

**Minutes**

**Village Board of Trustees**

**April 14, 2011**

A 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  
Trustee Ronald Swartz  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Trustee Larry Clark  
Village Manager Walt Herbst  
Village Attorney John Groff  
Clerk-Treasurer Sharron Cunningham  
Code Officer Bob Young

Justice Bill Driscoll  
Police Chief Mike Barton  
DPW Matt Mustico  
Manager's Assistant Rachel Baer  
Deputy Clerk Donna Hartsock  
Fire Chief Arthur Sullivan  
Police Officers: Scott Zelko, Dan West,  
Dave Ruhmel, Dave Murray, Seth  
Zawko, Bill Goodwin, Scott McGrain

**Others**

Mary Mower, Kinley Place  
Pat Gross, W. Broad St.  
Val Rohver, Ridge Rd.  
Dave Padgett, W. Franklin St.  
Howard Miller, Sunset Dr.  
Alice Roote, Gardner Rd.

Tom Stickler, Kennedy Dr.  
Elliott Blauvelt, Fletcher St.  
Wayne Brubaker, Gardner Rd.  
Mike Stenpeck Gr. Central Ave.  
Barb Skorczewski, W. Franklin St.  
Tess Banfield, Catalpa Dr.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of March 24th, March 31st and April 5th, 2011 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 Peters: Aye  
Trustee Clark: Aye

At this time, Atty. Groff declared open a Public Hearing regarding the tentative 2011-2012 Village Budget.

Officer Scott McGrain - OT budget for Police Department is very inadequate. Its cut from 95K to 20K.

Manager Herbst - This is regarding the School Resource Officer. Choices were to either lay off, or to cutback on OT. By retaining 12 officers we are able to cover those shifts and still have number of hours.

Officer McGrain - if you put one as SRO, you wouldn't have 3 relief officers.

Manager Herbst - we have ability to reassign SRO as needed.

Officer Scott Zelko - is there an agreement with school for SRO. We were told that village declined offer of 40k toward that program.

Manager Herbst - that is incorrect. I spoke to Horseheads Supt. Ralph Marino 3 times today. We will be having a SRO next year.

Pat Gross, W. Broad St. - Question for Village Manager. On your health insurance, you have 4,000 in your budget for the insurance buy-out. This is a moral issue. Is that necessary for you since your salary will be 75,000 already. If this was your only income, it would be fine. But I would ask you to personally say no to the insurance buyout.

Manager Herbst - I resent your comment, and I will not turn down the buyout.

Officer Dave Murray - part of Police budget includes reduction to one officer per shift, does that mean this Board is ok with that. It's a new General Order. Says at least one officer on, but with time off won't get filled.

Manager Herbst - This is a management decision on whether or not that slot is filled.,

Officer Murray - now with SRO your down another relief officer.

Manager Herbst - he can still be a relief officer.

Officer Murray - so today he's in the school, and tomorrow he could be on the road. That SRO program will suffer. As busy as that program is, you must not know how busy they are.

Officer McGrain - would like the Board to reconsider the OT. Even with the hours that the Manager is talking about you cannot fulfill the two officers. This becomes an issue for officer safety and civilian safety. It will fall back on the board. They need coverage. Court call in time, arrest time, lots of OT that officers do that you haven't taken into consideration for this 20K.

Tom Stickler, Kennedy Dr. - I'm happy about the SRO program. What happens if partway through the year the OT is gone, how will officers be able to cover.

Manager Herbst - we will adjust the budget if necessary.

Atty. Groff declared the public hearing closed.

Trustee Peters - we anticipated that sales tax would be down, but over past year we are already 120,000 more than previous year. We anticipate that to stay level. Another thing is income from gas wells. Received 35,000. Will get about 60k next year, but putting 1/3 into reserve fund. Also getting the ADP payroll system online - big difference in our bottom line. Just getting more efficient will save us money in long run.

Trustee Clark - shared services in many areas has saved us 120K. There is much more to do. Reason I bring it up, I've had several people stop and ask if 0% tax increase is because its an election year. I've assured them it is not. We've restructured building permits, reviewed the water rates, parks and rec. Nate Nagle has brought forth many programs, and recovering 80% of expense in budget. As a result of all this, I'd like to thank all the Trustees for their work on this budget. Thanked Village Manager. Thank Mayor Zeigler too - his progressive leadership and guidance has allowed us to come forth.

Trustee Swartz - contract with Wendell Energy to save the Village on our energy costs.

Trustee Koliwasky - made some good changes which have been to the best of the Village. Shared services has been a big help. Due to teamwork.

Mayor Zeigler - regarding the police issue. Were not looking at understaffing - we are looking at managing. Lots of times last year when one officer was on duty due to circumstances. Heard what we are doing with shared services with Town of Elmira for DPW and mechanic. In the process of redeveloping the Council of Governments. Its your money, we are doing this to save money for you. I am proud of this budget.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, Village Budget Officer Walt Herbst has prepared and submitted a proposed budget for the fiscal year 2011-2012, and

WHEREAS, this budget has been reviewed and critiqued by the Board of Trustees, and

WHEREAS, a public hearing was held on April 14, 2011 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2011-2012 budget prepared by the Budget Officer which establishes anticipated revenues in the amount of \$5,651,889 and appropriations in the amount of \$5,651,889 with the schedule of salaries and wages and other appropriate schedules required by law is hereby adopted as the final budget for the Village of Horseheads for the fiscal year June 1, 2011 through May 31, 2012 containing a tax levy of \$4.99 per thousand dollars of assessed valuation.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, NYS has encouraged municipalities to obtain long term energy cost savings by facilitating prompt incorporation of energy conservation improvements, or energy production equipment, or both, in connection with buildings or facilities owned, operated, or under the supervision and control of municipalities in cooperation with providers of such services by enactment of Article 9 of the Energy Law of New York State, and

WHEREAS, said law authorized municipalities to enter into energy performance contracts which are agreements for the provision of energy services to improve energy efficiency or produce energy in connection with a building or facility in exchange for a portion of the energy savings or revenues with the provider of such services, and

WHEREAS, Village Manager Walt Herbst has issued written requests for proposals for the provision of energy services in accordance with the Purchasing Policy of the Village of Horseheads, and

WHEREAS, Village Manager Herbst requested three written proposals from energy service providers and was only successful in securing one proposal, that being from Wendell Energy Services, LLC, and

WHEREAS, Wendell made written and verbal presentations to this Board regarding energy and water system efficiency upgrades including but not limited to the following Village systems and properties: water system, Department of Public Works building, Village Hall, Maple Grove Cemetery office, Fire Department building, Thorne Street pool and recreation building, and water wells, and

WHEREAS, Wendell has proposed to provide the Village with a comprehensive energy study to determine the most appropriate energy efficiency measures, and

WHEREAS, there is a 50% cost shared grant for the study and evaluation of energy efficiency measures available through NYS Energy Research and Development Authority (NYSERDA), and

WHEREAS, the proposed budget for the project shall not exceed \$33,800.00, one half of which would be reimbursed by the grant from NYSERDA.

NOW THEREFORE BE IT RESOLVED, that Manager Herbst is authorized to execute all necessary energy efficiency study agreements with NYSERDA and Wendell as in his opinion are warranted and prudent conditioned upon the form and terms of said agreements having been approved by Village Attorney John Groff.

Manager Herbst - each of the Trustees have contacted references of Wendell Services.

Trustee Koliwasky - contacted another municipality, and they have used Wendell considerably. Wendell stays on top of the bidders. Has helped with green space, water lines, parks, grants, etc.

Trustee Peters - I contacted the Town of Lockport - they have used them for over 30 years. Even 5 years ago they did town Planning. Very pleased with everything they have done. Also talked to Niagara Water- couldn't say enough good things about them.

Trustee Swartz - very impressed with their presentation here.

Trustee Clark - I talked to a town in same stage we are in. No negatives.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

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

General -	\$ 298,048.34
Water -	\$ 35,009.97
T/A -	\$ 1,503.95

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Discussion: Permit Fees for Commercial Buildings

Manager Herbst - will be ready at next meeting to propose change in the fees for permitting construction of warehouse space.

Discussion: Property Registration Program

Atty. Groff - focus is on multi-family dwellings. City of Elmira has had great success. I've done

additional research - need more time to see how other communities have focused on this issue so I am familiar with more options. Will present to Manager shortly. Will have a draft law for you to look at implementing this.

Motion by Trustee Koliwasky, seconded by Trustee Clark, that the following items be added to the agenda:

- 8. Fire Department Officer Nominations
- 9. Amendment to Agreement with Town of Elmira
- 10. Peddlers Permits – Just Energy
- 11. D&A: Schedule Special BOT Mtg.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, at a General Convention of the Village of Horseheads Fire Department on April 7, 2011, the members of same held an election at which time the following individuals received the most votes for nomination for appointment to the respective offices:

<u>Office</u>	<u>Nominee for Appointment</u>
CHIEF	Arthur F. Sullivan
FIRST DEPUTY CHIEF	Thomas Margeson
SECOND DEPUTY CHIEF	Bill Pratt
THIRD DEPUTY CHIEF	No Nominations

and WHEREAS, the by-laws of the Department empower the Board of Fire Commissioners to consider the nominations and appoint such persons to the offices to which they are nominated, and

WHEREAS, this Board has considered the nominees and the offices they are nominated to fill.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Fire Commissioners of the Horseheads Fire Department does hereby appoint the above-mentioned individuals as officers of the Department to hold the office noted for a term of one year or until a successor is appointed or a vacancy otherwise occurs in such office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, the Village of Horseheads and Town of Elmira entered into an Inter Municipal Cooperation Agreement providing for the provision by the Town to the Village of a Department of Public Works Supervisor, and

WHEREAS, Manager Herbst and Town Supervisor David Sullivan have met from time to time to review the performance under that agreement, and

WHEREAS, Manager Herbst has reported to this Board that he is satisfied with same, and

WHEREAS, The Town and Village determined that it was reasonable and appropriate that the sum to be paid by the Village to the Town for such services warranted increasing from \$20,000.00 per year to \$30,000.00 per year effective April 1, 2011.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized and directed to execute an addendum to the InterMunicipal Agreement as provided above.

Manager Herbst - that now includes the services of a mechanic.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Peters, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads regulates peddling and soliciting in the Village in accordance with Chapter 171 of the Village Code, and

WHEREAS, Justin Shipman, Ronald Titus, Danielle Blakely, and Gabriel Mkandama have applied for peddler permits for the sale of Energy Services by Just Energy, door to door within the Village, and

WHEREAS, the Village of Horseheads conducted investigations for felony and misdemeanor convictions regarding such applicants.

NOW THEREFORE BE IT RESOLVED, that Village Clerk Treasurer Sharron Cunningham is authorized to issue a license to such individuals for peddling of such goods in the Village once the applicants have paid the license fee for such permits as established by this Board. Said licenses to expire December 31, 2011.

The Board asked what they will be selling. Rachel Baer stated that it is some kind of discount on energy services.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that a Special Board of Trustees Meeting is hereby scheduled for Wednesday, April 20th, 2011 at 9:30 a.m. for the purpose of going into Executive Session to discuss the status of collective bargaining negotiations.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Trustee Peters - enjoyed classes today at the STC Leadership Conference.

Deputy Clerk Hartsock - 13 applications so far for the art contest coming up.

Audience Participation:

A woman in the audience asked about truck routes along Ridge Road.

Manager Herbst - Village boundary is at the southern part of Wygant Road. In our code this is a truck route. But there are posted signs saying they are not. We are trying to determine what the law is there. In the meantime the officers can't enforce Ridge Road because that is in the Town. Discussion ensued.

Tess Banfield, Catalpa Dr. - ribbons for poles that need light repairs. Still needs it.

Manager Herbst- Chief of Police talked to NYSEG - faxed them a list.

As there was nothing further to come before the Board, the meeting was closed at 7:54 p.m.

/rmb