

Minutes
Village Board of Trustees
April 24, 2014

A regular meeting of 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 Caitlin McGurgan
Village Manager Walt Herbst
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham
Parks Dir. Nate Nagle
Fire Chief Arthur Sullivan
Code Enf. Bob Young
DPW Matt Mustico
Police Chief Mike Barton

Others Present

Suzie Wallen, Lititz, PA
Wayne Brubaker, Gardner Rd.
Brady Lytle, Grand Central Ave.
Norm Stull, Marshall St.

Item #1, minutes from the last meeting, is tabled as they have not been received by the Board yet.

Audience Participation

None.

Financial Reports - Manager Herbst stated that overall all we're doing very well. Working on updating the five-year plan. I have talked to Steve Hoover and he's going to send the anticipated sales tax for next year.

Mayor Zeigler - I think we should have a workshop to discuss the possibility of losing so much sales tax money.

Walt Herbst - also the 8.5 Million reduction in assessed valuation.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, GML Section 6-c permits the establishment of capital reserve funds, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board the establishment of such a fund for the acquisition of a type of equipment used on a reoccurring basis by the Village of Horseheads such as but not limited to police vehicles and types of highway equipment, and

WHEREAS, there are presently monies in the Village's general fund which are unassigned.

NOW THEREFORE BE IT RESOLVED, that pursuant to GML Section 6-c, as amended, there is hereby established a capital reserve fund to be known as the "Capital Reserve Fund, Equipment" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate money to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is municipal vehicles such as but not limited to police vehicles, and highway construction equipment, etc., and

BE IT FURTHER RESOLVED, that:

1. The Village Clerk-Treasurer is hereby directed to deposit and secure the monies of this Reserve Fund in the manner provided by GML Section 10.
2. The Village Clerk-Treasurer may invest the monies in the Reserve Fund in the manner provided by GML Section 11 and consistent with the Investment Policy of the Village of Horseheads. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Reserve Fund.
3. The Village Clerk-Treasurer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the dates and amounts of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund, and the total assets of the fund, showing cash balance and a schedule of investments.
4. The Village Clerk-Treasurer shall, at the end of each fiscal year, render to the Board of Trustees a detailed report of the operation and condition of the Reserve Fund.
5. Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purposes for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Board of Trustees and such additional actions or proceedings as may be required by GML Section 6-c or any other law, including the permissive referendum as required by GML Section 6-c(4).

BE IT FURTHER RESOLVED, that Village Clerk-Treasurer is hereby directed to deposit \$400,000.00 from the Village of Horseheads' General Fund into this Reserve Fund, which currently has a balance of zero dollars, and be it further

RESOLVED, that the Village Manager and Village Clerk-Treasurer are authorized and directed to make such other and further changes to the current Village budget as are necessary to effectuate this resolution.

Trustee Swartz - when you say municipal vehicles, what happens if we wanted to get Cemetery Equipment

Atty. Groff - doesn't need to be included. Construction equipment is multi-purpose that could be used in several departments.

Trustee Koliwasky - will we also look at reserve funds for not just large equipment, but also for other departments. We had discussed having Rick McNeilly coming in to discuss reserve funds.

Manager Herbst - yes to both. This is just the first step.

Trustee Skroskznik - the Capital Reserve that is in the new budget, that is what this resolution refers to. Manager Herbst - yes.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

Resolution by Trustee Skroskznik, seconded by Trustee Swartz

WHEREAS, NYS has encouraged municipalities to obtain long term energy cost savings by facilitating prompt incorporation of energy conservation improvements, or energy production equipment, or both, in connection with buildings or facilities owned, operated, or under the supervision and control of municipalities in cooperation with providers of such services by enactment of Article 9 of the Energy Law of New York State, and

WHEREAS, said law authorized municipalities to enter into energy performance contracts which are agreements for the provision of energy services to improve energy efficiency or produce energy in connection with a building or facility in exchange for a portion of the energy savings or revenues with the provider of such services, and

WHEREAS, on April 14, 2011 the Village retained Wendell Energy Services, LLC as consultant to research the feasibility and merit of an energy efficiency project at various Village facilities and projects, as well as utility energy performance contracting, and thereafter Wendell made written and verbal presentations to this Board regarding energy and water system efficiency upgrades including but not limited to the following Village systems and properties: water system, Department of Public Works building, Village Hall, Maple Grove Cemetery office, Fire

Department building, Thorne Street pool and recreation building, and water wells, and

WHEREAS, the consultant's services culminated in the development of a Request for Proposals to implement Energy Efficiency and Water System Improvement Project for the Village of Horseheads, and

WHEREAS, the only proposal received was from Wendell Energy Services, LLC as one of only 13 organizations accredited by the National Association of Energy Service Companies (NAESCO), and

WHEREAS, said Proposal is based upon a guaranteed savings agreement, i.e. savings and/or guaranteed payments will equal or exceed the cost of lease payments or debt service which will offset the project costs, and was reviewed and ranked by various Village personal and others, and

WHEREAS, said Proposal has been determined to be compliant with the RFP and Village Manager Walt Herbst has recommended acceptance of the Wendell proposal.

NOW THEREFORE BE IT RESOLVED, that the Wendell proposal of March 25, 2014 is hereby accepted. Pursuant to the terms of said proposal Wendell is hereby engaged as the Energy Services Company (ESCO) to implement a comprehensive energy efficiency and water system improvement project for the Village of Horseheads, and be it further

RESOLVED, that Manager Herbst is authorized and directed to notify Wendell of the acceptance of its proposal and to direct that Wendell proceed as expeditiously as possible with the provision of comprehensive performance services including production of an investment quality comprehensive performance audit, identification of measures that could be taken to reduce operating costs for all activities and energy sources, presentation of the comprehensive audit identifying measures that clearly list costs and benefits allowing the Village to select the group of project measures to be included in the final contract for energy efficiency and system improvements, and including a structure of the terms of the Village's future obligations to pay for services provided on a performance contracting basis with guaranteed savings.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

Resolution by Trustee Skroskznik, seconded by Trustee McGurgan

BE IT RESOLVED, that the Justice Reports for March 2014 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

D&A: Retirement Reporting for Elected and Appointed Officials

Atty. Groff: At the last meeting I made you aware that I would be providing an updated resolution to the retirement system regarding elected officials. After which the retirement system revised their recommendation to me. Updated version of what is required is that they want a resolution to be presented by early June. It would mean that elected officials who are reporting and are members of the retirement system would give a three month record to Sharron so she can calculate what service credits should be reported. Then a resolution would be adopted at the end of June, early party of July. At this point those of you who are members, if you have time already collected it needs to be provided to Sharron. Those who may not have recordkeeping are going to need to start creating records of their time now. That will give you May, June and some of you can recreate for April, to present to Sharron at end of June, which will then be incorporated into the resolution. Trustee Swartz, Mayor Zeigler, start keeping records and consolidate with any records you may already have based on punching the clock. And try to go back to April 1 and reconstruct what you have done. Regarding Trustee McGurgan, you're not going to be part of that resolution because you were just recently appointed. We will have a different resolution that deals specifically with you. You cannot report political functions. You should report Village meetings, phone calls, doing research on projects, reading publications, etc.

Trustee Swartz - I've been in the system since I started years ago. Should I still do this.

Atty. Groff - yes you do if you want the service credit. Otherwise the service credit that you have been receiving will be adjusted.

Communication from Mayor Zeigler:

I hereby appoint Thomas Rupp, of 803 Tifft Avenue, as an Alternate Member of the Village Planning Board. Said appointment to expire the first Monday in December, 2014.

Motion by Trustee Koliwasky, seconded by Trustee Skroskznik, that an item regarding Appointment to Fire Department be added to the agenda.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

Resolution by Trustee Swartz, seconded by Trustee McGurgan

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Carlos Benitez, 204 W. Mill Street, and Tyler Eastwood, 205 4th Street, to the Village of Horseheads Fire Department.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

Trustee Koliwasky - breach in dike on Newtown Creek. Anything back from JJ Carl.
Manager Herbst - nothing yet, I will follow up again.

Trustee Koliwasky - need to set up meeting with Rick McNeilly regarding capital reserve funds.
Manager Herbst to find out Rick's schedule first.

Trustee Swartz - complaints received regarding the traffic light by Friendly's. Coming from the mall on Route 64 there is a green arrow for traffic turning north on Westinghouse Road. The arrow is very short and traffic backs up.

Chief Barton - The State controls those intersections and the timing of the lights. The traffic engineers time them in such a manner for traffic flow. We can of course ask them to review it.

Manager Herbst - we can send a letter. Also I got a call from a resident about the Center St. light at Brickyard lane.

Trustee Swartz - beer trucks pulling out of Moose Club, leaves ruts in lawn next door. Is there any way we can curb that section to stop this. Or widen the entrance.

Bob Young - I'll check with Dave Padgett and find out which company is doing it.

Manager Herbst reported on the following items:

- Working with our insurance broker for our municipal insurance renewals. Struggling in terms of premium, because of our loss history. This along with lawsuit from NYSEG for damages to gas lines. In the lawsuit they named 50 properties of which 29 do not even get Village water. Perry and Carroll working on this.
- Another insurance issue, State Insurance Fund did an inspection of Village Hall. They didn't find anything to comment on.

- Spot inspection by PESH. Surprise audit. We got the results and we found 4 things to correct. Loose extension cords, exit signs, etc.
- Trustee McGurgan and I participated in a NYCOM webinar.
- Well #5 - finishing touches, testing, synchronizing meters, etc. Coming in under budget.
- Well #1 - ready at any moment.
- Consortium group met yesterday. Grant was received for the group to investigate and assess current operations, functionality, services, provide alternate and cost-effective ways to deliver services. Study is funded by the state. Moving along.
- Mediation process underway with PBA. Possibly have two more mediation meetings.
- MS 365 is underway. We'll be closing out the old Outlook program in the next week. Moving toward providing tablets to the Board members exclusively for Village use.

Trustee McGurgan - participated in three NYCOM webinars recently. Designed for newly-elected officials. Very informative.

Mayor Zeigler - brush pickup, the new facility on Blostein Blvd. is coming along. I hope this will rectify brush pickup. A few residents put extremely large amounts of brush out for this. This new system should be very beneficial.

Motion by Trustee Koliwasky that this Board, along with the Village Atty. and Village Manager, move into an Executive Session to discuss the employment history of a particular person. Motion seconded by Trustee Swartz.

Roll Call Vote:

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| Mayor Zeigler | Aye |
| Trustee Swartz | Aye |
| Trustee Koliwasky | Aye |
| Trustee Skroskznik | Aye |
| Trustee McGurgan | Aye |

At 9:12 A.M. the Village Board, Village Manager and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:28 A.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 9:28 A.M.

/rmb

**Village Board of Trustees
EXECUTIVE SESSION
April 24, 2014**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 9:15 A.M. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Mike Skroskznik, and Caitlin McGurgan, Village Attorney John Groff, and Village Manager Walt Herbst at which time they discussed the employment history of a particular person. No action was taken.

At 9:27 a.m. a motion was made by Trustee Swartz, seconded by Trustee Koliwasky, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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| Mayor Zeigler: | Aye |
| Trustee Swartz: | Aye |
| Trustee Koliwasky: | Aye |
| Trustee Skroskznik: | Aye |
| Trustee McGurgan: | Aye |