

# Minutes

## Village Board of Trustees

January 14, 2016

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 Louise McIntosh  
Trustee Mike Skroskznik  
Trustee Brad Lytle  
Trustee Pat Gross  
Trustee Bill Goodwin  
Village Attorney John Groff  
Clerk-Treasurer Sharron Cunningham

Manager's Asst. Rachel Baer  
Police Chief Tom Stickler  
Parks Dir. Nate Nagle  
DPW Matt Mustico  
Fire Chief Arthur Sullivan  
PB Chair Mike Stenpeck  
DPW - Chris Lawrick

### Others Present

Terry, Caroline Bolt, Lee Ave.  
Steve McIntosh, Renwick Lane  
Wayne Brubaker, Gardner Road  
Debi Lytle, Grand Central Ave.  
Carl Lewis, Eisenhart Pl.

Debbie Hicks, Gardner Rd.  
Eileen Patocka, Watkins Rd.  
Lori Reynolds, Matthews Circle  
Richard Curren

Resolution by Trustee Gross, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of December 17<sup>th</sup> and 28<sup>th</sup>, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

Financial Reports -

Clerk-Treasurer Sharron Cunningham -

- General Fund expenses - previous year was different, there was an additional expense of \$18K for street repairs
- General Revenues less than previous due to 170K in sales tax, 35K in building permits, and 32K for forfeited fines
- Water expenses less this year by 32K due to well utilities.
- Water revenues were less by 53K due to 44K of water sales that we weren't receiving, 11K was unmetered sales - sold to contractors.
- I gave you the budget timeline according to State Comptroller
- Also gave you a copy of the current budget report June through December
- PILOTS agreements. We have 3. One is for Schlumberger. Theirs is a 10 yr agmt and its in the 5<sup>th</sup> year. Parmenters is another one. It's for 19yrs - in the second yr.

Trustee Lytle - do we have a report from the County on sales tax for next year.

Clerk-Treasurer - there may be one from Steve Hoover - % they keep is increasing. They were told what our fiscal year was.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

BE IT RESOLVED, that the Justice Reports for December 2015 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

Resolution by Trustee Goodwin, seconded by Trustee Gross

BE IT RESOLVED, that the following Police Department vehicles are hereby declared as Surplus Equipment, and Acting Village Manager Louise McIntosh is hereby authorized to dispose of same by sale, or as scrap if same have no value:

- 2003 Ford Explorer (VIN#.....46105)  
Mileage: 67,084
- 2003 Chevy Impala (VIN#.....71981)  
Mileage: 83,254
- 2008 Ford Crown Vic (VIN#.....58247)

Mileage: 151,933

Chief Stickler - equipment being taken out of vehicles now.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

D&A: Deputy Clerks

Atty. Groff - The Village operates under Civil Service rules. They only allow one Deputy Clerk position that is Exempt. For decades we thought we were authorized to have 2. When Michele retired and we were reappointing someone, Civil Svce realized we only were supposed to have 1. Many other towns have multiple exempt positions. Due to the close working relationship of the people and Sharron it is critical that she be able to delegate to them, confidential. This resolution requests Civ Svce to amend their rules to allow us to have 2 deputy clerks. Sharron reports these positions are cross-trained in both clerk and treasurer functions. If the Civ Svce approves then it gets sent to Albany. They also have to approve, then it comes back to us. Could take a year or two. In the mean time the person appointed to replace Michele is appointed as Temporary Pending Jurisdictional Classification. If its approved then her appointed would be permanent. Procedurally we will make a formal request to Civ Svce Commission to act, and they would have a pub hrg, then it goes to the state. Village laws allows any number of deputies, this is simply a civ svce requirement.

Trustee Lytle - does this do anything to their salary.

Atty. Groff -no.

Resolution by Trustee Lytle, seconded by Trustee Skroskznik

WHEREAS, the NYS Constitution provides, in pertinent part, that appointments and promotions in the civil service of the state, including villages, are required to be according to merit and fitness, to be ascertained, as far as practicable, by competitive examination, and

WHEREAS, the Chemung County/City of Elmira Regional Civil Service Commission has adopted Rules for the Classified Civil Service, and

WHEREAS, pursuant to Civil Service Law Section 41, the Rules provide for positions in the Exempt Class for which competitive or non-competitive examinations or other qualification requirements are not practicable, and

WHEREAS, pursuant to said Rules one Deputy Village Clerk position is placed in the Exempt Class, and

WHEREAS, Village Clerk-Treasurer Sharron Cunningham and her predecessors have historically had a staff of two support individuals identified as Deputy Clerks which had been understood as being in the Exempt Class, and

WHEREAS, recently it became apparent that this understanding was incorrect, and

WHEREAS, Village Law Section 3-301 provides that every Village shall have a Mayor, 4 Trustees, a

Treasurer and a Clerk, provides that the office of Clerk-Treasurer can be combined, and further Subsection 2 thereof provides, in pertinent part, that “any Village may have the following officers.....such other officers, including Deputies, as the Board of Trustees shall determine.....”, and

WHEREAS, Village Clerk-Treasurer Sharron Cunningham has explained to this Board that the Clerk-Treasurer’s Office personnel act generally for and in the place of the Village Clerk-Treasurer, when absent, and are cross-trained in such a manner that staff are capable of performing duties assigned to either employee, as a clerk or a treasurer, and on the basis of same has requested that this Board establish two Deputy Clerk positions in the Exempt Class, subject to Commission and NYS Department of Civil Service approval.

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

1. This Board does establish and create a second Deputy Clerk position in the Village of Horseheads to be in the Exempt Class (addition to the approved position in the above-noted Rules), subject to Commission and Department of Civil Service approval.
2. Acting Village Manager Louise McIntosh is authorized and directed to take and oversee any and all actions necessary to apply to the Commission and Department of Civil Service for all required approvals and Rule amendments to effectuate the intent of this resolution.
3. Donna Hartsock is appointed Deputy Clerk - such appointment retroactive to December 7, 2015.
4. Kendra Griswold is appointed Deputy Clerk-Temporary, Pending Jurisdictional Classification, effective December 7, 2015.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

D&A: School Resource Officer

Atty. Groff - We had a SRO for years under contract. This was discontinued. The Village was recently contacted by district personnel to reinstitute a proposal for a SRO. Chief Stickler is in process of doing proposal. This resolution is essentially authorizing him to proceed when its in a form approved by the Mayor. If proposal is accepted by the School then they would discontinue any contract for a current SRO and go with the Village. Chief stickler has envisioned this with a retired police officer, as a part time officer. Would not accrue normal employment benefits. The resolution before you is incorrect in some respects. I was under misconception that proposal was already submitted. But that is not the case. In the event that you want to go forward there are some revisions I would make, but they are relatively minor.

John made changes to resolution.

Trustee Lytle - I think it should come back to Board before we proceed.

John - its your proposal. If your satisfied with it, it will only come back if the District proposes a modification.

Trustee Gross - is this person going to work part time.

Chief Stickler - based on annual work hours of 2080 hours, it would be less than that, so its part time.

Trustee Gross - only during school hours, not extracurricular.

Chief Stickler - yes correct. They would request an officer for those events and they would reimburse the Village. SRO would not have overtime of any sort.

Trustee Lytle - if they are going to be able to ask us for coverage for after school events, should there be an agmt for that.

Atty. Groff - we already have a practice for that. Officers being used for a private function. If its an OT situation officers sign up for it, then its reimbursed to the Village.

Trustee Skroskznik - I will abstain due to a conflict of interest.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, heretofore the Village of Horseheads through its Police Department provided a full time School Resource Officer to the Horseheads Central School District #1 ("District") pursuant to an agreement which expired December 31, 2013, and

WHEREAS, thereafter the District received similar services through the Chemung County Sheriff's Department, and

WHEREAS, the District and the Village feel that there may be mutual benefits if the Village were to reinstitute the provision of a School Resource Officer to the District, and

WHEREAS, District Supt. Dr. Thomas Douglas has requested that the Village provide the District with a proposal relative to provision of an SRO by the Village, and

WHEREAS, Police Chief Thomas J. Stickler, at the direction of Acting Village Manager Louise McIntosh, prepared such a proposal for the District, and

WHEREAS, this Board has received a copy of the proposal and is considering the merit of same.

NOW THEREFORE BE IT RESOLVED, that Acting Village Manager Louise McIntosh and Police Chief Thomas Stickler are authorized and directed to continue to develop and refine the proposal, and when it is in a form satisfactory to Acting Village Manager McIntosh, then submit same to the District, and be it further

RESOLVED, that upon acceptance of the proposal by the District then Village Attorney John Groff is authorized and directed to research the matter and to draft preliminary agreements for the implementation of same, and be it further

RESOLVED, that the above individuals are to report back to this Board regarding their progress as soon as is practical.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Abstain
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

### Discussion - Cell Tower Legislation

Atty. Groff - We don't have any legislation that regulates cell towers. As you know we have one approved and another is pending. The regulations that you have that deal with those are just based on the height. It is possible to establish legislation that deals specifically with cell towers. It's a heavily regulated subject, very few limits that we can place on the institution of cell towers. Purpose of discussing now, if you feel there is merit to the development of such legislation, we can. Or if you feel that regulation isn't warranted because you already don't have a lot of say, then we don't have to do anything. Just wanted to bring it to your attention. I'm not looking for answer now, just wanted to bring it up.

Trustee Gross - I don't know much about this issue, and would like to learn more.

Atty. Groff - initial technology of it said they would be tall towers on hilltops, broadcasting large distances. Now its many towers closer together. They aren't necessarily on hills anymore. They are present everywhere. Given developments in cell communications there will be more antennas. I'd be happy to discuss more with you on this.

### Discussion: ISO Rating Report

Fire Chief Arthur Sullivan - Insurance Services Organization (ISO) requested an audit of our Fire Department last summer. ISO rates fire departments for ins companies to determine how much fire insurance will cost. They rate you on equipment, personnel, training, water system. Throughout the years it is the only thing to say how good we are on paper. We've always strived to get a lower number. 1 is the best. For a while we were a 5, then a 4. Through this audit we are now a 3. For a local homeowner it really means nothing. But for commercial it means a big savings. I called some insurance companies, they weren't sure what rate would be now. I do know that five years ago when Schlumberger asked what our rating was they were impressed. And now we've improved more. This doesn't happen overnight. Takes into account what we have done over the last few years, our training, our firefighters, and our municipal water system. I'm proud to say we've improved.

Mayor McIntosh - To get a 1 rating you have to have a paid dept. So a 3 from volunteers is terrific.

### Ongoing Items:

Koppers Pond - Atty. Groff - I know it's been ongoing for years. The board is interested to see if local parties can get together and talk about common interests to effect where this is going on consumption of money. I've contacted some of the attorneys representing the other parties, I'll be getting back to you on efforts to form a meeting.

Trustee Lytle - should we talk to companies too.

Atty. Groff - I don't think so because one of the things the municipalities have concluded is that nothing has suggested that we are the responsible parties. That's not to say the others are

responsible, but we have different interests. The pond has essentially dried up, which is a challenge for cleanup. Remediation efforts in the study was based on the pond being at a certain level. Eaton no longer pumping waste water so pond is dried up. That is one of the points that the group is trying to make with the EPA. When we started this there was a condition, now its changed. Our study should be modified to reflect current conditions and future conditions. That is a point that we are making with EPA, but if we get anywhere remains to be seen.

Trustee Lytle - yes we should get together with other municipalities.

Blostein Blvd. Site - Matt Mustico - we're working on signage for the site. Remote cameras, etc. Road is all built. We're pretty much ready to go. Hopefully by March or April.

Mayor McIntosh - pit on Thorne St. is still open during good weather, Monday - Friday.

### Audience Participation

Carl Lewis, Eisenhart Pl. - I'm here regarding the car sales on the lot at Chemung St. and Grand Central Ave. I made six copies of the new offsite sale regulations from NYSDMV. They are effective 8/5/15. Sales can only go 20 miles off the dealer site. And can only have two a year. I was told this site knew this was coming and got more permits. I ask you to read this thoroughly. Dealer staff are supposed to have address, phone number, they have nothing. I talked to the bank guy over there. Said they are coming back. They are from Webster NY. I'm asking you to look at this. They are supposed to stay within 20 miles of their dealership. All advertising shall be dealers name, address, etc. There is nothing on this ad (showed ad).

Trustee Lytle - if those are DMV regulations, what do you want us to do.

Mr. Lewis - have they had the permits to come into the village?

Trustee Lytle - We had code enf. check them out. They are meeting some of these requirements, but what can we do.

Trustee Skroskznik - Atty. General's Office might be able to do this.

Atty. Groff - I'm not familiar with this. You may be at the wrong place, but we can get back in touch with you on this. We have zoning regulations. This use is permitted at this location. It's not as though they are doing something that is not permissible. Structure has not been cited for nonconformity. But we'll look into this further.

Mr. Lewis - they are supposed to have a permit each time they come in right.

Atty. Groff - I'm not sure, but I will look into this and get back to you.

Rick Curren - it goes beyond this. Right now you don't have anything in place to prevent this. These companies can come in and out at will. Could be boats, rvs, etc. You don't have anything that has teeth. They aren't required to have a Certificate of Occupancy. Now the Town has adopted some stuff that forces them to have a permit process. Nobody is looking at safety for pedestrians, lighting, loud music, etc. What needs to happen is a review process on what is permitted, and a process, etc. Nobody ever imagined this kind of thing, which is why the state modified the regulation. But they were grandfathered in.

Trustee Lytle - would be helpful to see what the Town adopted.

Mr. Lewis. - I'll get you a copy.

BOT. Department Head Updates

The Board congratulated Fire Dept. on ISO Report.

Trustee Skroskznik - received a complaint on Gardner Road Auto. I know that these complaints have been ongoing. Need to talk to code on this.

Trustee Goodwin - no report on Courts yet, on Code I meet with them next week, then will report back on the 28<sup>th</sup>.

Atty. Groff - On budgets, if you think you are going to exceed tax cap we have to adopt that local law. Takes time for that. Shouldn't wait till last minute.

Chris Lawrick- two other ISO reports - for the Heights and West Elmira - both rated 3 also. I commend fire and water depts. We are in the top 10% of the state departments.

Chief Stickler - Want to recognize Dave Reynolds. We are in the process of reinstating neighborhood watch program. Dave is helping us with that. I thank him for his assistance.

Nate Nagle - in your packet is a letter on packhorse project. They ended up with leftover monies. Will be donating back to the Village. They don't want it just for General fund, they want us to use it for the statue maintenance, etc.

Motion by Trustee Lytle that we accept these monies, and designate it specifically toward maintenance of the packhorse statue maintenance, and not to comingle with general funds. Seconded by Trustee Goodwin.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 8:03 p.m.

/rmb