

**Minutes**  
**Village Board of Trustees**  
**January 14, 2021**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. virtually via the Zoom platform.

Present were:

<b><u>Village Board and Staff</u></b>	
Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin Trustee Mike Skroszchnik - absent Trustee Mark Cronin	Village Manager Nate Nagle Manager's Asst. Jessica Molter Attorney John Groff Matt Mustico- DPW Melanie Smith- ZBA Chief Arthur Sullivan Mike Stenpeck- Planning Board Elliott Blauvelt- ZBA
<b><u>Others Present</u></b>	
Josh Baker Andy Avery: Chemung County DPW Marty Butler: NYS DOT	

Manager Nagle: Trying new technology for the Village- Owl Pro. It allows for 360 and mic and video. If you have anything for audience participation unmute or make a comment in the comment section. The camera tracks the individual speaking so there may be a delay

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of December 10, 2020, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney:       Aye  
Trustee Gross:         Aye  
Trustee Goodwin:     Aye  
Trustee Cronin:       Aye

**Pathways PUD Amendment Resolutions**

Mayor Maloney turned the meeting over to Attorney Groff to conduct a Public Hearing on the Application of Pathways, Inc. for amendment of the PUD concerning 800 W. Broad Street, Horseheads, NY 14845, Tax Map No.: 58.12-2-60

Land Use District: Planned Unit Development

Village Attorney John Groff opened the public hearing.

Village Attorney Groff closed the public hearing and turned the meeting over to the Mayor who entered into the minutes the following:

- ( X ) Affidavit of Publication in official newspaper
- ( X ) Affidavit of Posting
- ( X ) Affidavit of Mailing the notice of the hearing to neighboring property owners
- ( X ) Short EAF filed by the Applicant
- ( ) Correspondence received from:
- ( X ) Village of Horseheads Planning Board recommendation

The Mayor then brought up for discussion the environmental impact of the requested amendment.

Regarding the SEQR review:

The Village Attorney John Groff noted that this was an application for a Planned Unit Development amendment and therefore an environmental determination was required prior to taking action on the requested application. Village Attorney Groff reviewed Part 2 of the Short Environmental Assessment Form with the Board. The Board discussed the questions raised in Part 2 in depth and identified the possible adverse impacts.

The Mayor called for the reading of the proposed SEQR resolution calling for a Negative Declaration regarding the application and inquired if the Board members were in agreement with the indicated possible adverse impacts.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Pathways, Inc. is the owner of 800 W. Broad Street, Horseheads, NY and has applied to the Village of Horseheads for amendment of an existing Planned Unit Development at that location to construct what has been described as a gazebo and walkway at the premises, and

WHEREAS Pathways, Inc. has filed Part 1 of the Short Environmental Assessment Form regarding the proposed project with the Village, and

WHEREAS, this Board has reviewed and considered Parts 1 and 2 of the SEAF.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations (6 NYCRR Part 617) Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed amendment of the Planned Unit Development ("Action"):

1. The Action is subject to SEQR
2. The Action does not involve a federal or state agency.
3. The Action is preliminarily classified as an Unlisted Action.
4. The Village Board of Trustees is and will be the Lead Agency with respect to adoption of, and approval of, the Action.
5. The Village Board of Trustees finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.
6. The Village Board of Trustees, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call Vote:

Mayor Maloney:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Cronin:	Aye

D&A regarding the Application:

The Board then proceeded to discuss the application.

Upon motion duly made by Trustee Gross and seconded by Trustee Cronin

WHEREAS, Pathways, Inc. has applied to the Village of Horseheads for approval of an amendment to the Plan for development of a Planned Unit Development at premises located at 800 W. Broad Street, Horseheads, NY (Tax Map Parcel Number 58.12-2-60) to provide for the construction of a 20' x 30' gazebo and sidewalk and has supplied plans and drawing specifications for same .

WHEREAS, the application is subject to SEQR, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding that there will be no significant adverse environmental impacts from the project, and

WHEREAS, the project was referred to the Planning Board of the Village of Horseheads for its review and consideration and their recommendations have been received and considered, and

WHEREAS, Planned Unit Developments are regulated by Chapter 245 of the Village Code, Zoning, Article XIV which requires a public hearing and same was held on January 14, 2021 at which time all interested parties were afforded an opportunity to be heard, and

WHEREAS, this Board has reviewed the application and the applicant's supporting materials including but not limited to the above-noted plans and specifications, and has found same to be compliant with the requirements of Village Code Sections, 245-106, and

WHEREAS, this Board has considered the reports, findings and recommendations of all other Boards and Agencies which have considered the application and finds that granting the application is in the public good and best interest of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby approve the application for amendment of the Plan for the PUD presented by Pathways, Inc. to allow for the construction of the gazebo and sidewalk at 800 W. Broad Street, Horseheads, NY.

Roll Call Vote:

Mayor Maloney:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Cronin:	Aye

**Resolution for Breathing Apparatus Financing**

Attorney Groff opened the Public hearing regarding the financing of air packs for the fire department.

No comments were made and the public hearing was closed and the meeting turned over to Mayor Maloney.

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads is authorized by applicable Law to acquire such items of personal property as needed to carry out its governmental functions and to acquire such personal property by entering into lease/purchase agreements, and

WHEREAS, the Village desires to purchase, acquire and lease certain equipment for a cost not to exceed \$184,989.00 constituting personal property to perform essential governmental functions and the Village Board proposes to finance the acquisition of said equipment through lease/purchase financing, and

WHEREAS, proposals were solicited by Village Manager Nathan Nagle from several financing institutions for multi-year capital lease/purchase financing for the acquisition of Scott Breathing Apparatus (new air packs) for the use of the Village Fire Department, and

WHEREAS, the Village finds and determines that execution of an agreement for the purpose of leasing with an option to purchase the property designated is appropriate and necessary to the function and operation of the Village in the public interest and for public benefit, and

WHEREAS, the Village Board, acting as lead agency,; under the State Environmental Quality Review Act ("SEQRA") and the applicable regulations promulgated there under to the extend necessary, if any, has completed its environmental review and hereby duly finds the purpose to be a Type II action under SEQRA consisting of routine activities of a municipality including acquisition of equipment which has been determined by regulation not to have a significant impact on the environment and is not subject to further environmental review under SEQRA, and

WHEREAS, the Village has satisfied the legal requirements including those relating to applicable public bidding requirements, to arrange for the acquisition of the equipment and execution and delivery of the lease/purchase agreement, and

WHEREAS, a 4-year capital lease/purchase agreement with Municipal Leasing Consultants for the lease/purchase of 26 Scott Breathing Apparatus Air Packs is recommended by Village Manager Nagle, and

WHEREAS, the principle value of this lease/purchase shall not exceed \$1,000,000.00 and the term of same shall not exceed the probable useful life of the equipment, and

WHEREAS, the lease will be at a stated interest rate of 2.14% as quoted by Municipal Leasing Consultants and the term of the lease will be for approximately 4 years with the first payment being made on the lease closing date in the amount of \$36,997.80, and successive payments of \$50,785.82 due on June 15,2021, June 15, 2022 and June 15, 2023.

NOW THEREFORE BE IT RESOLVED, that the 4-year capital lease/purchase financing proposal for the purchase of the Scott Air Packs is hereby awarded to Municipal Leasing Consultants for an amount not to exceed \$184,989.00.

BE IT FURTHER RESOLVED, that Village Manager Nagle or his designee is directed to take all steps necessary to effectuate the intent of this resolution including but not limited to the execution of any and all documents necessary to effectuate same including but not limited to a lease/purchase agreement, certificates and other instruments.

BE IT FURTHER RESOLVED, that Village Manager Nagle and Clerk/Treasurer Donna Dawson are authorized and directed to make all necessary Village Budget modifications to transfer \$36,997.80 from the contingency account #01.1990.5477 to budget line item #01.9720.5701 for the funding of the first payment due under the above noted lease/purchase at closing of the transaction to be followed by 3 annual payments of \$50,785.82.

BE IT FURTHER RESOLVED, that execution of a letter with Municipal Leasing Consultants dated December 7, 2020 Revised by Village Manager Nathan Nagle is hereby ratified and affirmed it being this Board's determination that the act of doing so was necessary to preserve the attractive financing terms of the lease/purchase proposal. He is further authorized to execute a letter agreement with Municipal Leasing Consultants dated January 5, 2021 Revised regarding the same subject.

BE IT FURTHER RESOLVED, that if any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

Mayor Maloney: Aye  
 Trustee Gross: Aye  
 Trustee Goodwin: Aye  
 Trustee Cronin: Aye

**Jake Brake Discussion:**

**Trustee Goodwin:** Jake brakes is a real concern and Mayor McIntosh brought it up previously. The noise is very loud and disheartening, I do know the need and know they cannot be outlawed but the noise/decibel can be controlled. There will be an added expense for the equipment for this and Police will have to use it. Schuyler county has many. Discussed the noise with residents as well. Northbound near Watkins road and South bound toward Broad Street at the light.

**Matt Mustico:** Used to be a sign there. Will look tomorrow.

**Trustee Gross:** What is the state regulation

**Marty Butler:** Do have the ability to install signs letting traffic know what the state rules are for decibels (located in vehicle and traffic law) under 35mph the max decibels is 86 and over 35mph is 90 decibels. Have not issued any signs and haven't received many requests. Sign doesn't do anything unless enforced and would like feedback from law enforcement that they will enforce it and have the equipment to enforce it. If interested in moving forward, borrow the equipment that is needed to record decibels or purchase one to get a base decibel reading and will need a commitment from law enforcement that they will use it and issue tickets.

**Mayor Maloney:** Should the Village pursue this, who actually puts the signs up? The state

**Trustee Goodwin:** Being a state road why don't the State Police hand out violations?

**Marty Butler:** State or local would issue the tickets. Whoever is responsible for policing the area.

**Matt Mustico:** How far away are they measured?

**Marty Butler:** 50 feet from the center of the travel lane

**Trustee Gross:** Can one person operate it?

**Marty Butler:** have never seen one and main office doesn't want the state DOT involved in the recording of decibels. Equipment specified by the DEC.

**Andy Avery:** It is handheld equipment and he requested a quote and the equipment is over \$5,000 new and from e-bay is \$2,400 to \$3,500.

**Village Manager:** What is comparison of 90 decibels?

**Andy Avery:** Probably similar to a jackhammer

**Trustee Goodwin:** Any grant money available to do a study?

**Marty Butler:** Most of that money is for speeding, DWI, and pedestrian safety. It pertains to motorcycles too and not just jake brakes.

**Manager Nagle:** Would this require a local law?

**Atty Groff:** State regulated highway and it is not our role to regulate or post and the state DOT is not going to enforce and the enforcement will be done by law enforcement. Without equipment there is no Noise ordinance is not based upon decibels because we have never had equipment it is based on a sense of reasonableness and applies to traffic and now trying to deal with a mobile source of noise and our current ordinance is best suited to enforce stationary noise. The regulations in place right now wouldn't be utilized for that noise source without the equipment and amend our local law.

**Marty Butler:** The maximum limits are within the vehicle and traffic law.

**Discussion further ensued**

**Mayor Maloney:** Where are we with the connector road?

**Andy Avery:** Connector Road, completing a certified levy now and close to bidding out the road and bridge. It is a 2-year project for the highway and bridge.

**Trustee Goodwin:** Any news on the Roundabout on Broad and Sing Sing?

**Andy Avery:** There isn't a new federal funding program now.

#### **Financials:**

2<sup>nd</sup> sales tax check received for December for \$64,000 and with that we are at about 78% of budgeted sales tax with 5 months remaining.

Chemung County is falling 3 – 3.5% short for their sales tax revenue and they are a January to December budget year

Our budget General: overall revenues at 77% collected and expenses at 51%

On revenue side: Recreation will not meet the revenue mark but also do not have the expenses budgeted

Cemetery operations are going well \$11,400 over what's budgeted for lots \$15,400 over for services too

Water: 49% of revenue collected and expenses at 38% to date we are aware of 3 or 4 individuals taking advantage of deferred payment agreement. We may have more ask for the agreement in the future.

Overall 71% general and expense with water and general combined

Budget transfers at 1/28 meeting or 2/11

OT has been exhausted already for water

Wages of PT parks employers- kept wages within their respective line items.

Police OT: currently at 83% of what budgeted will probably have to make a transfer from contingency

Will try to get an OT figure as how related to COVID

Are tracking all of PPE, equipment, hours et cetera for potential future reimbursement

### **Surplus Property Policy**

**Manager Nagle:** Have never had a policy, just a practice and this creates structure and consistency to surplus Village assets. Anything valued under \$2,000 Village Manager can surplus without BOT approval and anything over \$2,000 will take BOT approval.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, it is in the public interest for the Village of Horseheads to periodically sell or dispose of certain machinery, equipment, or materials which, by nature of its obsolescence, low value, or disrepair, has been determined by the Village Board to be surplus to the realistic and foreseeable needs of the Village; and

WHEREAS, the Village Board wishes to establish a uniform policy, which provides that obsolete and unneeded property will be offered for sale to the general public in an open, transparent, and cost-effective manner, and assures against usable and valuable property from wrongfully being declared obsolete and offered for sale, and

WHEREAS, the Village Board has reviewed and considered a draft policy

NOW THEREFORE BE IT RESOLVED, THE VILLAGE OF HORSEHEADS BOARD OF TRUSTEES HEREBY ADOPTS THE ATTACHED DISPOSAL OF SURPLUS VILLAGE PROPERTY POLICY TO BE EFFECTIVE IMMEDIATELY.

Roll Call Vote:

Mayor Maloney:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Cronin:	Aye

### **HRA Amendment: Over-the-counter Items**

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, the Village of Horseheads has established a health reimbursement account for certain eligible Village employees pursuant to a Plan which is administered by Lifetime Benefits Solutions, and

WHEREAS, the employee's ability to utilize the benefits under this Plan has been adversely affected by the pandemic, and

WHEREAS, the Village can amend the Plan to provide coverage for over-the-counter medications without a prescription and further to provide for a tolling of certain timeframes due to the pandemic which is a national emergency

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to execute the amendment to the Village's health reimbursement account Plan, to provide a copy of that amendment to the Plan administrator Lifetime Benefit Solutions, and further to provide notice of the Plan amendment to the affected employees.

Roll Call Vote:

Mayor Maloney: Aye  
 Trustee Gross: Aye  
 Trustee Goodwin: Aye  
 Trustee Cronin: Aye

**Health Insurance Amendment: Deductible/Out-of-pocket Maximum**

Resolution by Trustee Goodwin, seconded by Trustee Cronin

WHEREAS, the Village is a member of the Greater Tompkins County Municipal Health Insurance Consortium, and

WHEREAS, through the Consortium the Village secures health insurance benefits for its employees in the form of a Plan known as the Excellus Simply Blue Plan Bronze 4 Plan which Plan provided for an annual deductible and out-of-pocket maximum of \$6,550 for individual coverage and \$13,100 for annual deductible and out-of-pocket maximum for 2-person and family coverage for eligible employees, and

WHEREAS, pursuant to collective bargaining agreements with the Horseheads Police Benevolent Association, Inc and the Civil Service Employee Association Unit # the Village agreed to establish and fund HRAs in amounts equal to the deductible and out-of-pocket maximums for the health insurance Plan for eligible employees, and

WHEREAS, the Village provided the above noted HRA benefit to non-unionized full-time eligible staff as well, and

WHEREAS, under the Plan the annual deductible and out-of-pocket maximum have been increased to \$7,000 for individual coverage and \$14,000 for 2-person and family coverage.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to make all necessary and appropriate adjustments to the Village's HRA administered through Lifetime Benefits Solutions for such eligible unionized and non-unionized staff effective January 1, 2021.

Roll Call Vote:

Mayor Maloney: Aye  
 Trustee Gross: Aye  
 Trustee Goodwin: Aye  
 Trustee Cronin: Aye

**Full-Time Employee Vacancy**

**Village Manager Nagle:** An employee resigned, and a hiring freeze was placed in December 2018 this is requesting lifting the hiring freeze to hire an equipment operator.

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, on December 13, 2018 this Board established a hiring freeze as to all full-time employee positions in the Village of Horseheads, and

WHEREAS, such freeze may be lifted and rescinded at the discretion of this Board, and

WHEREAS, Michael Burke, Equipment Operator II, has resigned his position with the Village effective December 29, 2020, creating a vacancy in an essential position, causing a need to hire a replacement, and a need for a temporary rescission of the hiring freeze as to this Department.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to take any and all reasonable steps necessary to hire an Equipment Operator to fill the current vacancy.

Roll Call Vote:

Mayor Maloney:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Cronin:	Aye

**Discussion: Pandemic Operations Plan**

**Village Manager Nagle:** All municipalities are to adopt this and it is due on April 1. Would like any feedback regarding the plan and then it will be issued to the CSEA and PBA under their review for 30 days then make any modifications and adopt the plan once all modifications have been made. Tried to draft so it is established for all other/future pandemics that may happen. Tried to not keep it COVID specific. Thank all the staff as they have worked on it extensively.

**Trustee Gross:** Question on the housing, maybe identify sites and have cots, et cetera.

**Village Manager Nagle:** this category was put into the state template for a situation if there was ever a need to house employees, similar to emergency plan.

**Mayor Maloney:** Is it similar to surrounding municipalities?

**Village Manager Nagle:** Feels like we may be the only ones and have had others ask for copies of ours once completed.

**Discussion: Village Manager Approving Firefighters:**

**Mayor Maloney:** Currently goes to the full board and it sometimes has an issue with timing. With the amount of training required there are only certain windows when they are able to get into training courses.

**Trustee Goodwin:** Only ask is for the Village Manager to put the name into his report and let the Board know who the new firefighter is.

**Everyone is okay with making a change in that policy.**

Will present a resolution in an upcoming meeting.

**Discussion FD Grant Application:**

**Chief Sullivan:** Micro grant for \$50,000 for equipment and no matching at all.

**Village Manager Nagle:** It is a reimbursement grant and the application is due 2/12/2021 and notification will not be received until September 2021. Would have to put \$50,000 into contingency in June to pay for the upfront cost to be reimbursed for something that may or may not be granted. Could take money from capital to contingency or develop a reserve account and pull out of a reserve. If we do not get the grant, are we still going to buy the equipment is another consideration, what is the need of the equipment and need Artie to break down the equipment, need, et cetera.

**Trustee Gross:** requesting information before the next meeting to make an informed decision.

**Add-on:**

**Approve Firefighter:**

**Village Manager Nagle:** Do not want to make a practice of approval until background checks are in.

**Mayor Maloney:** Agreed

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Nicholas Beckman has been recommended for admission to the Village of Horseheads Fire Department to be a member of the Village Fire Department, and

WHEREAS, Nicholas Beckman's background check is currently in pending status.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept and approve his membership in the Village of Horseheads Fire Department, conditioned upon the receipt of a satisfactory background check. Said acceptance to be effective upon the satisfaction of such condition.

Roll Call Vote:

Mayor Maloney:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Cronin:	Aye

**Audience Participation**

**Elliott Blauvelt:** What's the progress if any on Empire gaining fiber through the Village?

**Nate Nagle:** Will reach out to them tomorrow and will provide an update

**Manager's Report**

Fire Truck Acquisition information- 4 vendors have asked for bid packets. Bids due 1/20 and will be opened on 1/21

Plow Truck- submitted through mini bid process and closed without any bids. Reached out to the state, one vendor reached out to the body company and then they never responded. Need to submit another bid and change the body or bid out the chassis and bid the body separately. Approximately \$125k-\$145k for chassis and body. Have to consider if we do a chassis bid it would be delivered to us and then sent on to get the body installed. Probably not available until fall for the body and the chassis needs to be

replaced by end of February before they start producing 2022's

COVID restrictions for restaurants only can operate under the yellow guidelines! Good news for local restaurants.

Mike Hess hired as newest Police Officer filling Seth Zawko's retirement. 2 officers in FTO program.

Looking for Trustees to establish goals for the 2021 year, department heads have been working on it. Example: One of the manager's office is to revamp and replace our website and look at all of our policies. Will compile department's goals and determine which goals can be met and how. Asking trustees to develop goals from the Village perspective.

Would also like to roll out the concept of residential committees with Board members participating. Franklin Street Ideas, Going Green, et cetera

**Trustee Gross:** Brought to attention the roads. On Gardner road between Lynhurst and the light is horribly broken up- will be done this year and up in Monroe and that area. Would like to drive around and take a look at them.

Corner of Broad Street and by Mr. Fokawski's they plowed far out from the curb and cars have to pull out further. (Matt to look at tomorrow)

**Trustee Goodwin:** Kevin Sullivan has ideas for Maple Grove cemetery and would need some lead time on when he would be on the agenda and let him know when for a columbarium at the cemetery.

**Trustee Cronin:** Thank you to the fire department for Santa Claus trip around the Village

**Matt Mustico:** Disappointed with the lack of momentum with moving forward with the plow truck.

**Mayor Maloney:** great job on the snowstorm in December. Fire Dept thanks for Santa Claus

As there was nothing more to come before the Board the meeting was adjourned at 9:02pm