

Minutes

Village Board of Trustees

May 14, 2015

A meeting the Village of Horseheads Board of Trustees was held on the above date at 8:30 a.m.

Present were:

Village Board and Staff

Mayor Donald Zeigler
Trustee Ron Swartz
Trustee George Koliwasky
Trustee Mike Skroskznik
Trustee Brad Lytle
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Code Enf. Bob Young
Parks Dir. Nate Nagle
DPW Matt Mustico

Others

Charles Short, Grand Central Ave.
Tom Rupp, Tiff Ave.
Bailey Butler, Hulett St.
Wayne Brubaker, Gardner Rd.
Bill, Judy Driscoll, Day St.

Louise McIntosh, Renwick Lane
Joshua, Sarah Baker, Steuben St.
Pat Gross, W. Broad St.
Brad Layton

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 23, 2015 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	Abstain
Trustee Lytle	Aye

Audience Participation

Louise McIntosh, Renwick Lane - commented about the second Board Meeting being at 8:30 a.m. Said

there aren't any more people attending this meeting than the night meeting.

Financial Report

Manager Herbst - revenues up 65K while expenses in General Fund are down 387K. Staff holding the line very well on expenses. On Water Fund we're down about 10K, same for expenses over last year. We're in very good shape.

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of April 20, 2015 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 Lytle	Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads advertised on April 18, 2015 for the submission of bids for the Supply and Laying of Bituminous Asphalt Products in the Village of Horseheads, and

WHEREAS, bids were opened and examined on May 1, 2015, and the following bids were received:

(All Prices Per Ton - Laid In Place)

	TYPE 6 TOP COURSE	TYPE 3 BINDER COURSE
Bothar Construction LLC 170 East Service Road Binghamton, NY 13901	\$61.70	\$63.00
Dalrymple Gravel & Contracting Co., Inc. 2105 S. Broadway Pine City, NY 14871	\$69.95	\$62.95
Dolomite Products Company, Inc. d/b/a A. L. Blades 7610 County Route 65 Hornell, NY 14843	\$99.10	\$90.20

Spencer Paving Co., Inc. 185 Sabin Road Spencer, NY 14883	\$76.67	\$68.25

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being Bothar Construction LLC, and

WHEREAS, the Village Manager has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Bothar Construction.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Bothar Construction LLC, and that Village Manager Walt Herbst is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Trustee Lytle asked what the budget is for this program. Manager Herbst said its approximately \$360,000. We have used them before.

DPW Matt Mustico said this bid is cheaper than what the city got. It's about \$7.00/ton cheaper than what we paid last year.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Proposed Local Law Rescinding Tax Cap Law - Atty. Groff noted that the Board is receiving the proposed law tonight. The Village didn't utilize the Tax Cap Override Law so it would be appropriate to rescind that law. At your upcoming meeting you'll be setting a public hearing.

Resolution by Trustee Skroskznik, seconded by Trustee Lytle

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Matthew Zurcher, 228A South Sage Circle, Horseheads, and Nathan Stranges, 202 Winding Way, Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, Chemung County has implemented a special traffic operations program known as STOP DWI, and

WHEREAS, the County has offered to reimburse the Village for certain overtime costs associated with police personnel overtime committed to implement the program in an amount not to exceed \$12,000, and

WHEREAS, Village Manager Walter Herbst has recommended that the Village enter into this agreement in order to afford increased DWI enforcement procedures.

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

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Abstain
Trustee Lytle	Aye

7:10 p.m. - Public Hearing: Proposed Local Law - Residency for Certain Village Positions
Nobody came forward to speak. Atty. Groff declared the public hearing closed.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Horseheads on April 23, 2015, fixing the time and place for a public hearing to be held May 14, 2015 at 7:10 p.m. in the Village Hall, 202 S. Main St., Horseheads, NY by the Village Board with respect to the instant local law amending Local Law #4 of 1995 of the Village with reference to the establishment of a residency requirement for the Chief of Police of the Village Police Department, and the head of the Department of Public Works, restricting such residency to the boundaries of the Village of Horseheads, and

WHEREAS, notice of said public hearing was duly published in the Elmira Star-Gazette, the official newspaper of the Village of Horseheads on April 30, 2015, and duly posted as required by law, and

WHEREAS, a public hearing was held by the Village of Horseheads Board of Trustees at the time and place fixed therefore and all parties in attendance had an opportunity to be heard in relation thereto, and

WHEREAS, the Village of Horseheads Board of Trustees after due deliberation finds it to be in the best interest of the Village to adopt the instant local law.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts said Local Law as Local Law #2 of 2105 entitled "A LOCAL LAW TO AMEND LOCAL LAW #4 OF 1995 PROVIDING FOR RECODIFICATION OF LOCAL LAWS OF THE VILLAGE OF HORSEHEADS", a copy of which is attached hereto and made a part hereof, and the Village Clerk-Treasurer hereby is directed to

enter said local law in the minutes of this meeting, and in the local law book of the Village of Horseheads, and to give notice of adoption to the Secretary of State.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Abstain
Trustee Lytle	No

Trustee Skroskznik commented on the changing the times of the second Board Meeting. It was changed two years ago, shortly after I was elected. It was and is an inconvenience for me due to my work schedule. I would like to discuss this. I also make a Motion to change this meeting time back to 7:00 p.m. There are not any more people here at the morning meeting.

Trustee Lytle seconded the motion to change the meeting back.

Trustee Koliwasky stated that we repassed this decision back at the Organizational Meeting. Now we are discussing again. I've seen different people here at the night meetings and at the morning meetings.

Trustee Swartz stated that at the morning meeting it allows our employees to attend as well.

Mayor Zeigler suggested a possible future workshop on this matter. He added that he does like that we get more of our Department Heads here at the morning meeting.

Discussion ensued.

Roll Call Vote on Motion to Change Mtg. Time to 7:00p.m.:

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

Trustee Lytle made a Motion to have the audio recordings of our Board Meetings posted on our website.

Trustee Skroskznik seconded the motion.

Discussion ensued regarding whether or not this is even possible. Trustee Swartz suggested that we research this first.

Trustee Lytle rescinded his first motion and make a new motion that if it is possible with the equipment that we have that we make available within a couple of days the digital recording of these meetings so that residents can hear what goes on at this meeting.

Trustee Skroskznik seconded this motion.

Mayor Zeigler stated that he wants to know if it will be done first. Trustee Swartz agreed.

Discussion ensued.

Roll Call Vote:

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

Trustee Lytle - with the resignation of our Code Enforcement Officer perhaps we could pursue a shared services agreement with the Town of Horseheads.

Mayor Zeigler - at a recent RAMS meeting this was discussed. The City of Elmira has contracted with the Town for this. We used to use the Town of Hhds for this. We should definitely look at all options for this.

Village Manager Herbst - last year we took part in a study for shared services among five communities. Code Enforcement was one. We reached agreement that we would use our Code officer but Bob has since announced his resignation. Because of the groundwork that we had already done with this, I think we will be in good shape. We have already contacted Civil Service, as well as some other individuals that are already licensed. We use a Community Service Officer also, especially for property maintenance. We just last week got the eligible list for CSO from civil service. We will also be working on this position too.

Atty. Groff noted that the Town is not under legal obligation to do our code enforcement. The Village can "opt out" of providing this, then the State would come in and it will all be done out of Albany. The State has structured the program so municipalities are compelled to have their own Code Enf. rather than using the state system. He added that our Code Enf. Officer doesn't just enforce the NY Building Code, he also enforces many parts of our Village Code. A State Official would have no obligation to enforce Village regulations - only the state building code.

Discussion ensued.

Trustee Lytle asked the status of the Police Chief shared service agreement.

Atty. Groff stated that the agreement is not complete. They are looking into the issue of GML 207c benefits, which is if the officer is injured while doing Village duties. The County wants the Village to assume this responsibility. 207c is basically a wage continuation program. We need to know if our insurance would cover this expense. We need a specific answer to this question. Expecting an answer next week. Other than that issue, we are in fundamental agreement in all other respects.

Trustee Lytle asked when we will have a chance to see the agreement. The agreement doesn't need to come back to the Board, per the resolution that was passed. But in subsequent meetings we were told that we would still get to see it.

Atty. Groff stated it is possible. I can provide it, but I ask that because it is in draft form that it not be circulated.

Village Manager Herbst stated that Trustee Skroskznik received a complaint regarding a police issue. I

referred this to the officers to find out the problem and the resolution. I also requested copies of the blotters. The officers did respond to me in writing.

Manager Herbst read the letter from the Police Dept. regarding this complaint (attached).

Mayor Zeigler noted that complaints received by Trustees like this should be entered into the Facility Dude program.

Trustee Skroskznik stated that the complainant stated she couldn't get anywhere with anyone else. So I forwarded to all elected officials whose job it is to make sure that citizens' complaints are taken care of, as well as the Village Manager.

Manager Herbst stated that the complaint has been resolved, and had no basis according to our Police Officers.

Trustee Skroskznik asked the Manager to please respond to the complainant.

Atty. Groff reported on the following items:

- Koppers Pond - been some changes to ecology over there. Water diminished since Westinghouse is no longer pumping water to waste. EPA is asking Group to study how these changes might impact the proposed resolution for cleanup.
- Well #4 - this well is subject to certification by Susquehanna River Basin Commission. Time to renew this certification. Very technical, nobody on Village staff qualified to do this. The Manager and I have spoken about retaining outside engineering services.
- NYSEG v. Village - Our insurance company has responded on our behalf. This is a long term process and is likely to take years to conclude. We will be looking at feasibility of retaining outside counsel for additional defense. Will be reporting back to the Board.
- Schlumberger Stormwater Mgmt. Agreement - moving along well. Will hear by end of month from attorney and engineers who will certify this.

As there was nothing further to come before the Board the meeting was adjourned at 8:15 p.m.

/rmb