

Draft Minutes

Village Board of Trustees

September 11, 2014

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 Ron Swartz
Trustee Caitlin McGurgan
Trustee Mike Skroskznik
Village Manager Walt Herbst
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham
Parks Dir. Nate Nagle
Code Enf. Officer Bob Young
Fire Chief Arthur Sullivan
Police K9 Officer Jamie Burgess

Absent

Trustee George Koliwasky

Others

Carolyn, Terry Bolt, Lee Ave.
Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Brad, Debi Lytle, Grand Central Ave.
Jodi Skroskznik, Center St.
Gary Parsons, Five Star Bank

Nancy Rohde, E. Mill St.
Pat Gross, W. Broad St.
Barb Skorczewski, W. Franklin St.
Mike Swasta, Watkins Rd.
Rob, Michael Maloney, Westlake St.
Diane, Walt Crooker

Presentation of Bullet Proof Vest - K9

Gary Parsons, of Five Star Bank, presented the Village K9 Officer Jamie Burgess, and "Taja", with a canine bullet proof vest, on behalf of the Friends of the Horseheads Animal Shelter.

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 14, 2014 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee McGurgan	Aye

Audience Participation - None.

Financial Reports - Village Manager Herbst reported that the revenue so far is up about 30K. We are still waiting for 192K coming from CHIPS money. On the expenses about 80K greater than last year at this time. Reason is accounting change. Rick McNeilly asked us to transfer money to Capital when the budget is adopted. That accounts for almost all the increased expense. We used to only move money to capital as we needed to. But Rick asked us to move it all at the beginning of the year. On the Water side, revenue is down about 15K but this is through August. Still collecting bills through next week. Holding the line on expenses.

Resolution by Trustee Skroskznik, seconded by Trustee McGurgan

BE IT RESOLVED, that the Justice Reports for August 2014 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee McGurgan	Aye

Resolution by Trustee McGurgan, seconded by Trustee Swartz

WHEREAS, the Director for the Chemung County Office of Fire and Emergency Management presented to the Chemung Executive and Chemung County Legislature an Annex to the Chemung County Comprehensive Emergency Management Plan entitled "Chemung County Fire Mutual Aid Plan, Revised 3/2014" ("Plan"), and

WHEREAS, said Plan was adopted by the Chemung County Legislature, and

WHEREAS, said Plan was reviewed and approved by the Chemung County Fire Advisory Board, and

WHEREAS, said Plan has been reviewed by Horseheads Fire Chief Arthur Sullivan who has recommended approval of and participation in the Plan.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby approve participation in the Plan by the Village of Horseheads Fire Department, and be it further

RESOLVED, that this Board does find that the Plan is a Type II Action under the NYS Environmental Quality Review Act and regulations adopted thereunder, and finds not further environmental review

under SEQR is required, and be it further

RESOLVED, that this resolution shall be effective immediately and shall supersede any and all prior resolutions of this Board regarding this subject, and be it further

RESOLVED, that a copy of this resolution be filed with the Chemung County Fire Coordinator, and that a copy of the Plan shall be placed on file with the Village Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee McGurgan	Aye

Energy Performance Initiative

Village Manager Herbst - Still in the design stage. Wendel will be available next week to meet with the Board to help make a decision on what aspects of the plan we want to do. Spreadsheets have been provided to you. This program is a guaranteed savings. Ready to select subcontractors. Wendel takes care of all of this on our behalf. Then we can determine the financing. Energy savings will pay for everything - guaranteed. Also, some of the projects get an incentive bonus from the state, NYSEDA is helping us with these. Regarding the new water meters, Don Gaylord and I are recommending the IPERL meters. They come with a 20 yr. guarantee for accuracy. Today's price for these meters will be the same 15 years from now. Whatever financing we choose the first payment isn't due for a year. In the meantime the water meters are collecting revenue. For the first four years, the cost exceeds the revenue slightly. After five years revenue starts increasing over the expense. Investment in the new meters is more in the beginning, but as we get through the program we gain more and more of a savings. The reason we need to replace water meters is because the current ones out there are 20-24 years old and have outlived their useful life. Between 2-4% have actually stopped working.

Mayor Zeigler added that this program has been in the works for several years, and includes energy improvements for all of our Village facilities.

Discussion ensued regarding the specific energy improvements to each facility.

Walt - streetlights will be placed with LED's meeting NYSEG specs. Then the maintenance because ours. But the savings as compared to the current mercury vapor is significant.

Atty. Groff - I haven't looked at the detailed list of projects. Walt has worked in great depth with Wendel on this.

Mayor Zeigler asked the department heads to also be present next week when Wendell makes their presentation. Trustees agreed.

After brief discussion, the Board agreed to have Wendell come in on Tuesday, September 16th at 4:00 p.m.

Motion Trustee Swartz, seconded by Trustee McGurgan, that a presentation regarding the Communities of Distinction program be added to the agenda.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee McGurgan	Aye

Mayor Zeigler stated that the Village has been approached by the producer of the television show Communities of Distinction about possibly doing a profile of Horseheads and the surrounding areas.

Manager Herbst showed a video presentation of the program Communities of Distinction.

Manager Herbst stated that there are so many attractions in our area, that we take for granted. We looked at our Comprehensive Plan. In the Economic Development section it states that the Village needs to do more to foster development. Once this professional program is done we own it. It's all about quality of life, etc. We spoke to the Chamber of Commerce and they made some calls for us to area businesses for contributions to go toward the cost. Hilliard, Bethany, STEG, HOST Terminal. We are also looking into using CDBG funds toward this. We could take the initial fee of \$19,800 and pay for it from CDBG funds, then collect donations to reduce our investment.

Discussion ensued regarding this project. The Trustees agreed to hold off on deciding until the whole Board is present. Will discuss Tuesday when we meet regarding the Wendel project.

Trustee Skroskznik - approached by a resident of Westlake Street regarding complaints relative to 606 Westlake for ATV's, dirt bikes, etc. on their property, very heavy noise.

Bob Young - could fall under noise during late hours. I will confirm this.

Atty. Groff - could be a private nuisance. There is no Village ordinance for this that we could cite them under.

Trustee Swartz commended Kim Mikel in the Code Enforcement Department. She resolves issues very professionally.

Manager Herbst - on September 23rd, our insurance broker Brown & Brown is sponsoring a seminar on Risk Management in Elmira, from 8:00-4:00. On September 30th our staff will be attending a mandatory training on violence in the workplace, sexual harassment, etc.

Atty. Groff stated that he is gathering information regarding the cell tower moratorium, and shall present it to the Board in the near future. He also reported that Cameron Fabrication is now under a Payment in Lieu of Tax Agreement, just for the recent addition they constructed.

The Board agreed to adjourn tonight's meeting until Tuesday, September 16th, 2014 at 4:00 p.m. when Wendel will be here and we will reconvene this meeting. Adjourned at 8:35 p.m.

September 16th, 2014 - 4:00 p.m.: Continuation of 9/11/14 Board Meeting:

Present were:

Mayor Don Zeigler
 Trustee Ron Swartz
 Trustee George Koliwasky
 Village Manager Walt Herbst
 Manager's Asst. Rachel Baer
 Village Atty. John Groff

Mayor Zeigler stated that the other two Board Members can't be here until 5:00 p.m.

Motion by Trustee Swartz, seconded by Trustee Koliwasky, that the meeting be adjourned until 5:00 p.m.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye

At 5:00 p.m. the Board reconvened the meeting. Present were:

Village Board and Staff

Mayor Donald Zeigler
 Trustee Ron Swartz
 Trustee George Koliwasky
 Trustee Caitlin McGurgan
 Trustee Mike Skroskznik
 Village Manager Walt Herbst
 Village Atty. John Groff

Manager's Asst. Rachel Baer
 Parks Dir. Nate Nagle
 Don Gaylord - Water Dept.

Others

Wayne Brubaker, Gardner Rd.
 Brad Lytle, Grand Central Ave.

Keith Krug, Tim Dietrich - Wendel
 Energy Services

Village Manager Herbst - we've been working with Wendell on energy initiatives program. Don Gaylord and I are recommending those items in the "Y" column.

Keith Krug and Tim Dietrich from Wendell made a presentation regarding the program initiatives. They distributed handouts.

Trustee Skroskznik expressed concern over bonding \$3.5 million for this project.

Manager Herbst - we're spending same amount of money or more on utility costs each year. If we don't do this, were losing a lot of money on water revenue. Useful life of typical water meter is 15 years. We are well beyond the need to replace.

Trustee Skroskznik - I'm concerned over lack of info I don't have to borrow this kind of money for these upgrades.

Discussion ensued.

Trustee McGurgan - I'd like to see reports on each line item as we go forward. But I thinks it's a good idea.

Resolution:

WHEREAS, it was believed that certain Village facilities were in need of upgrades to improve energy efficiency, occupant comfort, and reduced operational and maintenance costs, and

WHEREAS, NYS has encouraged municipalities to obtain long term energy cost savings by facilitating energy conservation improvements or energy production equipment in cooperation with providers of such services pursuant to Article 9 of the Energy Law of NYS, and

WHEREAS, on April 14, 2011 the Village authorized retention of Wendel Energy Services LLC ("Wendel") as consultant to research an energy efficiency project at various Village facilities, and

WHEREAS, Wendel's preliminary assessment indicated numerous energy efficiency projects were feasible and could be achieved, and

WHEREAS, on April 24, 2014 the Village accepted a proposal received from Wendel Energy Services LLC in response to the Village's RFP, and

WHEREAS, thereafter Wendel performed a comprehensive energy efficiency and water improvement project audit for the Village, and

WHEREAS, in said audit detailed calculations were performed to determine realistic energy savings that would be guaranteed by a performance contractor, project costs were estimated and a project cash flow sheet has been created all of which have been presented to Village Manager Herbst and the Village Board of Trustees which have reviewed same for the purpose of identifying proposals recommended for selection, and

WHEREAS, the audit indicates that the Village will benefit from the implementation of an energy performance contract through the installation of various energy efficient facility improvement measures throughout certain Village facilities, and

WHEREAS, the Village and Wendel entered into a Project Development Agreement effective May 26, 2014 pursuant to which Wendel was to present appropriate Energy Conservation Measures ("ECMs") to the Village for selection, which Wendel has done, and

WHEREAS, through research, development and due diligence by the Village administration and representatives of Wendel the ECMs have been whittled down to those determined to be most cost effective and affordable, identified on the attached Total Project Summary, September 16th, 2014,

Comprehensive Energy Audit identified as a “Y” option.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized and directed to certify to Wendel the ECMs selected by the Village Board of Trustees for implementation and to direct Wendel to proceed with preparation of appropriate Contract Documents, including but not limited to Design Documents, Draft Assured Performance Guarantee, Draft Project Build Contract, Final Project Contract Document CEA, and subsequent agreements as required to implement an Energy Performance Contract with Wendel Energy Services LLC for the provision of facility improvements that would result in an annual guaranteed energy savings and operational savings that will offset the annual project payments over the expected life of the equipment. Further, he is authorized to execute such documents, contracts and agreements contingent upon the form and terms of same having been approved by Village Attorney John Groff, and be it further

RESOLVED, that Village Manager Herbst is authorized and directed to conduct research and due diligence regarding the various alternatives for financing the selected projects via lease, or other form of financing with financial institutions or other sources offering the most beneficial terms to the Village in compliance with Article 9 of the Energy Law. He is directed to report back to this Board regarding his findings and recommendations relative to such financing methods for further review and approval by this Board.

Resolution moved by Trustee Swartz, seconded by Trustee Koliwasky

Atty. Groff - You are selecting items 1-18 on the sheet. You can select as many or as little as you like.

Trustee Skroskznik - I thought we would have another meeting and go over each of these items.

Atty. Groff - if there is a surplus after the projects are complete, you still borrowed the entire amount of money. You can apply surplus to the debt thereby reducing the bond, or you could do some other project. The board would have to decide at that point.

Roll Call Vote:

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

Communities of Distinction Project:

Atty. Groff - this resolution authorizes the Manager to continue research and enter into an agreement for \$20K. He's also instructed to pursue pledges to offset the costs. This resolution is written giving him authority to enter into contract.

Mayor Zeigler - he will research using CDBG funds too.

Manager Herbst - the full 20K would not come from CDBG. We'd be getting pledges from area businesses.

Trustee Swartz - before we do anything I'd like to see more commitments, firm ones, from businesses before we vote on this.

Trustee Koliwasky - I have some questions too. This past year we joined with Finger Lakes Magazine. I'm not sure this is the right time for this new project. After looking at this video I don't see how we fit into this. I have a tough time spending 20K on this right now, even with pledges, etc.

Manager Herbst - I suggest you research the communities that have done this and contact them about what they thought.

Trustee Skroskznik - I did research some places that did this. I think it's a great concept. But I don't feel it fits the village.

Trustee McGurgan - I watched videos. I have real concerns on timeline they give us. The idea is great. I would like us to explore other options. Local colleges with media arts programs could do this for next to nothing.

Motion to table until October moved by Trustee McGurgan, seconded by Trustee Koliwasky

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee McGurgan	Aye

As there was nothing further to come before the Board, the meeting was closed at 6:30 p.m.

/rmb