

Minutes

Village Board of Trustees

February 14, 2013

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
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Larry Clark
Trustee Mike Skroskznik
Village Manager Walt Herbst
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock

Others Present

Brad Lytle, W. Broad St.
Tyler Denkenberger, Florence St.

Jodi Skroskznik, Center St.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 24, 2013 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Swartz

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

General: \$168,539.54
Water: \$37,693.88
TA: \$809.33

and that \$553.28 be transferred from the Capital Reserve Fund for pool equipment.

Roll Call Vote:

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

Financial Report

Manager Herbst - in the General Fund receipts are down about \$44K, drop in sales tax. Expenses are also down. We are currently 392K under budget as opposed to this time last year. Water - receipts down as well, expenses up due to upgrades to well 4. At the next meeting we will be proposing an increase to the water rates. On the financial reports, we will be giving you a summary report, and an expense control report.

Manager Herbst - met with Wendell today, design for the well filter system. Going to Delhi to see one just like it. Request for building proposals out by May 1st. On the energy contract, finger lakes engineering working on RFP for that too.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Justice Reports for January 2013 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	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 5, 2013 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Clark

BE IT RESOLVED, that an application of the Church of Christ, Miller St., Horseheads, for a Special Sign Permit is hereby received, and same is to be forwarded to the Village Traffic Commission, and to the Village, Town and County Planning Boards for their review and comment, and be it further

RESOLVED, that a public hearing regarding this application is hereby scheduled for March 28, 2013 at 7:10 p.m.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board here approves the one-year probationary appointments of Nicholas Thomas, 1920 Grand Central Ave., and Tyler Denkenberger, 175 Florence Street, to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Motion by Trustee Swartz, seconded by Trustee Skroskznik, that the following items be added to the agenda:

- Agreement with Chemung. Co. for Study of Road Preservation Measures
- Shared Services Agreement With Town of Veteran - Code Enforcement
- Proposed Local Law - Tax Cap Override for FY2013-2014
- Executive Session - Collective Bargaining Negotiations

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, Chemung County has commissioned a study by Delta Engineers and Architects, PC evaluating local road conditions and to develop a regulatory program to preserve local roads, and

WHEREAS, Phases I and II of the Study Plan have been reviewed by appropriate officials of the Village of Horseheads, and

WHEREAS, personnel of the Village of Horseheads and other municipalities within Chemung County and Chemung County itself have been in consultation for some time regarding the optimum way of preserving local roads when major development activity is proposed, and

WHEREAS, Chemung County has offered to undertake the costs of implementation of phases I and II with no local municipality share, and

WHEREAS, Village Manager Walt Herbst and Public Works Director Matt Mustico have recommended that the Village enter into an agreement with Chemung County entitled Intermunicipal Agreement Regarding Cooperation to Implement a Study Plan to Preserve Local Loads in Chemung County, and

WHEREAS, this Board has determined that it is in the best interests of the residents and property owners of the Village of Horseheads to be a party to such agreement.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is authorized to enter into the above agreement on behalf of the Village of Horseheads, and that a copy of same shall be placed on file with the Village Clerk.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, from time to time the services of the Village of Horseheads Code Enforcement Officer are not available due to vacation, illness, etc., and

WHEREAS, similar situations occur with respect to the Town of Veteran and its Code Enforcement Officer, and

WHEREAS, the administrations of the respective municipalities have consulted with each other regarding the feasibility of shared services of their respective Code Enforcement Officers on a limited basis, and have agreed that same would be mutually beneficial and an intermunicipal agreement relative to this subject is warranted, and

WHEREAS, the terms and conditions of such an agreement have been fully discussed and negotiated, and

WHEREAS, Village Manager Walter Herbst has recommended to this Board that it approve the agreement as to form and substance.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized and directed to enter into a municipal agreement regarding shared services of Code Enforcement Officers with the Town of Veteran, and that a copy of said agreement be placed on file with the Village Clerk, and be it further

RESOLVED, that the Code Enforcement Officer for the Town of Veteran is hereby appointed Deputy Code Enforcement Officer for the Village of Horseheads when performing such services within the Village of Horseheads, and be it further

RESOLVED, that Village Law Section 300 is hereby amended and superseded in its application to the Village of Horseheads to provide that the Code Enforcement Officer (Building Inspector) of the Village of Horseheads at the time of his or her appointment and throughout his/her term of office need not be an elector of the Village of Horseheads so long as he or she is a resident of Chemung County New York.

Trustee Skroskznik - why aren't we in an agreement with the Town of Horseheads as opposed to the Town of Veteran.

Atty. Groff stated that the Town of Veteran started the process of requesting our assistance. The Town of Horseheads has not requested it. Veteran only has one Code Officer on a part time basis. Town of Horseheads has several. The Village only has one officer also, so we felt it would be beneficial to be in this agreement with Veteran.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby receives a proposed Local Law to Override the Tax Levy Limit Established in GML3-c for FY2013-2014, and be it further

RESOLVED, that a public hearing regarding said law is scheduled for Thursday, February 28, 2013 at 7:10 p.m.

Trustee Skroskznik - so this law will give us the ability to go over the 2% tax cap. How often has the Village gone over the 2% cap.

Manager Herbst - the tax cap law has only been in effect since last year. We adopted this law last year, but did not exceed the 2% increase. But you need to have this law in place before we adopt the budget.

Atty. Groff - the primary reason is for planning purposes. There are recommendations from the Association of Towns, the NY conference of Mayors, and Assoc. of Counties to pass legislation of this nature as a precaution. The calculations for the tax cap are easily miscalculated. So its easy to go over the cap even when your not planning to do so. Your not required to go over the cap, but if you inadvertently do you won't be penalized as long as you've adopted this law. If we wait too long in adoption process of this law you may not have enough time to pass it. That is why its really precautionary. So the board is still in control of the budget process.

Trustee Skroskznik - considering the Village's strong financial health, no debt, and the anticipated school tax that may be going up 6%, I'm going to vote no.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No

Audience Participation

Brad Lytle, 2227 Grand Central Ave. - I don't have experience getting money from the federal government. Regarding the \$4 Mill the Village received for the filtration system, what are strings attached.

Manager Herbst - it was due to damage from Tropical Storm Lee. We made application through FEMA. They provide 75% of costs. The State typically awards 15% based on the strength of FEMA's declaration of disaster area. In this case, because of the extensive damage through southern tier, the state decided to do 25%. So the Village is not obligated for anything.

Brad Lytle - Is the government going to require anything different from our water system now because we are receiving this grant.

Manager Herbst - they may require additional testing. Because of the influence of ground water into the well, it required that we either filter the well or shut it down.

Trustee Clark - George and I attended economic forum recently. Listened to several business leaders. County exec stated 2012 was not a good year. Sales tax and revenues down, hotel revenues down. He talked a little about fracking. Governor has said it won't happen until the end of the review.

Trustee Skroskznik - art festival was a big success thanks to Trustee Swartz, Donna, Sharron, Michelle and Heather. Very good turn out.

Trustee Skroskznik - house on the corner of Broad and Center St. There is a white house with blue trim. Doesn't look lived in, has some broken windows. Code Enf. needs to take a look at it.

Atty. Groff - had a conference call on Koppers Pond. Study is now complete and has been submitted to the EPA for its analysis and hopefully approval. We discussed status of funds on deposit. Town of Horseheads is in arrears by \$25,000. Village is paid ahead. Looks like other than EPA's cost of review, this phase is complete. We have another call scheduled for next week.

Atty. Groff - working on excavation local law, regarding excavations on Village property. Also working on Identity Theft policy, which is required since we have a water department. Working on background check policy. Informed recently that the incident at the pool last summer it appears that the mother has made a decision not to pursue litigation. We had only received a Notice of Claim at this point.

Trustee Koliwasky - Larry and I have been researching parking in the Square. We've come up with some ideas (distributed copies). There are 25 parking spaces in Hanover Square. One of those is a handicapped spot. On any given day there are 4-6 business owners that take up these spots all day long. We also looked at cars using municipal lots all night. On Saturday morning there were 20 cars parked in lots overnight. Our trucks are spending more time plowing these lots after snowstorms. We just highlighted some issues that we feel need addressing. We would like comments back by the first meeting in March. We looked at odd/even parking. On the No Parking 2-6am, we felt a change was needed there because some businesses open before 6am.

Trustee Koliwasky - Also Gardner Road Auto is looking bad again.

Village Manager Herbst gave a brief overview of the new parking ticket software program that will be part of the Village Court software.

Manager Herbst also advised the Board of a presentation he attended at the last NYCOM conference regarding President Obama's health plan. It is a very complicated issue, and the presentation was done by one of the health insurance carriers who has been working on this for two years, and they still don't have all the questions answered. They did agree to share the Vice President of United HealthCare's PowerPoint presentation regarding ObamaCare.

Manager Herbst also commended Village Staff on the success of the recent Art Show. A lot of work went into this event.

Motion by Trustee Clark, seconded by Trustee Skroskznik, that this Board and the Village Attorney and Village Manager move into an Executive Session to discuss the status of collective bargaining negotiations.

Roll Call Vote:

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

At 8:00 p.m., the Village Board, Village Attorney and Village Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:26 p.m., the Board reconvened back into its regular meeting of this date.

As there was nothing further to come before the Board, the meeting was adjourned at 9:26 p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

February 14, 2013

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Larry Clark, and Mike Skroskznik, Village Manager Walt Herbst, and Village Attorney John G. Groff, at which time they discussed the status of collective bargaining negotiations.

At 9:25 p.m., a motion was made by Trustee Koliwasky, seconded by Trustee Skroskznik, 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 Clark:	Aye
Trustee Skroskznik:	Aye