

Minutes

Village Board of Trustees

June 12, 2014

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 8:30 a.m.
Present were:

Village Board and Staff

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

Clerk-Treasurer Sharron Cunningham
Fire Chief Arthur Sullivan
Rec. Dir. Nate Nagle
Justice Bill Driscoll
Justice Lou Tarantelli

Others

Wayne Brubaker, Gardner Rd.
Norm Stull, Marshall St.

Tom Rupp, Tiff Ave.
Suze Wallen, Lilitz PA

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of May 22, 2014 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Audience Participation: Nobody came forward.

Financial Reports - Manager Herbst reported that there was a question regarding the fiscal stress monitoring system at the Comptroller's office. The Village is in excellent shape. Those municipalities in significant stress are defined as getting 65 points or higher as assigned by the Comptroller's office. Moderate fiscal stress is 55. We are at 3.3.

Our expenses this year are \$212,000 more than last year at this time. This is due to the roof costs, the carryover insurance - the three month extension - came to \$114,000. Still within budgets. We'll do some line item adjustments. On the water side, revenue behind 18,000 but we just did a billing. Expenses are down \$111,000 over last year.

Also, Rick McNeilly is available June 24th at 4:00 p.m. to meet with the Board. Everyone agreed that is a good time. This is about the reserve accounts.

Property and Liability Insurance - In April we learned that Selective, our insurance carrier, was not thrilled with continuing our coverage, but agreed to after some pressure from our broker. With conditions - \$5,000 deductible, only \$4,000,000 in liability, and they would not provide umbrella coverage. This caused concern that they possibly would not cover us down the road. Our experience with Brown and Brown has been very good. They were able to quote us a policy through Travelers Insurance which included liability of \$8,000,000, with a \$5,000 deductible, and the premium was \$13,000 less than the quote from Selective. The premium cost for Travelers of \$139,000 is in the budget. Their date of coverage was yesterday, June 11th.

Resolution by Trustee Skroskznik, seconded by Trustee McGurgan

BE IT RESOLVED, that a Proposed Local Law Establishing a Moratorium on Cell Tower Siting is hereby received, and that a public hearing regarding same is hereby scheduled for Thursday, June 26th at 8:40 A.M.

Atty. Groff - Board was presented with the issue of a potential cell tower siting in the Village. The issue of regulating cell towers has been on our radar screen for many years. Based upon directive from the Board at your last meeting, we prepared this draft moratorium. It would establish a 180-day period where status quo is maintained. Would allow for the processing of applications, and would allow you opportunity to regulate cell towers. Your regulations have to be reasonable. Your timing for review also has to be reasonable. There are communities that do consider the aesthetic aspect of cell towers and will try to conceal them in very different ways. Can impose regs that require co-location, which is the placement of a number of antennas on a single tower. The next step would be the research and development of a law regulating cell towers themselves.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the following items be declared as surplus equipment:

- 2 Smith & Wasson Tactical .45 ACP handguns (Serial #'s TDU2532, TDT5893)
- 2 Glock .45 ACP handguns (Serial #'s EVA876US, EVA870US)
- 2007 Ford Crown Victoria Police Vehicle (VIN#.....131757)

AND BE IT FURTHER RESOLVED, that Village Manager Walt Herbst is authorized to dispose of said surplus items by sale or as scrap, if same have no value.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee McGurgan

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Zachary Cicora, 300 Spring Creek Drive, Horseheads, NY to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Nate Nagle - Teal Park concerts underway. Pool inspection tomorrow, opening on the 14th. Lots of work on the pool facility - painting, doors, awning, etc. New program at pool, testing everyone under 12yrs. of age. If they pass they are considered a swimmer. If they fail they are considered a non-swimmer and will be issued a life jacket. Children under 7 a pool guardian - which is somebody over 14 yrs. of age - needs to be within arms length of the child. If the child is 8-12 yrs. old then the guardian just has to be within the pool area. We've opened pool to allow swimmers to swim in the deep end, rather than just for diving, however we did cordon off a section so you can dive on one side. June 27th starts the first of three dog-park nights at Thorne Street.

Trustee Koliwasky - what is the status with Wendel. Walt - they will be here on Wednesday to do a walk through. John is also looking at their proposed agreement.

Trustee Swartz - roof leaks? Walt - there is a 20yr. warranty. I already made a claim and spoke to the roofers. Not that unusual at the curbing area, and that is where the leak is. But it is covered.

Trustee Swartz - can we get crosswalk signs by Louie's pizza.

Manager Herbst reported on the following items:

- Sidewalk repair brought up at recent meeting. We have issued 60 sidewalk citations. Kim Mikel is doing a great job and has an excellent rapport with the residents.
- This weekend is a neighborhood yard sale up in Presidential. There will be temporary

- no parking signs placed up there by the Police.
- DPW will be micro-paving in the Square Monday night, weather permitting. Store owners will be contacted.
 - Village Board had a recent meeting with our Justices regarding whether to keep two judges or just have one. After lengthy discussion, it was determined to keep both justices.

Skid Steer - Manager Herbst noted that he put in the Board's packets a memo about the purchase of a brush hog (skid steer) to fix pot holes and do other things too. We rented this milling machine on the bobcat a couple of weeks ago. We wanted to see how it would help us. If you go up on W. Broad St., there are two long strips of right-of-way which we are required to keep repaired. They milled the entire strip and repaved each strip in less than one hour with this piece of equipment. Several department heads could put this to good use. DPW, Parks & Rec, and Water want to take money from their existing budgets and chip in to get one of these machines. It would clearly get a lot of use. Would save a lot of manpower and time. We'd like to purchase this. That includes the milling, etc. It would not be any increase in the current budget. The cost is the state bid rate. We would divide the total cost between the departments on a pro rata basis, based on expected use.

Trustee Koliwasky - can Cemetery use. Walt - yes, but not as extensively as the others. Could use cemetery funds also.

Trustee McGurgan - I saw them using this on Broad St. They moved right along. It seems quite efficient, and since it can be used by so many departments I think we should purchase this.

Trustee Skroskznik - we won't be using funds in Reserve for this? Manager Herbst - That money was earmarked for sweeper, truck, and a police car. There is money in fund balance if we wanted to go that way.

Trustee Skroskznik - if there is sufficient money in all of the departments that would be good.

Motion by Trustee Skroskznik, seconded by Trustee Koliwasky

BE IT RESOLVED, that Village Manager Herbst and Clerk-Treasurer Sharron Cunningham are authorized and directed to modify the current budget to facilitate the acquisition of the skid steer loader with appropriate attachments, and to allow for the prompt purchasing of the equipment and that the budget modifications shall be reported to the Board showing that the cost was shared between the departments that will benefit from its purchase.

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

Trustee Koliwasky asked the status of the new sweeper. Manager Herbst said its actually on the boat. Should arrive at the port any day now.

Trustee Skroskznik commended the Department of Public Works on the great work they did repairing a water main break today. They were working in the rain on Center Street, very efficient and professional. Got the job done in just a couple of hours.

Trustee McGurgan thanked the Village Justices for meeting with the Board recently.

Atty. Groff -

- The cell tower that is under consideration is close to or on the property owned by Arthur Sullivan near the fire station.
- You will be receiving an article from me regarding how you can utilize social media as a way of communicating with the public.
- Chief Barton's retirement - I have a resolution to offer to you tonight creating a memorandum of understanding based on the discussions you had.

The Board agreed to hear the resolution:

WHEREAS, Chief Michael Barton has been an officer of the Village of Horseheads Police Department for over 20 years, approximately 6 years as Chief, and

WHEREAS, he is eligible to retire from the Village in accordance with the law, rules and regulations of the NYS Police and Fire Retirement System, with full benefits, and

WHEREAS, questions have been raised regarding his entitlement to health benefits following retirement, similar to those afforded to prior Police Chiefs, and

WHEREAS, the Employee Handbook, which is in draft form and under revision, is not disposition of this issue, and

WHEREAS, this Board wants to clarify and provide certainty relative to these concerns.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walter Herbst is authorized and directed to cause the preparation of a letter agreement or Memorandum of Understanding regarding this subject and is further authorized to execute same on behalf of this Board, when in a form approved by the Village Attorney.

Before moving this resolution and voting, the Board agreed to go into Executive Session to discuss this matter.

Motion by Trustee Skrosznik, seconded by Trustee Koliwasky, that this Board and the Village Manager and Village Atty. move in to an Executive Session to discuss the employment history of a particular person.

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skrosznik	Aye
Trustee McGurgan	Aye

At this time, the Board along with the Village Manager and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:30 p.m. the Board reconvened back into its regular meeting of this date.

The resolution still on the floor regarding Chief Mike Barton's retirement benefits was then moved by Trustee Koliwasky, and seconded by Trustee McGurgan.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skrosznik	Aye
Trustee McGurgan	Aye

As there was nothing further to come before the Board, the meeting was closed at 8:33 p.m.

/rmb

**Village Board of Trustees
EXECUTIVE SESSION
June 12, 2014**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:57 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Mike Skroskznik, and Caitlin McGurgan, Village Attorney John Groff, and Village Manager Walt Herbst at which time they discussed the employment history of a particular person.

At 8:30 p.m. a motion was made by Trustee Skroskznik, seconded by Trustee Skroskznik, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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