

Minutes

Village Board of Trustees

March 12, 2015

A meeting 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 George Koliwasky
Trustee Mike Skroskznik
Trustee Brad Lytle
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Manager's Asst. Rachel Baer
Water Dept. Don Gaylord
Fire Chief Arthur Sullivan
Parks Dir. Nate Nagle
Hhds. Police Officers: Dan West,
Scott Zelko, Dave Ruhmel, Brian
Nowlan

Others

Dave Padgett, W. Franklin St.
Mike Barton, Miller St.
Tom Rupp, Tifft Ave.
Joe Atkinson, Bradley Ct.
Wayne Brubaker, Gardner Road
Stacey White, Renwick Lance

Barb Skorcewski, W. Franklin St.
Mike Stenpeck, Grand Central Ave.
Patty Rathbun, Horseheads
Ken Howland, Horseheads
Brad Layton, W. Franklin St.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 26, 2015 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 Lytle	Aye

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the Justice Reports for February 2015 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Financial Report

Manager Herbst - Running 90K ahead of last year in receipts. Great help of the staff, expenses YTD are 230K below last year. In terms of water, we're running about 11K less in receipts so far, but in 2014 we had 60K in insurance rebates. If you take that out we're running ahead. The expenses for water are up a bit. We had 17K in Well #5, plus 16K in Workers Comp as we talked about last meeting. We added an employee in Water Dept., from DPW. Plus the skid steer purchase, Water Dept. share of that.

Tax Cap Override

7:10 p.m. - At this time Manager Walt Herbst declared open a Public Hearing regarding Proposed Local Law #1 of 2015 - Tax Cap Override.

Nobody came forward. Closed public hearing.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the New York Legislature adopted a law signed by the Governor establishing a limit upon real property tax levies by local governments commonly known as the Tax Cap Law (GML Section 3-c), and

WHEREAS, Village Manager Herbst has explained to this Board that it may be necessary to override the tax levy limit to meet contractual obligations, fund health insurance expenses, fund pension contribution payments, and fund the increasing cost of commodities, among other things, and

WHEREAS, GML Section 3-c, Subdivision 5 expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by a vote of 60% of the Village Board, and

WHEREAS, this Board has been presented with and reviewed a proposed local law to override the tax levy limit established in GML Section 3-c for the fiscal year 2015-2016, and

WHEREAS, a public hearing regarding said local law was held on March 12, 2015, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village as required by law, and

WHEREAS, this Board finds, after due deliberation, that it is in the best interest of the Village to adopt said local law.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts said Local Law entitled "A Local Law to Override the Tax Levy Limit Established in GML Section 3-c", a copy of which is to be placed on file with the Village Clerk, and filed with the Secretary of State.

Village Manager Herbst - tax cap is requirement that municipalities and school districts must adhere to. In our case it is 1.68% down from 2%. We must maintain our tax below that level and if we don't, without this law waiver there would be a significant penalty to the Village, which would carry over to next year's tax assessment as well. The purpose of this law is to allow the board to exceed the tax cap, if it becomes necessary. If we don't exceed the tax cap then we would rescind the local law to comply with property tax freeze law. This law also requires a 1% reduction in each of the next three years.

This is all based on assessed valuation, which we get from the town. If there is a change in that, as has happened before, we could very easily push us over the tax cap inadvertently. This law will prevent us from getting penalized. Senior exemptions are a good example. They send us a new assessed valuation, which changes the tax cap, which could put us over.

Mayor Zeigler - we are not doing this to raise your taxes. Also next year you will be receiving a rebate larger than this year. If we exceed tax cap without this law, you won't get that.

Trustee Skroskznik - reading Section 3 of the law - if we are going to exceed tax cap, how much is that. It reads that in order to adopt the budget we have to exceed tax cap. Also we haven't received the budget yet.

Manager Herbst - if you get the budget before we approve this, it won't be in effect. As of today we are at a 1.5 % tax increase. Still adjusting. Have a margin of error of \$646 so it wouldn't take much to go over. If we had a tax certiorari come in which mandates a change in the assessed value then we go over. There are pending tax challenges right now. So that is not out of the question. We could get a court order to refund taxes, which is out of our control.

Trustee Skroskznik- paragraph #3 says we are going to exceed it. So how much are we going to exceed it.

Manager Herbst - I respectfully disagree - it is insurance in case we do go over.

Trustee Koliwasky - if we do not go over we rescind the law. So this is just our safety net just in case.

Manager Herbst - let's assume we pass this law. Then we stay under tax cap. Part 2 under the property tax freeze of the Governor a tax waiver cannot be in place. Our budget is due May 1. So we pass the law, looks like a good indicator we'll stay under tax cap. So we stay under, after we pass the budget we rescind the law and the tax cap provisions remain in effect and the state sends the rebate that it promises.

Trustee Lytle - if we had the budget ahead of this we couldn't do this.

Manager Herbst - yes. Any budget.

Trustee Lytle - would like to table this until we see budget figures.

Mayor Zeigler - must be a reason for doing it now. We've done it like this in past years. This law is written the same way.

Motion by Trustee Lytle to table this matter, Trustee Skroskznik seconded.

Roll Call Vote to Table:

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

Motion to table dies.

Trustee Koliwasky - we've used this law the past 3 years. Once again its not saying we will go over, just a safety net so we don't get penalized.

Trustee Skroskznik - if we can just see budget figures and understand then we could do it.

Trustee Koliwasky - has anyone come in and talked about budget with the Manager. Or about this law.

Mayor Zeigler - can we communicate with John Groff about this. I know he's out of town. Then if we have to, reconvene next week.

Trustee Lytle - we've seen some greater sales tax revenue than anticipated. I would like to see a tax decrease. If that is even possible. I'm not prepared to vote for a tax increase.

Manager Herbst - I have asked Dept. Heads to give me dates they can be available to talk to trustees about their dept.

Roll Call Vote on Local Law for Tax Cap Override:

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

Resolution by Trustee Skroskznik, seconded by Trustee Lytle

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, March 26th, 2015 at 8:40 A.M. regarding the application of Barrington Associates for Rezoning of 14 acres on Lynhurst Avenue, east of Gardner Road, from R1 Residential to Planned Unit Development.

Manager Herbst - A PUD zone requires acreage that is greater than 3 acres. Has very specific requirements for building, etc. And any expansion has to be approved. The Village has much greater control over the use of the land. And it is for housing.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

At this time, Manager Herbst did a Power Point Presentation regarding the Police Chief Vacancy, outlining his recommendation to enter into an agreement with the Sheriff's Office to provide a police chief for the Village. Under the plan the Village would Appoint Bill Schrom, Undersheriff, who will have duties at the Sheriff's Office and also here - as Chief. Manager Herbst emphasized he would be doing admin procedures - not policing.

Trustee Koliwasky - this would be a two year program with a 30 day notice of either side to cancel. For the first two years there is no cost. I'm sure if this works then in the 3rd year there may be a cost to the Village.

Audience participation :

Tom Rupp, Tifft Ave. - it was in the last two years you eliminated two officers and a Chief. That should improve the budget. Are you appointing Mr. Schrom or the Undersheriff. What if he gets unappointed. Then will the Sherriff be running this? Mr. Moss was running for Lt. Gov. What if he takes a political job and Schrom takes head sheriff. Are we appointing a person or position. It's also ironic that county exec took away sales tax, but now we go to him for help.

Village Manager Herbst - the elected sheriff cannot by law do anything other than be sheriff. We said the next police chief exam was probably scheduled for March of 2016. Whether he needs to take that exam still needs to be resolved. The lawyers are looking into it.

Justin Mills, Shappee St. - couldn't you do that with a Chief that works directly for village. Couldn't the Village get accredited on its own.

Mayor Zeigler - we will be in very bad financial straits. Savings is 500K. That puts us back in sustainability. This is just for two years - not forever.

Stacy White, Renwick Lane - I don't think this will be free. Someone needs to see a budget.

Officer Dave Ruhmel - I am concerned that you said you were not familiar with what is going on. You're an elected official. There is a concern among residents on what the future is for the village and our departments. It's a concern that the employees also have. What's next. Is this a bigger plan for a bigger metro consolidation. Is this something that is in the works? Transparency. Open lines of communication. You need to know more.

Mayor - you took that out of context. Walt and George started the ball rolling, and I knew about it, I let them do their work. Need to create financial stability.

Officer Ruhmel - we need pride in our community. It's about standing up for the employees.

Manager Herbst - we're trying our best to avoid high tax increases, and layoffs. We do not intend to take away our officers. We are committed to keeping our officers in the cars

Trustee Koliwasky - what about down the road, that has been the talk all along. Do I know what is going to happen in 5 years? No. If you asked me 5 years ago if we would be in the financial position we are today, I would have said no. But because of the new governor and where he is leading us, we can't make everyone happy. This Board voted to do away with insurance for elected officials. That money has been absorbed into other areas so we can just maintain. Our community is older, retired people. What if we hired a new chief outright. That's 100K - 7.5%. We can raise taxes to double digits. Nobody likes change. But we are trying to keep the Village going. It won't make everybody happy.

Brad Layton, W. Franklin St. - I think we all agree with what your trying to do. We just want to know more of what is going on. We wouldn't be posing questions if we were more informed. Seems like everything is a secret.

Mike Barton, Miller St. - when we did the Comprehensive Plan we got people together. And that was transparent. People are skeptical of all political bodies. So when you're making a decision like this, involve parts of the community so they can take ownership. Make them part of the process. Get the voice of the people heard in a format that is productive. Maybe a task force.

Officer Brian Nowlan - I came here 16 yrs ago. We had full time dispatchers, 13 officers, and a chief. Now no dispatch, no chief, 9 officers, cells gone.

Resolution on Police Chief Agreement

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the tax cap, property tax freeze, and other measures advanced by Gov. Cuomo have created a sense of urgency for all levels of NYS government, and

WHEREAS, the Village Board, Village administration, and Village staff have worked tirelessly to innovate, to increase efficiencies, and to maintain effectiveness, while at the same time maintaining levels of service, and

WHEREAS, fiscal constraints compel all municipalities in NYS to continue to do more with less, and

WHEREAS, former Police Chief Michael Barton retired from that position effective July 9th, 2014 causing a vacancy in that position, and

WHEREAS, the Village PD has continued to operate on an interim basis with supervisory staff, and

WHEREAS, NYS Civil Service Law section 58(1c) and Village Law Section 8-800 provide, in pertinent part, that a Village with more than four full-time police officers shall maintain the office of Chief of Police, and

WHEREAS, it is the desire of this Board to maintain the Village of Horseheads Police Department as a functioning law enforcement agency for the enforcement of laws and the protection of persons and property within the Village of Horseheads, and

WHEREAS, Village Manager Herbst has engaged in exhaustive research regarding methods and alternatives whereby the Village Police Department could be maintained in material respects, including but not limited to consolidation with other law enforcement agencies, and contracting for law

enforcement services, and shared services of various forms with other local law enforcement agencies, and

WHEREAS, Village Manager Herbst's research has resulted in the development of a conceptual arrangement with the County of Chemung and specifically the Sheriff's Office of same whereby, through the County, qualified Sheriff's Office personnel would be furnished and appointed Chief of Police of the Village of Horseheads Police Department and would provide extensive departmental administration, supervision and management services, and

WHEREAS, exploratory discussions with County personnel are encouraging that a shared services agreement could be negotiated and agreed upon between the County and Village and administrative staff thereof, and

WHEREAS, Village Manager Herbst has recommended to this Board that the Village enter into an inter-municipal agreement, pursuant to GML Article 5-G, with Chemung County for the County's furnishing of administrative supervisory and managerial services to the Village of Horseheads Police Department via the Chemung County Sheriff's Office.

NOW THEREFORE BE IT RESOLVED, that Village Manager is authorized and directed to pursue, with all deliberate speed, the negotiation and development of an agreement with the County of Chemung, as provided above, for the implementation of such an agreement on or before June 1, 2015, the terms of such agreement being subject to the approval of Village Manager Herbst and Village Atty. John Groff.

Trustee Lytle made a motion to Table this resolution.
Nobody seconded.
Motion dies.

Trustee Swartz - this is a change for everyone. Mike Barton, when you were Chief, some officers didn't like you. This is something we have to try.

Trustee Lytle - read the following statement into the record:

I will be voting no on this resolution for the following reasons:

I am philosophically opposed to moves by the State and County to eliminate 'local' governments, like our Village! Under the guise of 'helping' us through the fiscal crisis in which we find ourselves, for the most part, because of actions taken by them, or unfunded mandates imposed by them we are being 'Consolidated,' slowly, over time...

Village Governments are fundamentally protected by the 1st Amendment of the US Constitution, whereby we are guaranteed our right to Assemble, which is how Village governments came about - it was the People who decided that there would be a Village of Horseheads, it wasn't initiated by Federal, State or County action.

Many, including our Governor, are calling our Village Government an unnecessary duplication of services, but I call it government that is closest to the People. "Government of the People, by the People and for the People," not one of bureaucrats in offices too far away for most People to access. (I know some will say that Chemung County isn't too far away, and that I am exaggerating, but consolidation will not stop there. There is pressure from the State to usurp the

county's authority, like the State takeover of our County Courts. There is pressure from the Federal Government to take power away from the States. The 10th Amendment says "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Where will it end? It will end in all power residing with the Federal Government, far removed from the People, unless we stop it!)

Where was the urgency back in June of 2014? Again we come into this chamber to cast a vote on a Resolution of some magnitude and I, personally, was just briefed about this recommendation on Tuesday by the Village Manager. I don't know what information other Trustees have had on the details of this arrangement, but I have not had many, nor have I seen the Contract, nor had sufficient time to consider and voice concerns about the arrangement. I took an oath to do my best for this Village and two days to consider this is not my best, it's not our best! No doubt, the Village Manager has taken much more time to study options and to put together this recommendation, but I was not privy to his work or deliberations. This may be the best option for the Village, I don't know...but, it's not what I would choose, unless more favorable options would be shown to me to be unworkable.

Several times, in this chamber, the question was asked if we would have a "Horseheads Police Chief, and the answer was "yes." There may be some 'interpretation' that something contained in this agreement will make that statement true, but I for one am not convinced of that. I believe this arrangement will give us Outside Supervision of our Offices, not our own Chief.

We are being told that this arrangement would cost us nothing. I learned a long time ago that there is no such thing as a 'Free' lunch! Recently, the County decided to reformulate the County Sales Tax Split, keeping more for themselves. The reason given was that they were depleting their Reserve Funds, while some municipalities, who had exercised Fiscal Responsibility, had higher percentages of Reserve Funds. Now, flush with this extra sales tax revenue, the County is 'giving' us a Police Chief and new equipment for our police cars, all for 'Free.' Call me: Suspicious!

The citizens of the Village of Horseheads have not had sufficient time to consider, understand and voice concerns about the arrangement. I believe the residents of the Village deserve, at a minimum, at least one workshop where they will be given all the details and an opportunity to ask question and receive answers.

We have not heard from our Village Police Officers, and I would like to hear from them regarding their views on having a part time Police Chief, whose loyalties are split between the Village of Horseheads and the County of Chemung. I would like to hear from our Officers what challenges and potential pitfalls they see in this arrangement.

So, I will be voting NO, and I urge my colleagues to do the same...

Manager Herbst - process is that we are going to develop an agreement with Atty. Groff's assistance. It still goes to the legislative committee and full legislature. I am talking with the PBA, receiving their suggestions, we had a discussion. I'm confident that this presents us with the best opportunity to do the things we talked about without raising taxes. A1% tax increase gets us 17K. It isn't perfect but it is workable. So we can sustain.

Roll Call Vote on Resolution:

Mayor Zeigler	Aye
Trustee Swartz	Aye

Trustee Koliwasky	Aye
Trustee Skroskznik	Recused
Trustee Lytle	No

Trustee Koliwasky- Ray Fortier passed away this week. He gave a lot to the village. Also, Dave Radin talked about reviewing our Comprehensive Plan. About having meetings to review it again. Maybe we can set up a date to do this. Also thanked Sgt. Zelko for covering chief's position in the last months.

Trustee Skroskznik - thank volunteers for working so hard on the St. Patrick's parade this Saturday.

Trustee Lytle - I would like to see contract for police chief.

Manager Herbst - it's still being developed.

Trustee Lytle - can I make a motion that we can see it and ratify it before it goes.

Trustee Koliwasky - it's the Manager's right is to hire and fire. It's his decision. He brought Matt Mustico on with shared services, that has worked out well. I think that the decision making process with the Manager is working well for the Village.

Mayor Zeigler - we have to have faith in the Manager.

Manager Herbst reported on the following items:

- Our sister city arrives Friday, tour village hall on Monday.
- Chief Arthur Sullivan is being honored by the Youth Bureau.
- Ray Fortier, I spent 26 yrs on the planning board with him.

As there was nothing further to come before the Board, the meeting was adjourned at 8:45 p.m.

/rmb