with a new policy for parking lots. We have landlords that use our lots for their tenants. We would then make a presentation to the Board in four weeks.

Everyone agreed.

Manager Herbst reported on the following items:

- Working on the budget. I continue to be impressed with our staff and the good work they do.
- We just rec'd from DOH a commendation for our Water Dept. for our chlorination practices, the quality of our water, etc. Our staff checks our water daily and makes sure it is running the way its supposed to.

Trustee Clark - can we try to decrease the new budget by 2%? Before Trustees start doing budget work I'd like to see if staff can work on that.

Manager Herbst - we can see 5 years of expenses in pivot tables. Also I've asked them to look at our comprehensive plan to justify their budgets.

Atty. Groff reported on the following items:

- Working on street excavation law to establish a policy for excavating in Village streets.
- Working on an identity theft policy. Already have policy on information security but because we are a utility for water, we are required to have an identity theft policy in place. Will present it to you for your consideration soon.

Audience Participation

Elton Shaw, Liberty St. - why does the CSEA keep extending their contract?

Manager Herbst - they have the premium health insurance policy. Our non-union staff does not. The difference in cost is tremendous. We proposed to the CSEA to cover their out of pocket expenses to switch to the PPO plan. They refused. They won't let go of it. Last year we went into mediation with a Fact Finder. However the CSEA decided not to follow the recommendations of the Fact Finder. So the Village just extended their contract with no changes - then we just did it again.

Colin Diehl, MRB Group - introduced himself to the Board.

As there was nothing further to come before the Board, the meeting was adjourned at 7:47 p.m.

TRANSFER LIST - JANUARY 10, 2013

GENERAL

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$3,846.18	1010.150	1010.149	NEW TRUSTEE
\$8,676.00	1110.110	1110.109	COURT CLERK
\$8,676.00	1111.110	1111.109	COURT CLERK
\$600.00	1990.477	1620.152	BLDG. SECURITY
\$200.00	1990.477	1620.157	SEASONAL STIPEND
\$2,000.00	1990.477	1620.440	VH CONTRACTED SERV.
\$600.00	1990.477	1620.441	LEGAL NOTICES
\$4,100.00	9015.820	1620.444	GENERAL CODE UPDATES
\$1,271.75	9015.820	1621.457	SUMMER COHESION
\$1,419.00	1623.467	1623.456	RECREATION NETWORK SUPPORT
\$429.46	1990.477	1910.472	LIABILITY INSURANCE
\$1,813.46	1990.477	1989.475	REFUND REAL ESTATE TAX
\$3,100.00	3410.443	3410.440	FD CONTRACTED SERV.
\$1,605.11	1990.477	5110.111	DPW PT PERSONNEL
\$600.00	7210.410	7210.440	SPECIAL EVENTS
\$4,965.88	7180.410	7310.410	POOL MAT./SUPPLIES
\$652.88	7110.443	7310.443	POOL REPAIRS
\$75.00	8020.410	8020.454	PLAN BD/ZBA DUES
\$12,294.62	9015.820	8810.100	CEMETERY LABORERS

<u>\$50.00</u>	1990.477	8988.212	HANOVER CLOCK MAINT.
\$56,975.34			

WATER

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$1,604.92	1623.467	1623.465	WATER NETWORK SUPPORT
\$7,698.95	8320.440	8320.200	WATER EQUIPMENT
<u>\$</u> <u>968.78</u>	8320.440	8320.410	WELL SUPPLIES
\$10,272.65			