

## Minutes

### Village Board of Trustees

February 13, 2014

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  
Deputy Mayor Ron Swartz  
Trustee George Koliwasky  
Trustee Mike Skroskznik  
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham  
Village Atty. John Groff  
Fire Chief Arthur Sullivan

#### Others Present

Wayne Brubaker, Gardner Rd.  
Debbie Hicks, Gardner Rd.

Brad Lytle, Grand Central Ave.  
Joe Ruhmel, Gardner Rd.

Resolution by Trustee Skroskznik, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 30, 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

Audience Participation - none.

Financial Reports: Manager Herbst - discussed savings from new health insurance plan.

7:10 p.m. - Public Hearing: Proposed Local Law #1 of 2014 - Tax Cap Override

Atty. Groff opened the public hearing.

Brad Lytle, Grand Central Ave. - Commended the Board on past low taxes and hopes the Village continues this way.

As nobody else came forward, Atty. Groff declared the public hearing closed.

Manager Herbst stated that at the recent NYCOM conference both the Governor and Lt. Governor didn't show up. He commented that the County would like consolidation of services in order to reduce taxes

1%, then 2% then 3% in three years.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

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 2014-2015, and

WHEREAS, a public hearing regarding said local law was held on February 13, 2014, 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

BE IT FURTHER RESOLVED, that Sharron Cunningham, Clerk-Treasurer, is hereby directed to enter said local law into the minutes of this meeting and in the local law book of the Village, and to give due notice of adoption of said local law to the Secretary of State of NY.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that Clerk-Treasurer Sharron Cunningham is hereby authorized to transfer the funds indicated on the attached sheet, and be it further

RESOLVED, that due to unexpended grant monies in the Parks and Recreation Department totaling \$7,068.82, that said monies be transferred from the Unreserved Fund Balance to Parks and Recreation Revenue Line #2023, in order to apply expenditures.

## Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for January 2014 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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of February 3, 2014 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

Motion by Trustee Koliwasky, seconded by Trustee Swartz, that the following item be added to the agenda:

- Request from Barbara Swanson, 307 John Street, Porch Encroachment

## Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Swartz

WHEREAS, it has come to the attention of this Board that approximately two feet of a porch at 307 John Street, Horseheads, NY encroaches upon Curns Street, and

WHEREAS, Barbara A. Swanson, owner of the premises has presented this Board with a request that the encroachment be permitted to continue in existence, pursuant to Village Law Section 6-632, and

WHEREAS, Matt Mustico, Supt. of Public Works, has inspected the encroachment and reviewed the long term plans with respect to public use of Curns Street, and has found that the encroachment does not adversely impact the users of the street, and

WHEREAS, this Board has received reports from Village Manager Herbst and Village Atty. Groff regarding the situation.

NOW THEREFORE BE IT RESOLVED, that it is this Board's preliminary determination, but not final determination, that granting of the request would not have an adverse impact on the users of the Village street, and be it further

RESOLVED, that a public hearing shall be held on Thursday, February 27<sup>th</sup>, 2014 at **8:40 A.M.** regarding the applicant's request.

Roll Call Vote:

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

Atty. Groff - received a Notice of Claim from NYSEG. Not a lawsuit yet. They assert their gas services were compromised by other utilities installed on various streets.

Mayor Zeigler - people are walking their dogs in Maple Grove Cemetery. We need more signage prohibiting this. We should consider putting security cameras in the cemetery.

Trustee Skroskznik - commended the Street Dept. on the good job they have done during our winter storms. He added that he would like to know when we are going to have budget workshops.

Trustee Koliwasky - asked about the status of the roof project.

Manager Herbst - engineer is pressuring contractor to conform to the contract. January 15<sup>th</sup> was completion date, weather permitting.

Manager Herbst - the Well 5 project is taking shape. Only two weeks behind schedule, due to the weather. April 30<sup>th</sup> is the completion date with FEMA and Health Dept. Water distribution to start May 31<sup>st</sup>.

As there was nothing further to come before the Board, the meeting was adjourned at 8:00 p.m.

/rmb

**TRANSFER LIST - FEBRUARY 13, 2014****GENERAL**

<b><u>AMOUNT</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>DESCRIPTION</u></b>
\$45.50	1110.109	1110.145	PT COURT CLERK
\$45.50	1111.109	1111.145	PT COURT CLERK VH
\$12,000.00	1620.440	1620.410	MAT/SUPPLIES
\$330.00	1620.440	1620.444	GENERAL CODE
\$840.00	1623.462	1623.456	RECREATION-NETWORK
\$8,500.00	1990.477	1623.465	VH NETWORK SUPPORT
\$5,000.00	1990.477	1623.467	NETWORK ADMIN
\$128.58	1990.477	1950.474	SEWER TAX
\$13,000.00	5110.115	5110.127	NEW DPW EMPLOYEE
\$12,000.00	5110.440	5110.443	STREET REPAIRS
\$6,000.00	5142.410	5142.443	SNOW EQUIP.REPAIRS
\$53.71	7180.440	7180.200	RECREATION EQUIP.
\$1,627.98	7210.410	7210.200	SPECIAL EVENTS EQUIP.
\$38.45	7310.110	7310.443	POOL REPAIRS
\$10.00	5110.440	8140.410	STORM SEWER EXP,
\$703.75	5110.110	8810.100	CEM.PT.LABORER
\$183.00	1620.440	8988.212	HANOVER CLOCK
\$60,506.47			

**WATER**

\$13,000.00	8340.105	8340.107	STREET EMP.TO WATER WATER
\$2,000.00	8340.105	8340.160	OVERTIME
<u>\$1,500.00</u>	8340.410	8340.440	WATER CONT.SERV.
\$16,500.00			