

## Minutes

### Village Board of Trustees

August 14, 2014

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 Ron Swartz  
Trustee George Koliwasky  
Trustee Caitlin McGurgan  
Trustee Mike Skroskznik  
Village Manager Walt Herbst  
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham

#### Others

Debbie Coburn, S. Main St.  
Wayne Brubaker, Gardner Rd.  
Stacey White, Renwick Lane  
Mary Mower, Kinley Place  
Jean Quinn, Gardner Rd.  
Kendra, Kyle Griswold, N. Sage St.  
Brad, Debi Lytle, Grand Central Ave.

Barb Skorczewski, W. Franklin St.  
Dave Padgett, W. Franklin St.  
Pat Gross, W. Broad St.  
Susan Driscoll, Matthew Circle  
Suze Wallen, Lilitz, PA  
James Sands, South Ave.  
Marge Lynch  
Chris Lynch

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 10, 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
Trustee McGurgan	Aye

#### Audience Participation:

Margaret Lynch, joined by her son Chris Lynch, expressed their displeasure over the recent funeral of her husband Tom Lynch. She stated that the services at the cemetery were mishandled. The Village

Manager claims he would have waived restrictions, but he should have contacted our funeral director with issues. Also, no one from the Village paid their respects to Tom Lynch. I believe the Village Manager should step down.

## Financial Reports

Resolution by Trustee Swartz, seconded by Trustee McGurgan

BE IT RESOLVED, that the Justice Reports for June and July 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
Trustee McGurgan	Aye

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HORSEHEADS, IN THE COUNTY OF CHEMUNG, NEW YORK, AUTHORIZING THE ISSUANCE OF A STATUTORY INSTALLMENT BOND IN ACCORDANCE WITH SECTION 62.10 OF THE LOCAL FINANCE LAW TO PURCHASE A POLICE CAR

Resolution by Trustee McGurgan, seconded by Trustee Skroskznik

WHEREAS, the Board of Trustees of the Village of Horseheads (the "Village") has determined that it is in the best interest of the citizens of the Village to provide for the issuance of Statutory Installment Bonds, and

WHEREAS, the Village Board of Trustees has determined that said statutory installment bonds are necessary for the purpose of purchasing a police car for use by the Village, and

WHEREAS, Local Finance Law Section 62.10 provides for the issuance of statutory installment bonds.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Horseheads in regular session convened, as follows:

- Section 1. There shall be issued statutory installment bonds in compliance with Local Finance Law Section 62.10.
- Section 2. The statutory installment bonds to be issued is for the specific object or purpose, or class of objects or purposes, described as follows: finance the purchase of a police car with accessories thereto.
- Section 3. The amount of the bonds to be issued for the object or purpose described in Section 2 is \$30,000.00.
- Section 4. The period of maturity of the statutory installment bonds will be five (5) years or less.

- Section 5. The statutory installment bonds are not issued in anticipation of bonds for an assessable improvement.
- Section 6. The Board of Trustees of the Village covenants and agrees with the holders from time to time of the statutory installment bonds that the Board of Trustees of the Village will duly and faithfully observe and comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), unless, in the opinion of the Bond Counsel to the Board of Trustees of the Village, such compliance is not required to maintain the exclusion of the interest on the statutory installment bonds from gross income for federal income tax purposes.
- Section 7. It is hereby determined that the period of probably usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the statutory installment bonds herein authorized will not exceed five (5) years.
- Section 8. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell statutory installment bonds, is hereby delegated to the Village Manager. Such statutory installment bonds shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Manager, consistent with the provisions of the Local Finance Law.
- Section 9. The validity of such bonds may be contested only if:
- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
  - 2) Such obligations are authorized in violation of the provisions of the Constitution.
- Section 10. This resolution is not subject to the NYS State Environmental Quality Review Act.
- Section 11. All other matters, except as provided herein relating to such bonds, including the date, denominations, maturities and interest payment dates, place or places of payment shall be determined by the Village Manager.
- Section 12. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Horseheads New York by manual or facsimile signature of the Village Manager and the Village's corporate seal or a facsimile thereof shall be imprinted or impressed thereon may be attested by manual or facsimile signature of the Village Clerk.
- Section 13. The faith and credit of the Village of Horseheads are hereby irrevocably pledged for the payment of principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied upon the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 14. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution no monies are or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside with respect to permanent funding of the object or

purpose described herein.

Section 15. This Resolution shall take effect immediately, and shall be dated August 14, 2014.

Roll Call Vote:

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF HORSEHEADS, IN THE COUNTY OF CHEMUNG, NEW YORK, AUTHORIZING THE ISSUANCE OF A STATUTORY INSTALLMENT BOND IN ACCORDANCE WITH SECTION 62.10 OF THE LOCAL FINANCE LAW TO PURCHASE HIGHWAY EQUIPMENT

Resolution by Trustee McGurgan, seconded by Trustee Skroskznik

WHEREAS, the Board of Trustees of the Village of Horseheads (the "Village") has determined that it is in the best interest of the citizens of the Village to provide for the issuance of Statutory Installment Bonds, and

WHEREAS, the Village Board of Trustees has determined that said statutory installment bonds are necessary for the purpose of purchasing highway equipment for use by the Village, and

WHEREAS, Local Finance Law Section 62.10 provides for the issuance of statutory installment bonds.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Horseheads in regular session convened, as follows:

- Section 1. There shall be issued statutory installment bonds in compliance with Local Finance Law Section 62.10.
- Section 2. The statutory installment bonds to be issued is for the specific object or purpose, or class of objects or purposes, described as follows: finance the purchase of highway equipment with accessories thereto.
- Section 3. The amount of the bonds to be issued for the object or purpose described in Section 2 is \$380,000.00.
- Section 4. The period of maturity of the statutory installment bonds will be five (5) years or less.
- Section 5. The statutory installment bonds are not issued in anticipation of bonds for an assessable improvement.
- Section 6. The Board of Trustees of the Village covenants and agrees with the holders from time to time of the statutory installment bonds that the Board of Trustees of the Village will duly and faithfully observe and comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), unless, in the opinion of the

Bond Counsel to the Board of Trustees of the Village, such compliance is not required to maintain the exclusion of the interest on the statutory installment bonds from gross income for federal income tax purposes.

- Section 7. It is hereby determined that the period of probably usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the statutory installment bonds herein authorized will not exceed five (5) years.
- Section 8. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell statutory installment bonds, is hereby delegated to the Village Manager. Such statutory installment bonds shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Manager, consistent with the provisions of the Local Finance Law.
- Section 9. The validity of such bonds may be contested only if:
- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
  - 2) Such obligations are authorized in violation of the provisions of the Constitution.
- Section 10. This resolution is not subject to the NYS State Environmental Quality Review Act.
- Section 11. All other matters, except as provided herein relating to such bonds, including the date, denominations, maturities and interest payment dates, place or places of payment shall be determined by the Village Manager.
- Section 12. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Horseheads New York by manual or facsimile signature of the Village Manager and the Village's corporate seal or a facsimile thereof shall be imprinted or impressed thereon may be attested by manual or facsimile signature of the Village Clerk.
- Section 13. The faith and credit of the Village of Horseheads are hereby irrevocably pledged for the payment of principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied upon the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.
- Section 14. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution no monies are or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside with respect to permanent funding of the object or purpose described herein.
- Section 15. This Resolution shall take effect immediately, and shall be dated August 14, 2014.



## Roll Call Vote:

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

Trustee Skroskznik moved that the item regarding the Fire Mutual Aid Agreement with Chemung County be tabled so that they have time for further review. Motion seconded by Trustee McGurgan.

## Roll Call Vote:

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

Koppers Pond Payment to EPA

Atty. Groff gave an update regarding the Koppers Pond matter. He said that invoices are coming soon from the EPA for their staff costs in investigating Koppers Pond. The Village amount will be approximately \$54,000.

Resolution by Trustee Skroskznik, seconded by Trustee McGurgan

BE IT RESOLVED, that the following equipment is hereby declared as surplus, and the Village Manager is authorized to dispose of same by sale or as scrap, if same has no value:

1995 Chevy Dump Truck (VIN#.....92108)

## Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of the following individuals to the Village of Horseheads Fire Department:

- Patrick J. Locker, W. Franklin Street
- John J. Hathaway, Eleanor Street
- Alec J. Cicora, Spring Creek Drive

## Roll Call Vote:

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

Trustee Skroskznik made apologies to the family of Tom Lynch. He said there are two sides to every story, and he will be requesting more information from the Village Manager

Trustee Koliwasky commented on the recent Amber Alert that was issued. We all need to be more conscious of what is going on in our neighborhoods.

Trustee McGurgan expressed condolences to the Lynch family. She also asked about the status of the meeting with the Town of Horseheads regarding the compost facility on Blostein Blvd.

Village Manager Herbst stated that he takes full responsibility for the cemetery issue regarding the Lynch family. There was obviously a problem with communication. I apologize for that. I also apologize for the grief they experienced over this.

Mayor Zeigler stated that we were ready to break any and all rules if needed to accommodate the Lynch family's wishes. However he had personal issues and was unable to attend the funeral.

Motion by Trustee McGurgan, seconded by Trustee Skroskznik, that this Board, the Village Manager and Village Attorney move into an Executive Session to discuss the employment history of a particular person.

## Roll Call Vote:

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

At 7:45 p.m. the Board and Village Manager went into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 7:55 p.m. the Board reconvened back into its regular meeting of this date.

Discussion ensued regarding the proposed cell tower which included a review of the separation between the application and the moratorium. It was noted that the Federal regulations limit consideration (or require a decision) within 150 days of the receipt of a complete application. The application may or may not be completed. It is highly technical, and we wish to do an RFP for solicitation of an expert qualified to evaluate the application and make recommendations for the Village's consideration.

Motion by Trustee Swartz, that we complete an RFP for a consultant to review the application for the Village, make recommendations as needed and be available for whatever hearings may be required. Seconded by Trustee Koliwasky.

Roll Call Vote:

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

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

/rmb

**Village Board of Trustees  
EXECUTIVE SESSION  
August 14, 2014**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:45 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Mike Skroskznik and Caitlin McGurgan, Village Attorney John Groff, and Village Manager Walt Herbst at which time they discussed the employment history of a particular person. Discussion ensued.

At 7:55 p.m. a motion was made by Trustee Koliwasky, seconded by Trustee McGurgan, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Skroskznik:	Aye
Trustee McGurgan:	Aye