

May 23, 2013

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  
Deputy Mayor Ron Swartz  
Trustee George Koliwasky  
Trustee Larry Clark  
Trustee Mike Skroskznik  
Village Manager Walt Herbst  
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Michele Accavallo  
Fire Chief Arthur Sullivan  
DPW Matt Mustico  
Parks Dir. Nate Nagle

**Others Present**

Wayne Brubaker, Gardner Rd.  
Barry Sawester, Marshall St.  
Barb Skorzcwski, W. Franklin St.  
Michele Breitung, Harvard Rd.  
Megan, Beth Smith Gardner Rd.  
Kaitlynn Breitung, Harvard Rd.  
Jean Quinn, Gardner Rd.  
Dawn Ammerman, Bowers Dr.  
Randy Ammerman, Bowers Dr.

George Kastenhuber, John St.  
Scott McGrain, Gardner Rd.  
Judy Pierce, Eleanor St.  
Brad Lytle, Grand Central Ave.  
Don Murphy Shull Lane  
Elliott Blauvelt, Jr., Fletcher St.  
Pat Gross, W. Broad St.

Chief Arthur Sullivan made a special presentation to the Board. He read a document regarding the Betsy Ross American flag. The Horseheads FD will be provided a flag from this era to be flown near the new packhorse statue.

Mayor Zeigler asked for public participation before the agenda.

Scott McGrain, Gardner Rd. - Village resident and Village police officer. I am your current School Resource Officer. This subject has been discussed a lot. Joined the senior class on their trip to NYC. We went by Statue of Liberty. Every student went on top deck and sang national anthem. I was very proud of them. By supporting the SRO program has helped those kids become who they are. Please reconsider saving the program. This program makes the Village look good. I attended the packhorse statue unveiling. Many Village staff contributed to that - including the Village Manager. The School is willing to do a four year deal with the Village, and at the end they would pay 75% of the program. I hope you will reconsider. Your community believes in this. I'm told the Village could be in dire straits, but if that is true why did last year we do a 0% tax increase, and this year a 1%. I don't understand that. Either we are not in dire straits but we just keep saying we are; or we are and we should have done 2% and 2%. I don't mind paying more to keep services in tact.

George Kastenhuber, John St. - would like to discuss the failure of this Board to act on applying for a grant. There were things that were ignored. The facts remain is that the school came to Village and said they would do 60K toward SRO. Now this grant will bring this Village 40K. Why this was ignored I have no idea. Of our tax bills, people in a 100K home are paying \$1.00/day for the Police Department. So where this fuzzy math is coming in. You need to revisit this. This has been ignored. This Board comes across as bullies.

Michele Breitung, Harvard Rd. - Presented the Board with a petition signed by Village residents. The students of the high school went around the Village to get the signatures. Your tax payers signed this petition to keep the SRO officer. Signed by over 600 residents. She added that on May 21<sup>st</sup> a 15 yr. old school went to a home on Sayre St. to get a signature. She was spoken to by an elected official rudely and harshly.

Audience participation ended.

**May 23, 2013 (cont'd)**

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the May 9, 2013 Village Board Meeting be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Skroskznik

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

General:	\$44,990.59
Water:	\$12,536.47

BE IT FURTHER RESOLVED, that \$5,813.36 be transferred from the Capital Reserve Fund for the acquisition of pool cleaning equipment, and camera equipment for the pool.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of May 17, 2013 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz , seconded by Trustee Clark

WHEREAS, the Village of Horseheads' current comprehensive insurance coverage for Village activities and property including liability coverage, personal injury, property damage, and umbrella liability, and insuring Village property including apparatus of the Fire Department, expires on June 11, 2013 and,

WHEREAS, Village Manager Walter Herbst has recommended acceptance of the proposal of Perry & Carroll, Inc. of Elmira, NY, as agent for Selective Insurance Company providing coverage to the Village of Horseheads for the period June 11, 2013 through June 10, 2014 at a premium of \$139,097 for municipal, police and fire department coverages.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept such proposal and does further authorize and direct Village Manager Herbst to secure such insurance and coverages as noted above, and be it further

RESOLVED, that Clerk-Treasurer Cunningham is authorized and directed to pay the premium for such insurance in the ordinary course.

Trustee Koliwasky asked when we would receive additional quotes for insurance coverage. Village Manager Herbst stated that it would probably be next year or the year after. The reason

is the Fox St. explosion, it adds to our points for underwriters. After so many years the points drop off, then we can get more quotes .

Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

WHEREAS, certain public officials, generally those having custody or control of Village money, are required by law to execute an undertaking or bond, and

WHEREAS, it is the practice of the Village of Horseheads to require that its general insurance provider provide to the Village of Horseheads a surety bond for various Village officials having custody or control of Village funds as part of the Village’s comprehensive insurance package, and

WHEREAS, certain Village officials have custody or control of different amounts.

NOW THEREFORE BE IT RESOLVED, as follows:

- 1) The expense of the undertakings will be at Village charge.
- 2) The following identified Village officials must execute undertakings in the following minimum amount:

OFFICIALS	PRIMARY LIMIT	EXCESS LIMIT
Clerk-Treasurer	\$100,000.00	\$500,000.00
Tax Collector	\$100,000.00	\$500,000.00
Deputy Clerk	\$100,000.00	\$ 50,000.00
Deputy Treasurer	\$100,000.00	\$ 50,000.00
Village Justice	\$100,000.00	\$ 50,000.00
Court Clerk	\$100,000.00	\$ 50,000.00
Mayor	\$100,000.00	\$ 50,000.00
Deputy Mayor	\$100,000.00	\$ 50,000.00

Trustee Koliwasky asked what these numbers are based on. Atty. Groff stated they are based on the current insurance policy we have, and also the monthly funds that may be managed or processed by each individual.

Roll Call Vote:

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

Motion by Trustee Clark, seconded by Trustee Koliwasky, that an item regarding the Issuance of Bonds for Well 5 be added to the agenda.

May 23, 2013 (cont'd)

Roll Call Vote:

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

**A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE RECONSTRUCTION OF FACILITIES AT WELL SITE #5, IN THE TOWN OF HORSEHEADS, CHEMUNG COUNTY, NEW YORK, AND FOR THE VILLAGE OF HORSEHEADS, CHEMUNG COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,410,000 AND AUTHORIZING THE ISSUANCE OF \$4,410,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.**

Resolution by Trustee Clark, seconded by Trustee Skroskznik

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Board of Trustees has determined will not result in any significant environmental effect; and

WHEREAS, it is now desired to authorize such capital project and its financing;

NOW, THEREFORE, BE IT BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Horseheads, Chemung County, New York, as follows:

Section 1. Construction of facilities at Well Site #5 located on Ithaca Road, in the Town of Horseheads, Chemung County, NY and for the Village of Horseheads, Chemung County, New York, including installation of a Dyna Sand Upflow filtration system and original furnishings, equipment, machinery, apparatus and other improvements and expenses in connection therewith, at a maximum estimated cost of \$4,410,000, is hereby authorized, subject to permissive referendum.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated costs is by the issuance of \$4,410,000 of serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER,** that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Horseheads, Chemung County, New York, are hereby irrevocably pledged for the payment of the 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 on all 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 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining

annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes 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) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. 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 the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

Trustee Skroskznik - will this grant money cover all the administrative costs.

Manager Herbst - Yes. We first have to spend the money, submit documentations for auditing, then they send us a check for that quarter. So it will be multiple checks. We'll be submitting our first bill soon, for the work on the design phase, then for the construction process. Should be done by March of 2014, but we probably won't get reimbursed for all the money till about the end of 2014.

Trustee Koliwasky - what if there is a cover overrun for the project.

Village Manager - override is covered under the RFP. Also, when we dealt with FEMA they built in 12% cushion for unexpected costs.

Roll Call Vote:

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

Trustee Clark - regarding the petition, the house that the girl stopped at was my house. There was nothing rude about it. I was asked to sign a petition, I said I didn't believe I could sign it because there was going to be an SRO. I went to say something else, but the young lady walked away. And that was the end of it. There was nothing rude about it, and I'm sorry if it was taken that way.

Trustee Clark continued regarding the SRO program. There seems to be confusion, I have read the entire grant application, and it is very clear that our current SRO would not qualify - allowable costs paid by the program are approved full time entry level hired under grant. What is not covered - salaries of currently funded officers unless they are going to be paid off. Also it is not 3 yrs. It requires officer must be in place for the 4<sup>th</sup> year. Could go into the fifth year due to our fiscal year being different than the govt. If we make false statements to get the grant, there are severe penalties. People should have taken time to read this grant application. Our current force does not qualify. This responsibility should be the school districts. There is over \$1 million in the School's security budget. I'd like to know how many people have also complained at the Town of Hhds meetings. I've had many residents call me saying we should stick with our position not to fund the SRO position. I have and always will defend this position. Officer

May 23, 2013 (cont'd)

McGrain will continue as a Village Officer so he will not be losing his job as many people have indicated. I believe the Sheriffs department would do an excellent job. They are far better equipped with manpower and resources to handle this SRO position. I have listened to people accuse the Village Manager of wanting to get rid of the police department. The Village Manager does not decide ANY policy decisions, they are always decisions of this Board. I have sat here for months and watched the Manager be berated for not filing the budget with the Clerk on time. It was a week late. We brought this up to the NYCOM and Comptrollers Office. They laughed. Since January some people have attended our meetings with an accusatory tone that if we don't get what we want we will assassinate your character, as on Facebook. This is an form of bullying. What an example to set for our young people. I would like to see our meetings return to proper decorum where residents can express their views without false accusations and personal attacks on Facebook.

Trustee Clark added, on a positive note, I would like to thank Trustee Swartz on the placement of the packhorse statue. I've had so many comments on this. It sends a very positive message. Also, the Fire Department dinner was exceptional.

Trustee Skroskznik - thanked everyone for donations for packhorse statue, also thanked Trustee Swartz, and to the Horseheads PBA for their donation. Fiscal responsibility means we explore all avenues to keep costs down and maintain services. I have another opportunity to explore, I recommend a fundraiser for SRO position. Since the School has already stated they would donate \$60K, the fundraiser would only need to be 1/3 of that. This would be fiscally responsible. Based on petitions being signed I urge the Board to entertain this idea. We have a lot of people in this community, Ron Swartz knows how to do fundraisers, it would be minimal energy to do this, and we'd be able to keep the SRO in the high school.

Trustee Swartz - thanked everyone for all the comments about the packhorse statue. Our next project is to get the blocks engraved around the horse.

Village Manager Herbst reported on the following items:

- private water insurance company is once again sending letters to residents. It has been misconstrued as being part of the Village. It is not. It is a private company trying to sell insurance.

- NYSEG is beginning to stake out pipeline for Gardner Road.

- Leah Cramer had the original idea for the packhorse. So she had the honor of unveiling the horse. I got an email from her which I would like to share (read email).

Mayor Zeigler - quite a few years ago while I was a Trustee the fund balance of this Village was about \$3million, we were criticized for having too much money. But we stayed prudent. Through the years the fund balances decreased and decreased. No interest income really anymore. Schools, villages, states, nobody is making interest on their money. We were at a crossroads when we came into office, there was only \$277,000 left in fund balance. If we had let it go, the Town would have taken us over. A lot of the good things would have been gone. You would not believe what we are paying for retirement and health benefits - \$1.1 million, and it is going to increase again. Sales tax figures are down. Right now our fund balance is \$1.7 million. We can keep things going, but if we hadn't make certain changes we would have been gone 5 years ago. We are at a crossroads again. We can overcome this, but we need help from the unions, from the people. On the SRO, the school has got to pay for this. If they want to keep Scott in that school, then they have to pay the costs. The Sherriff can do it, we've already made arrangements that Scott would be available for six months to help. I have no problem with him doing that. I think our officers should be visiting all the schools. You want the Village to exist, you want the pool, you want Holly Days, you want roads paved and swept. We need help and new ideas.

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

Respectfully submitted,

Sharron Cunningham  
Clerk-Treasurer  
/rmb