

**Minutes**

**Village Board of Trustees**

**December 13, 2007**

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 Ron Swartz, Howard Miller, Walt Herbst and George Koliwasky, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Police Chief Mike Barton, DPW Chris Lawrick and Recreation Director Nate Nagle. Also present was Jan Zeigler, 535 Watkins Road.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of November 8<sup>th</sup> and December 3<sup>rd</sup>, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

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

-	General	\$432,718.51
-	Water	\$133,255.18
-	Trust and Agency	\$ 910.18

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the Justice Reports for November 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that the minutes from the Planning Board Meeting of November 27, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the FY2006-2007 financial statements for the Village of Horseheads, prepared by Richard McNeilly, CPA, be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that due to the Christmas holiday, the regularly scheduled Board Meeting of December 27, 2007 is hereby cancelled.

Roll Call Vote:

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

Mayor Zeigler asked to table the next item, appointment of an Alternate Member to the Planning Board.

Motion by Trustee Herbst, seconded by Trustee Swartz, that the item regarding Appointment of an Alternate Member to the Planning Board be tabled until the Board's next regular meeting.

Roll Call Vote:

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

#### MS4 Stormwater Local Laws

Atty. Groff - most municipalities have passed the necessary laws. These laws effect zoning and land use, they require referral to Chemung Co., Village and Town Planning Boards, and require state SEQR analysis. Public hearings have to be held. The laws are functionally the same throughout the county. Laws are supposed to be in effect by January 8, 2008. We'll come close to that date. There is a fee structure on stormwater management. One thing we will do is modify the law a little further to allow for future changes to fees by resolution instead of by local law. Then we can change at any time. This modification is not in these drafts but we will do it. I've talked to Tom Skebey about fee structure. Right now its 50.00 for first acre, then 25.00 for every acre after. The Gardner Road subdivision, or Belosky Apts. are perfect examples of projects impacted. More than an acre is being used. They would have had to get MS4 permits. Law does not effect projects less than one acre.

Atty. Groff added that the Board has to designate appointment of a Stormwater Officer. Need to talk to the Town of Horseheads about this to see which Code Enforcement Officer you want to see manage these permits. Don't need to decide now.

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that this Board hereby receives a Proposed Local Law on Stormwater Management and Erosion and Sediment Control; and a Proposed Local Law on Illicit Discharge Detection and Elimination, and be it further

RESOLVED, that said proposed laws be forwarded to the Village, Town and County Planning Boards for their review and comment, and be it further

RESOLVED, that a Public Hearing on the Proposed Local Law on Stormwater Management is hereby scheduled for Thursday, January 10<sup>th</sup>, 2008 at 7:10pm, and be it further

RESOLVED, that a public hearing on the Proposed Local Law on Illicit Discharge Detection is hereby scheduled for Thursday, January 10<sup>th</sup>, 2008 at 7:15pm.

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Roll Call Vote:

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

Discussion: MS4 Stormwater Team Funding

Atty. Groff - this issue is part of the same project. There is a memo in your packets from Mark Watts from Soil and Water Conservation. This is part of the County's effort to develop another shared service concept. Because this law has impacts throughout the county, they would like special personnel to be hired to assist in administration of these law, and that these positions be paid.

Chris Lawrick - the Village is a member of the Stormwater Coalition. This coalition has existed for 5 years. County has proposed through Soil and Water Dist. to set up a stormwater team. The coalition applied for and got 3 grants. Laws you are seeing were drawn up by Steve Hoffman who was paid with a grant. Grants will also be forthcoming in the future which will effect financial contributions needed, but can't count on that. This is another unfunded mandate by NYS. The team would have 3 employees who would take care of technical requirements with MS4. Currently because of grants they have been doing a lot of the work required by municipalities. When it comes to training, advertising, laws, etc. it was a godsend to have the coalition. The cost to Village for this team is \$5,000, plus \$3,000 from sales tax. In my opinion it is a good plan. However it is just a proposal at this time.

Presentation by Chief Barton on Additional Police Officer

Chief Barton distributed budget info. He stated that he currently has an open line in the present budget for an officer. I am already looking at someone. He is working somewhere else, but is currently on the list. He would be hired at a base salary. Last years OT was \$95,000. We went over our allotment of \$80,000. I increased it in last budget to \$85,000 but we will exceed this again. If we are able to fill this position, I would expect to see OT go down. Can't say exactly how much but will see reduction. We've had a few injuries this year. Lots of OT to fill time off issues. If we don't have the 13<sup>th</sup> officer, we don't have enough to run our schedule and have adequate vacation leave, using OT for time off. Regarding the COPS grant, the Village was supposed to set money aside to maintain 13<sup>th</sup> officer position. The Village appealed to the government, and they allowed them to leave it at 12. They granted reprieve, but noted in the letter that they expect us to return to budgeted level of 13 officers, and that won't be funded through the grant. It is my position to recommend to you that we fill this 13<sup>th</sup> position. We definitely have the need for this. This will also increase officer safety also, and will allow us to have the Investigator do investigations. Hard to investigate crimes recently with nobody to backfill the shifts.

Mayor Zeigler - so we can start tracking the OT costs immediately. Chief Barton - once we get officer trained you'll start to see it.

Trustee Herbst - what would you expect savings in OT to be. Chief Barton - its been so high in part due to staffing - didn't have another officer. Then further we had injuries, two this past year. I would like to say \$10,000-\$15,000 savings roughly. If we had everyone on and healthy.

Trustee Koliwasky - are you seeing signs of "burn out"?

Chief Barton - that is a concern. From a liability standpoint, I want to keep my guys fresh. This will have impact on sick time usage, and overall liability picture. The officers need to be fit for duty.

Atty. Groff - the position is authorized right now by the budget, but he's been given instructions not to fill position. If you want to allow him to fill the position and utilize the budget that is approved, you should pass a resolution authorizing him to retain another officer.

Motion by Trustee Herbst, seconded by Trustee Swartz, that Police Chief Barton is hereby authorized to hire an additional police officer as is reflected in the current Village budget.

Roll Call Vote:

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

#### Appleridge PILOT

Atty. Groff - you received materials regarding the Appleridge PILOT agreement. There is a public hearing on 12/27. We contacted IDA and asked them to inform us of details. You will receive a copy of the pilot funds breakdown for the last 7 years showing what the Village rec'd, County and School from PILOT payments. The extension is proposed for 4 years. There is an increase in payments from Appleridge. While the Village's portion is fixed at \$55,000 a year, the amount paid to the School and to the County increases. It should be noted that if the allocation was to be based on traditional formula, you would not be getting \$55,000, it would be less. You should review it. If there are concerns they should be discussed.

#### Other

Trustee Herbst - Trustee Miller and I are working on the Labor Relations Committee. There is one particular section I need to discuss with Atty. Groff. Our gut feeling is we should not talk about it in this Committee as it could become a memo of understanding attached to the contract. Don't want them doing a back door way of amending the contract.

Trustee Herbst reported that he is working with Tom Mailey on a possible newsletter for the Village. We'll be looking at sponsors, costs, printing, etc.

Mayor Zeigler asked the Board to review Chapter 40 of the Village Code and look at duties of Vil. Mgr.

At this time Recreation Director Nate Nagle made a presentation on new software he would like for his department.

As there was nothing further to bring before the Board, the meeting was adjourned at 8:15 p.m  
/rmb