

Minutes

Village Board of Trustees

August 15, 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
Fire Chief Arthur Sullivan
Parks Dir. Nate Nagle

Others Present

Jason and Billi Pronti, Fletcher St.
Dan and April Newton, Catalpa Dr.
Elton Shaw, Liberty St.
Mike Stenpeck, Grand Central Ave.
Mark Margeson, Gardner Rd.
Carolyn and Terry Bolt, Lee Ave.
Wayne Brubaker, Gardner Rd.
Dave Padgett, W. Franklin St.
Roew Rebe, Westinghouse Rd.
Jodi Skroskznik, Center St.
Louise and Steve McIntosh, Renwick Lane
Dot Gebhart, Biltmore Dr.
Susan Multer, Watkins Rd.
Sarah & Josh Baker, Steuben St.
Ken Howland, Briarcliff Dr.
Glenna & Ray Zeigler, Shelbourne St.
Barry Sawester, Marshall St.
Jean Quinn, Gardner Rd.
Lois Murray, Lee Ave.
David Murray, Lee Ave.
Samantha, Josh Webster, S. Main St.
Claudia, Dave Radin, S. Main St.

Colin Diehl, Westinghouse Rd.
Kay Brown, Catalpa Dr.
Rob, Kelley Maloney, Westlake St.
Brad, Debi Lytle, Grand Central Ave.
Gale, Bob Perkowski, Center St.
Bill, Tess Danaher, Steuben St.
Debbi Hicks, Gardner Rd.
Janet, Joe Ruhmel, Gardner Rd.
Pat Gross, W. Broad St.
Barb Skorczewski, W. Franklin St.
Stacey White, Renwick Lane
Carol Patterson, Steuben St.
Denis Kingsley, Steuben St.
Dave Helsing, Pine St.
Tom Sweet, Center St.
Harry Schulz, Highland Ave.
Tom Gigliotti, Highland Ave.
Tony Troccia, Highland Ave.
Elizabeth Germaine, W. Franklin St.
Brad Layton, W. Franklin St.
Linda Hamilton, Catalpa Dr.

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of July 11th and July 25th, 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

Audience Participation:

Louise McIntosh, Renwick Lane - I have two questions:

1 - Rumors that this board wants to dissolve PD.

2- Concerned about change of meeting times and one being held during the day. One Trustee cannot make this meeting. This is unfair.

Pat Gross, W. Broad - on 6/20/13 you changed code of conduct on weapons issue. Reason given by Village Manager was that these people are often leaving hunting weapons in their cars. No one lives more than 10 minutes from this building or any facility. My question is, if you cannot organize yourself to go home, then why are you sitting on this Board. It is your responsibility. You are supposed to be thinking for the whole public, and not just 6 people. Also, the change of meeting times. One has been changed to a.m. You said you would provide us the communications from residents regarding this change and the number who have requested this change. We are willing to pay for adequate police protection in this village. Maybe Village Manager can tell me what his definition of right-sizing is.

Debbie Hicks, Gardner Rd. - I'm bothered by change to allow board to carry weapons. I heard newscast when Village Mgr. said they could leave hunting weapons in their car, etc. This is a poor explanation. Very self-serving. This group voted to allow themselves a privilege nobody else has. It was done in a special meeting, but its not transparent. If you expect us to trust you and trust our well being with you, I don't feel this was a good way to conduct business.

Tom Sweet, Center St. - Co. Legislator. Co. Exec will present new formula on sales tax. Right now county shares 3% with communities. The State is doing better than last year with sales tax revenue. Counties in NYC and long island are way above. Albany has said that state-wide Chemung Co. doing the worst on sales tax. Please come to the meeting. We will all find out together what the plan is.

Bill Danaher, Steuben St. - agree with two ladies on weapon issue. I'm an ex village Trustee and Village Judge. I see no reason for this.

Dot Gephart, Biltmore Dr. - I want to say thanks for recent public meeting where Trustee Skroskznik and Atty. Groff really discussed issues, answering or responding to items, and also taking note of the items that still needed resolution. Also, improvements on Gardner Road isn't finished. When will this be finished. I am also troubled by meeting time change. Looking forward to hearing number of requests for this change. I'm hoping that if this is a permanent change, that we should wait until the end of 2013 then the new county booklets will be corrected.

Susan Multer, Watkins Rd.- This Board has taken action in past years not in best interest of the Village residents. Schlumberger site plan, then they amended their site plan to include railroad spur, then in 2012 because of complaints of noise from Schlumberger, a noise study was done. When we saw copy of it, it didn't say how long they tested for noise. You told Schlumberger ahead of time when testing would be done. We asked for a new one. Then I learned that the sand facility was to be built. I asked for site plan review. Atty. Groff said we are exempt. I don't agree that we should have been exempt. There are two buildings with conveyor belt in between are not on the same site. I think there is a pattern of decision making of this Board that does not take into consideration of the Village residents.

Carol Patterson, Steuben St. - regarding contract for HPD. They have been working for 3 years without a contract. I understand that your are supposed to negotiate in good faith. Atty. Groff is supposed to be paid by the Village to handle negotiations. We have paid \$46,000to a law firm in Rochester for 3 years worth of contract negotiations. I'm also concerned about reduction in officers.

Brad Lytle, Grand Central Ave. - given that sales tax is down, that could negatively affect money this Village gets. I've heard many people say we need adequate police protection. I believe this too. But I'd like to know what studies have been done on what is adequate. How many officers is that? What do other municipalities the size of Horseheads have for police protection? I'm not willing to pay for above adequate police protection. I'd like to see my taxes go down.

End of audience participation.

Resolution by Trustee Clark, 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 - \$151,609.42
 Water - \$45,000.84
 Trust/Agency - \$1,027.45

BE IT FURTHER RESOLVED, that \$25,445.00 be transferred from the Capital Reserve Fund for acquisition of a new police vehicle.

Roll Call Vote:

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

Financial Report:

Village Manager Herbst - so far to date through July 31 receipts up about 83K in General Fund. Expenses down 110K. Staff being very mindful of expenses. Water side, revenue is down 7K.

Compared with last year's revenue for this period. Last year we had hydrant damage. We've received a past due payment of water fees from the Holding Point of 3,800. So we are down slightly. Water bills go out tomorrow.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads advertised on June 20, 2013 for the submission of bids for:

Well Site No. 5 Filtration System:
 Contract 13-G General Construction
 Contract 13-E Electrical Construction
 Contract 13-M Mechanical Construction

WHEREAS, bids were opened and examined on July 23, 2013 (Streeter Associates - \$210,000, and Kimball, Inc. - \$152,200), and

WHEREAS, on July 25, 2013 bids were awarded for General and Electrical Construction, and

WHEREAS, Wendel advised that the bids for the Mechanical Construction portion of the project required further review and should not be awarded until that is complete, and

WHEREAS, said bids for Mechanical Construction are now complete, have been further reviewed, and a recommendation regarding the awarding of said bid has been received from Wendel and Village Atty. John Groff.

NOW THEREFORE BE IT RESOLVED, that this Board finds that the bid of Kimball, Inc. to be technically defective in that it did not contain lists of major materials, equipment and subcontractors proposed to be used in the performance of the work, that the defect is material and may not be waived. Accordingly this Board accepts the bid of, and awards the bid to Streeter Associates for the Mechanical Construction portion of the project, and that Village Manager Walt Herbst is hereby authorized and directed to execute any and all documents with said company to effectuate this resolution.

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, Economic Opportunity Program, Inc. of Chemung County ("EOP") has applied to the Village of Horseheads for the use of portions of Sullivan Park and Maple Grove Lane field and other facilities for the conduct of an event known as the Southern Tier Jazz Festival on August 17, 2013, and

WHEREAS, EOP has also requested that the Village Board grant special permission to allow possession and consumption of alcoholic beverages in a designated area of Sullivan Park in connection with the Festival, and

WHEREAS, Village Code Chapter 76 regulates possession and consumption of alcoholic beverages in open containers on Village property, and

WHEREAS, this Board is advised and believes that events of this nature do not historically present public safety issues with respect to possession and consumption of alcoholic beverages.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby grant to Economic Opportunity Program, Inc. special permission waiving the prohibitions of Village Code Chapter 76 as follows:

1. Glenora Wine Cellars, the approved vendor of alcoholic beverages for the event, shall provide the Village with an Indemnification Agreement in a form approved by the Village Manager and shall cause the Village of Horseheads to be named as an additional insured on its public liability insurance policy in an amount not less than \$1,000,000.
2. The waiver of the application of Chapter 76 shall apply to the westerly portion of Sullivan Park, bounded on the south by Sayre St., on the west and north by Thorne St., and on the east by the pool area, excluding streets, as more specifically depicted on the map placed on file with the Village Manager.
3. EOP shall agree to indemnify and hold the Village harmless with respect to the event and the permission granted herein shall provide the Village with an indemnity agreement in a form acceptable for the Village.
4. This permission is contingent upon Glenora Wine Cellars filing with the Village proof of its authorization from the NYS Alcoholic Beverage Control Board, to sell alcoholic beverages off-premises.
5. This special permission is granted for August 17, 2013 from 12:30 pm through 7:00 pm local time.
6. The permission granted herein may be revoked at any time by the Village Manager, without prior notice, in his sole discretion.

Trustee Koliwasky - public liability insurance policy, did we not discuss about possibly increasing that number for events.

Manager Herbst - that was for Village itself. Increasing our insurance.

Trustee Clark - will the PD be assigned to this event.

Manager Herbst - no, they have their own security.

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 the Parks and Recreation Director is hereby authorized to attend the 2013 National Recreation and Parks Association Annual Congress, October 7-10, 2013 in Houston, TX with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

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

- Shared Services Consortium

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 Swartz

WHEREAS, the Village of Horseheads and the Towns of Elmira, Southport, Big Flats and Horseheads have formed a consortium for the purpose of analyzing current governmental operations of such municipalities including but not limited to the governmental services provided and the costs of same, with an eye toward the future to better serve the constituents of such communities, and

WHEREAS, the consortium is dedicated to identifying optimum operational practices and the implementation of actions which will maintain services, reduce expenses, and improve efficiencies, and

WHEREAS, the consortium's proactive approach to examination of government operations will result in recommendations that will, among other things, identify opportunities for fiscal savings, sharing of services, facilities and employees, and

WHEREAS, tax cap legislation, increasing costs of health insurance, increasing costs of employer pension obligations as well as the unhealthy economy of upstate New York suggest that an analysis of certain common governmental services within the consortium is warranted to provide a roadmap to plan for future service delivery by the members of the consortium, and

WHEREAS, the budget for the analysis is projected at \$56,000 for the entire consortium, and

WHEREAS, Local Government Efficiency Grants are available through the NYS Department of State, Division of Local Government Services, and

WHEREAS, the terms of the grant require a local share of 50% of the project costs, and

WHEREAS, Village Manager Walt Herbst has signed a letter on behalf of the Village indicating the Village's support and commitment for the analysis subject to award of the grant.

NOW THEREFORE BE IT RESOLVED, that the Village Board ratifies Manager Herbst's letter of support for a grant application to partially finance the analysis and further approves the participation in the consortium and the analyzing of current Village of Horseheads governmental operations for the purposes noted above. It is understood that one of the municipalities comprising the consortium will be the administrative agency for the grant.

BE IT FURTHER RESOLVED, that the Village of Horseheads' commitment for the above-noted undertaking shall not exceed \$6,000.00.

Trustee Skroskznik - who is doing the analysis. And will there be a committee.

Manager Herbst - John Burin is heading this up. There will be a committee of all the towns. It's a grant from the state. Objective is to share ideas, processes, to save money and become more efficient.

Mayor Zeigler - like what we've already done with Matt Mustico.

Roll Call Vote:

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

End of agenda items.

Trustee Skroskznik - I would like to see if we can have an info meeting on Well 5 filtration plant. Lot of questions out there on how many wells will be running during construction. Also, I got a phone call on chlorine leak. So I'd like to have an info meeting on all this. Also, why aren't we requesting reimbursement from City of Elmira on training for Officer Goodwin.

Village Manager - we try to share services. The actual expense was \$891. It covered a 3 yr period of which Goodwin had been with us for 32 of the 36 months. So if you look at it, it turns out to be 3.5 months or \$86. We won't be requesting reimbursement of \$86. This is all part of shared services. It is an informal agreement. In the Highway department- we share trucks, drivers, millings. There is no formal agreement, just general shared service agreement with all municipalities.

Atty. Groff - its not unlike mutual aid between fire depts., and also police agencies for one another. City of Elmira does share its resources on occasion with the Village, and vice versa.

Trustee Skroskznik - here is my issue. A lot of residents are wondering why we are reducing police. John Burin was City Manager when Goodwin left. It appears to be a conflict of interest on having him do analysis after he was City Manager.

Manager Herbst - Goodwin applied for that job and was fortunate to get it.

Trustee Skroskznik - I didn't think we had shared service agmt. with City of Elmira. Seems like we sold him off to the City. Now we have the former City Manager doing analysis on shared services. Was there another company thought of to do the analysis?

Manager Herbst - group that gets together, towns and villages, and we share ideas on a regular basis. This grant opportunity came up and we decided to take advantage of it.

Trustee Skroskznik - follow up to last meeting. I had a lot of questions on financial responsibility. Is there going to be an increase with our insurance regarding our new policy for board carrying weapons. Were they notified.

Manager Herbst - They were notified, but I don't have an answer to whether there will be an increase.

Trustee Clark- John Burin brought the city out of financial crisis. On health insurance, Donna and I attended meeting at the County. They will be releasing the Village and other municipalities from their plan. If we are discontinued, there is a 15 month premium payment. So January and February we would still have to pay, plus establish with some other company. Our self-funded premium is \$700K. Our 3 month would be \$155K, in addition to any other premium to a new carrier. When we started plan with county in 1989 we paid 3 months ahead, which was \$22K. This will be subtracted from \$155K, doesn't help a lot. Excellus reps stated that if you're going to a community rated plan you should plan on double digit increases every year. When we budget, we should budget 12%. Donna is working on figures to present. There will be choices for single, single and spouse, single and children, family, etc.

Mayor - we will have workshops on this.

Trustee Clark - Nate gave us an extensive presentation on parks and recreation. Now what we need to do is take what he gave us and prioritize that list. I have some dates. I would like to set up another workshop with Nate to continue working on this.

After brief discussion, the Board agreed to have a workshop on September 23rd at 3:00 p.m.

Trustee Koliwasky - regarding Nate's workshop, I haven't heard from any public. Especially on the pool. It will take \$750,000 to keep up on all parks and rec programs including the pool. If we

raised our taxes just 2% that won't even make up for what we've lost in one month of sales tax revenues.

Manager Herbst reported on the following items

- Landmark Inn project back on track. Old hotel will be torn down.
- NYSEG has delayed a lot of our street work. As a result they will work through weekends on Lynhurst so that we can finish drywell work.
- Gardner Road - NYSEG still working. We did grade and level to prepare for paving. We should have paving on Aug 26th.
- Update on Well 5: Bids were awarded for filtration plant. Prep work has begun. Will be pulling out pumps for well 5. We have been rehabilitating Well 4 to come online. It has been operating for 2 weeks. Well 5 will be shut down till March of 2014.
- We had a chlorine gas leak at Well 1. Supervisor discovered it and took all appropriate action. Haz mat team came and contained it. Insurance company instructed us to have an independent contractor come in supervise capping and removal of cylinder. It's being tested and evaluated.
- Shared Services - looking for consultants to analyze Village operations for efficiency and sustainability.
- Rumors about dissolving Police Department are just rumors. Experts will help us decide economic issues. That will include whether we should have a police department, how many, etc. We can't even dissolve the PD without a vote from the public. So that is just a rumor.
- Regarding SEQR for Schlumberger - we did conduct a full SEQR with public hearings. In terms of the exemption on single site, that platform was the entire building. There are now two buildings on what was one foundation.
- Regarding sales tax distribution - the Village gets 1.6 Million in sales tax, and 1.7 Million in property tax, so if we lose a major portion of sales tax the consequences are terrible. A 1% increase in your property tax gives the Village only \$17,000.

Atty. Groff reported on the following items:

- Regarding the meeting where the Board discussed weapons in Village Hall - It has been asserted that the meeting was illegal, and this item was not on the agenda. Trustee Skrosznic said there was case law on this. He was misinformed. There is no law for an agenda for a meeting or special meeting. The case you were referring to was regarding an executive session. The meeting that was conducted was not an executive session. So in terms of whether there was an agenda item for that meeting, it is unnecessary. It is not a legal requirement.
- Regarding some policy matters I've been working on, I've gotten some comments from Board members. Perhaps we should have a workshop to go over these items.

After brief discussion, the Board agreed to have a workshop to discuss these pending policies on August 19th at 3:00 p.m.

Atty. Groff - need an executive session tonight to discuss pending litigation. Include manager and attorney.

Motion by Trustee Koliwasky, seconded by Trustee Skroskznik, that at the end of this meeting, the Board move into Executive Session along with the Village Manager and Village Attorney to discuss pending litigation.

Roll Call Vote:

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

Fire Chief Sullivan - in 2008 we applied for a grant for a new ladder truck. We came up with a plan for FEMA to supply ½ the money. Unfortunately we couldn't buy a new one, but we did buy a good used one. Balance after grant of \$79,000. FEMA finally has approved our use of these extra funds for equipment for the ladder truck.

Mayor Zeigler - Dave Radin and Mike Stenpeck were instrumental in comprehensive plan. I would like them to have involvement in selecting a consultant for analyzing Village operations.

Dave Radin, S. Main St. - good news is that a professional consultant is coming in. I have friends at this table, but I don't like things going on in this Village. This financial outlook needs to make sure that anyone that wants to see the tiniest detail of how this place spends its money, its available. It's actually available right now. We can guarantee you that there will be meetings. Your obligation is you can't complain if you don't get involved. If you want to see how much it will cost to have a police department in 2018, it will cost almost the same amount as what we get for sales tax. I look forward to working with everyone here on this.

Mike Stenpeck - vision statement of comp plan took us three months. Here it is: *"The intent of this Comprehensive Plan is to guide the future physical and economic development efforts of the Village of Horseheads and direct the allocation of resources, both human and fiscal, to support these efforts. The Plan further identifies the goals, recommendations, and actions needed to address the challenges facing the community and enhance the overall quality of life in the Village."*

We are not going to accomplish without communication. We have to communicate with everybody.

Mayor Zeigler - I went to a RAMS meeting and we all discussed shared services. We had better start sharing services and possibly blending supervisors. Ex. One office in the county for municipal attorneys. RAMS is looking at everything too. Fund balances will be looked at. This study is imperative. Everything has to be out on the table. I talked to aid for Chuck Schumer about the connector road. It would allow all the truck traffic to go to Route 13 and stay off

Village roads. It needs to get done. We will be having a lot of workshops. If Board Members need to, take vacation days so that you can attend. These will be important and if you can't be here we are still going to have them. Resolution on weapons was to allow Board and Manager to possess weapons on Village property. We used to have signs saying no firearms in the building. When you take your firearms test they tell you where you can and carry your weapon. This is never about guns. I knew about this for a long time and I was concerned about being caught in violation. Even just carrying a knife in my pocket would be a violation.

At this time, the Board, Village Manager, and Village Attorney moved into an Executive Session for the purpose of discussing potential litigation. The minutes of which are attached hereto and made a part hereof.

At 9:20 p.m. the Board reconvened back into the regular meeting of this date. Trustee Skroskznik questioned as to whether a certain individual was employed by the Village. Subsequent questions by Trustee Skroskznik asked about felony convictions on the application for employment and whether this person had a valid drivers license. Village Manager Herbst reported that he uses the LENS program and had done a review in the last 2-3 weeks. Atty. Groff advised that an employer cannot ask about convictions.

As there was nothing further to come before the Board, the meeting was adjourned at 9:20 p.m.

/rmb

**Minutes
Executive Session
August 15, 2013**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 9:00 p.m. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Larry Clark, and Mike Skroskznik. Also present was Village Attorney John Groff and Village Manager Walt Herbst.

Discussion ensued regarding potential litigation. No action was taken.

At 9:20 p.m., a motion was made by Trustee Koliwasky, seconded by Trustee Swartz, that the Executive Session be closed, and that the Board reconvene back into its regular meeting.

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