

Minutes

Village Board of Trustees

February 26, 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 George Koliwasky
Trustee Brad Lytle
Village Manager Walt Herbst
Clerk-Treasurer Sharron Cunningham

Village Atty. John Groff
Parks Dir. Nate Nagle
ZBA Chair Dave Radin
DPW Matt Mustico
Manager's Asst. Rachel Baer

Absent

Trustee Ron Swartz
Trustee Mike Skroskznik

Others

Mark Gallo, Deanna Haynes - State
Insurance Fund

Wayne Brubaker, Gardner Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 12, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Lytle: Aye

Presentation by State Insurance Fund

Mark Gallo and Deanna Haynes, from the State Insurance Fund, presented the Village Board with a plaque thanking us for 85 years of having our workers comp insurance with them. June 16, 1929 was when you first came aboard with us.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of January 15, 2015 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Lytle: Aye

Support of Repeal of SAFE Act

Atty. Groff noted that the Board has been supplied with a draft resolution with some handwritten modifications. It is based upon one adopted by Schuyler County Legislature. The changes are mine. Mostly grammatical or intended to change the perspective of the resolution from the County Legislature to the Village Board's perspective. And to eliminate some unnecessary language.

Trustee Lytle - I've read all the changes and agree with them. I would make a motion for this resolution.

Mayor Zeigler noted we don't have a full Board, did anyone want to wait until the Board is complete.

Trustee Koliwasky said he is comfortable voting on it today. At the last meeting Trustee Skroskznik was ready to pass this also.

Manager Herbst - we discussed background checks and how they do require manpower and expense on the part of the Police Department. This paragraph was crossed off the draft.

Atty. Groff - in my mind it is unnecessary because that is a function that the County is dealing with more so than our PD. Also there were a number of paragraphs that indicate there are punitive measures associated with this in terms of budgetary impacts and staffing. From my perspective I didn't think it added rationale to the resolution.

Trustee Lytle - don't our police officers assist in processing pistol permits.

Atty. Groff - the reference is to permits in general. It comes down to whether you want to refer to pistol permits, or permits in general. I felt it was all inclusive when you say permits.

Trustee Lytle noted that both the Chemung County Legislature and the Town of Horseheads passed this resolution recently.

Resolution by Trustee Lytle, seconded by Trustee Koliwasky

WHEREAS, Senate bills S511-2015 and S1193-2015 have been introduced to the New York State Senate by Senators Michael Nozzolio and Katherine Marchione respectively, which would repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, and

WHEREAS, this Board has long advocated for the protection of the rights afforded our citizens under the Constitution, which has for generations guided our Nation and served as a framework to our republic and society, and

WHEREAS, the Second Amendment to the Constitution of the United States provides for the "right of the people to keep and bear arms" and further states that this right "shall not be infringed", and

WHEREAS, members of the Village of Horseheads Board of Trustees, being elected to represent the people of the Village of Horseheads, are duly sworn by their oath of office to uphold the Constitution of the United States, and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States, and

WHEREAS, the Civil Rights Law of the State of New York states in Article 2 Section 4, "Right to keep and bear arms. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms cannot be infringed", and

WHEREAS, the lawful ownership of firearms is a recreational benefit to our residents through hunting and target shooting, along with an economic and environmental benefit to our region with several locally owned and operated gun/sporting businesses, and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement (NY SAFE Act) of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, has had and will continue to have a detrimental effect on hunters, sportsmen and legal gun owners, creating a hostile environment both for them and for the sale and manufacture of legal firearms, and

WHEREAS, the SAFE Act prohibits the sale of firearm magazines with a capacity larger than seven (7) rounds and, those firearm magazines with a capacity larger than seven (7) rounds, which are authorized to be retained by existing owners, may only be loaded with seven (7) rounds and eventually must be permanently altered to only accept seven (7) rounds or be disposed of, and

WHEREAS, few or no low capacity (seven (7) rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State, and

WHEREAS, the SAFE Act severely and negatively impacts the possession and use of firearms now employed by the residents of the Village of Horseheads for the defense of life, liberty and property, and

WHEREAS, the SAFE Act severely and negatively impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to hunting and target shooting, and

WHEREAS, while there are some areas of the SAFE Act that this Board finds encouraging, such as the strengthening of Kendra's Law and Marks's Law, as well as privacy protections for lawful permit holders, we find the legislation fails to offer meaningful solutions to gun violence and places undue burdens where they don't belong, squarely on the backs of law abiding citizens, and

WHEREAS, many parts of this SAFE Act that place an unfunded mandate on the local Sheriff

Departments, County Clerk's Office and County Judges, while tax payers are crying out for tax and financial relief, and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State, and

WHEREAS, the SAFE Act effectively treats countless New York State law abiding gun owners as criminals, and

WHEREAS, the enactment of the SAFE Act has engendered significant controversy over both the process by which it was enacted and certain provisions contained therein, and

WHEREAS, the manner in which the SAFE Act was brought forward for vote in the State Legislature is deeply disturbing to the Village of Horseheads Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby support Senators Michael Nozzolio's and Katherine Marchione's bills S.511-2015 and S.1193-2015 to repeal all or part of the New York Secure Ammunition and Firearms Enforcement Act of 2013, and

BE IT FURTHER RESOLVED, that this Board supports the introduction of an Assembly bill which calls for the repeal of the New York Secure Ammunition and Firearms Act of 2013, and

BE IT FURTHER RESOLVED, that this Board supports efforts by the New York State Legislature to remove funds for enforcement of the New York Secure Ammunition and Firearms Act of 2013 from the New York State Budget, and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Thomas O'Mara, Assemblyman Philip Palmesano, and the New York State Conference of Mayors.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Koliwasky:	Aye
Trustee Lytle:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the following item be added to the agenda:

- Probationary Appointments to Fire Department

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Lytle: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of the following individuals to the Village of Horseheads Fire Department:

- Jon Koen, 3113 Butler Avenue, Horseheads
- Tyler Eastwood, 108 Philo Road, Horseheads
- Joseph Reed, III, 410 Tiff Avenue, Horseheads

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Lytle: Aye

Trustee Lytle - what is the schedule on the budget.

Manager Herbst - the Clerk gave me her draft which I have looked over. I do have some comments on it that I want clarified. The tentative budget has to be filed with the Village Clerk by March 20th. That is when it gets filed with the Clerk and the Board receives a copy. Public Hearing has to be held before April 20. Adopted budget has to be submitted to the Comptroller no later than May 1st.

Mayor Zeigler - if the Board wants a workshop on this we'll have time for that.

Manager Herbst - if you have input that you want considered please submit to me as soon as possible.

Trustee Koliwasky - I want to thank our DPW for their work on the streets this winter, and the Water Dept. too. Lots of water leaks. In the paper there was an item on salt supplies being down. Is that going to affect us.

Matt Mustico - We normally order 500 tons a season. Last season we used to much that this year we ordered 800 tons. We've already gone through that. We can order up to 130% of our estimate. We have about 300 tons left, so we are cutting back. If we get any little storms we will just salt the mains, and intersections, and hills. If its bad ice we'll have no choice but to do everything. But the way they are projecting we will try to spread it out.

Trustee Koliwasky also commented how good Code Enf. is doing getting people to maintain their sidewalks, etc.

Trustee Koliwasky - on the SAFE Act. With everything going on in the news, and our thing a couples year ago with Village employees and weapons, this message is a lot more than just repealing the SAFE Act. I know there are communities that say that if you have a concealed carry permit that they have the right. I think if we can keep that 2nd Amendment Right we should. If we have received the

permit to carry a concealed weapon, and we've gone through the procedures and checks, we're not the bad guys.

Trustee Lytle - I'd like an update on where we stand with the Police Chief. I'd like to be updated more frequently.

Manager Herbst - we have explored all kinds of options - full time, part time, intermunicipal agreements, etc. We're working to wrap this up within the month. Then I will brief the Board on my recommendation.

Trustee Lytle - so it will be a Horseheads Police Chief?

Manager Herbst - there will be a police Chief in Horseheads, yes.

Trustee Lytle - I believe what it means is there will be a Police Chief that is an employee of the Village of Horseheads.

Manager Herbst - that is correct.

Village Manager Herbst have reported on the following items:

- Water Dept. has been very busy with lots of leaks. Still trying to locate a large leak, but since the frost is so deep they are unable to hear the leak. They've had the expert in a few times, we think it's been located. It's a 10" main. We hope that is the one they are looking for. This is the coldest February on record in over 100 years.
- Street Dept. has also been very busy. Already used 800 tons salt.
- We have a letter, which is in your mailboxes, from NYSDEC commending Sgts. Murray and West, and Bob Young, for their help with DEC when they had their hearing at the Holiday Inn recently. They were expecting some civil disobedience. Our guys were very helpful, and it turned out to be a non-event.

ZBA Chairman Dave Radin - I would like to urge the Board to take a look at your comprehensive plan again. These things are living documents. A lot of time and work by a lot of people went into that. I just ask that we take a look specifically at the first several pages of the Action Items list. Some of them have been accomplished, and some haven't. Mike Stenpeck and I would be happy to attend. No urgency, but maybe in the next couple of months.

Matt Mustico thanked everyone for their comments about the DPW and Water Department. As for the road salt, we have to tell the State in April how much we think we are going to buy for the upcoming season. It's on state contract. You have to take at least 70% of what you projected. You can go up to 150%. When you buy up to 120% of your estimate, it's the same price. From 120% to 130% the price goes up 5%. 130% - 150% the prices goes up 15%. Over 150% they can charge whatever they want, if they have it.

As there was nothing further to come before the Board, the meeting was adjourned at 9:00 a.m.

/rmb