

**Minutes**

**Village Board of Trustees**

**June 26, 2014**

A 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 George Koliwasky  
Trustee Caitlin McGurgan  
Village Manager Walt Herbst  
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham  
Manager's Assistant Rachel Baer  
Fire Chief Arthur Sullivan  
Rec. Dir. Nate Nagle  
DPW Matt Mustico

**Absent**

Trustee Ron Swartz  
Trustee Mike Skroskznik

**Others**

Wayne Brubaker, Gardner Rd.  
Brad Lytle, Grand Central Ave.  
Kevin Sullivan, E. Franklin St.

Tom Rupp, Tift Ave.  
Lori Lee, Watkins Road

Resolution by Trustee Koliwasky, seconded by Trustee McGurgan

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of June 7 and June 12, 2014 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

**Audience Participation**

Tom Rupp, Tift Ave. - I have concerns about the Police Dept. Two positions have been cut. Chief is retiring. You have a police officer on disability a long time. That only leaves 8 or 9 officers. Makes us smaller than the Heights. Entire community thinks the Police Dept. is not safe place to have a job. What are we going to do? Also a rumor you may cut a shift out. The public should know which way you are going with this.

A resident commented about sidewalks. Why does the Village makes it our responsibility for damages to sidewalks. Village planted tree that lifts up the sidewalk, why is the homeowner responsible to fix that. The Village crew will remove blocks, but we have to hire a contractor.

Brad Lytle, Grand Central Ave. - The crosswalk in front of library. Often cars parked on both sides. Difficult for drivers to see pedestrians. There should be more painted lines, more signs, warning strip, etc.

Manager Herbst stated that we just ordered 4 of those crosswalk signs. Also restriping in July.

Lori Lee, Mgr. of Pioneer Village - Our police department is dedicated and very helpful.

Resolution by Trustee McGurgan, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds listed on the attached sheet.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

8:40 A.M. - Public Hearing: Proposed Local Law - Moratorium on Cell Tower Siting  
Atty. Groff opened the public hearing. He stated that this proposed law doesn't prohibit towers. Gives us time to consider implications of siting of cell towers and how it will impact community. Doesn't prohibit receipt of applications during moratorium period. Just on taking final action.

Arthur Sullivan, Miller St. - Verizon wants to put a cell phone tower on our property. It is currently zoned Industrial. I'm asking you to consider tabling this matter. Verizon will contact the Village to set up a meeting for any tech questions. I'm just her as the owner of the property, which I have owned since 1966. In recent years we've tried to get people to rent the property. I feel the cell tower is important. It will improve communications especially for emergency services. A delay of 6 months would put us in winter, then another 6 for construction to start. Again please table or postpone to talk with the Verizon people to get understanding of operation.

As nobody else came forward, Atty. Groff declared the public hearing closed.

Resolution by Trustee Koliwasky, seconded by Trustee McGurgan

WHEREAS, this Board was presented on June 2, 2014 with a proposed local law establishing a moratorium on siting and construction of wireless telecommunication facilities in the Village of Horseheads, and

WHEREAS, a public hearing regarding said local law was held on June 26, 2014, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village as required by law, and

WHEREAS, this action is a Type II Action under NYS SEQR Regulations, 6 NYCRR Section 617.5, and

WHEREAS, this Board finds, after due deliberation, that it is in the best interest of the Village to adopt said local law.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts said Local Law entitled "A Local Law Establishing a Moratorium on Siting and Construction of Wireless Telecommunication Facilities", a copy of which is to be placed on file with the Village Clerk, and

BE IT FURTHER RESOLVED, that Sharron Cunningham, Clerk-Treasurer, is hereby directed to file said local law with the Secretary of State of NY.

Trustee McGurgan - I have some concerns. Need some time to get the information. People can still apply?

Atty. Groff - correct. We have no law regulating the siting. Just our zoning law regulating structures. The concern has to do with aesthetics, also tower regulations to avoid proliferation of towers. You can have one with many antennas, or many with just one. Also safety issues. Concern regarding fall zone. What would likely be damages or injuries. From a safety perspective the concerns are regulating construction and making sure it is safe. As far as the moratorium, what it does it requires no permits be issued for placement. You don't have a law now that regulates cell towers. This allows you as a board to research whether you want to regulate them, and if so opportunity to actually develop a law. If during the moratorium you decide that you don't need a law, then no law would be drafted, then we could shorten or abolish moratorium. If you felt we did need a law, it could be developed. This is a very technical field. Not a lot of people are knowledgeable on this. The moratorium does not prohibit a cell phone company from continuing to pursue their efforts, it simply would prohibit the issuance of permits for construction. It does result in a delay for anyone seeking to construct.

Trustee Koliwasky - in the past year we were approached by some company asking this. One of the things we have to consider is what is the need. That is what we have to look at, getting overloaded with towers. We may not need the 6 months. But we shouldn't just jump into letting them go up without regulations. I think this moratorium is good, but we probably won't need 6 months.

Atty. Groff - issue is not new for sure. Now its 4LTE or 4G. Higher data transmissions require shorter distances between towers, which requires more towers. People are more accepting of them these days.

Mayor Zeigler - it is part of today's technology. I heard at a recent RAMS meeting that Time Warner is being purchased by Comcast. I think you are going to see a lot of communication moved from the cable box on your house to these towers. I wish they would have come to us a few months ago. Verizon should have come in here to discuss this matter with us. As often happens everybody comes in at the last minute. There are questions to be asked. For the village. I won't like to see the kind of towers at Alpine Junction. They are huge. So we need guidance in this. For everyone's sake.

Atty. Groff - federal regulations limit the community's ability to simply prohibit them. Can't prohibit them. Also law does require that you act expeditiously on applications. Very rigid on timelines even when you have a law in place.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

Resolution by Trustee McGurgan, seconded by Trustee Koliwasky

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

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

Discussion: Standard Workday for Elected and Appointed Officials

Atty. Groff - some time ago we discussed this. I wanted to remind people that are in this category that we need specific information on the records you've been keeping. So we can make necessary filings with NYS Retirement.

Motion by Trustee Koliwasky, seconded by Trustee McGurgan, that one item be added to the agenda:

- Resolution on Wendel Project Manager

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

Resolution by Trustee Koliwasky, seconded by Trustee McGurgan

WHEREAS, The Village engaged Wendel Energy Services, LLC to develop an Energy Savings Performance Contract with Assured Performance Guarantees after having completed a Comprehensive Energy Audit, and

WHEREAS, the Village and Wendel have or anticipate entering into a Project Development Agreement regarding Energy Conservation Measures, and

WHEREAS, that Agreement and the Energy Savings Performance Contract call for appointment of a project manager by the Village.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is appointed the Village's project manager regarding the above-noted agreement and contract, who shall be responsible for

managing the Village's respective contractual responsibilities, monitor project schedules and act as a liaison with all necessary parties.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee McGurgan	Aye

Village Manager Herbst reported on the following items:

- Sidewalks - we've had a lot of questions. One of the issues is the tree root problem. The conflict is when the sidewalk is the responsibility of the owner. What were working on is a method to lift the sidewalk block, cut the root in the way that doesn't kill the tree, then lower the sidewalk. Debate is whether it will kill the tree. Evidence says this fixes the problem. We will try this and hope the tree lives. None of this changes the responsibility for maintaining the sidewalk. It remains the homeowners responsibility to repair the sidewalk. With any luck this new method will help in this matter.
- In terms of where trees are planted, we are trying to replace trees that either are not under power lines, or are slow growing.
- You have the PBA proposal to review. Please look at that.
- Joint workshop with Town on Blostein. Need to schedule an evening mtg. I will pursue this with the town.
- Micropaving project currently underway extends road life by 10 years. Will save us a lot of money long term. Striping will take place in a couple of weeks.

Trustee McGurgan - spoke with Walt about the trains coming through on W. Franklin, blowing horns at all hours. I understand that we have minimal things we can do due to laws on freight.

Manager Herbst - correct, we can ask, but really we have no standing to ask them. Controlled by feds.

Nate Nagle - Tomorrow is dog park night at Thorne St. Park. Just to see what interest there is. Have agility equipment, etc.

Matt Mustico - will finish paving tomorrow. Kinley and Perkins started milling today. Paving will be next week. All striping will be done before July 4<sup>th</sup> weather permitting.

Mayor Zeigler - questions asked about our Police Department. Walt is working on some solutions, per our accountant. Health of the village is at stake. County taking more and more sales tax. We have to look at everything. We will come up with a plan. Things that will put money back in the bank.

As there was nothing further to come before the Board, the meeting was adjourned at 9:13 A.M.

/rmb

<b>TRANSFER LIST - 6/26/14</b>				
<b>GENERAL</b>				
<b>AMOUNT</b>	<b>FROM</b>	<b>TO</b>	<b>DESCRIPTION</b>	
\$1,353.84	1010.100	1010.150	NEW TRUSTEE	
\$449.16	1110.109	1110.106	COURT CLERK	
\$14.51	1110.440	1110.453	COURT TRAVEL EXP	
\$2,080.35	1111.144	1111.106	COURT CLERK	
\$222.89	1230.450	1230.440	VM CONT. SERV.	
\$142.50	1420.411	1420.440	ATTY.CONT. SERV.	
\$5,642.66	1619.151	1619.143	COMM.SERV.OFF.	
\$283.44	1619.440	1619.443	CODE REPAIRS	
\$383.36	1619.440	1619.452	CODE TRAINING	
\$82.50	1620.160	1620.152	BLDG. SECURITY	
\$7,503.64	1230.418	1620.410	VH MAT./SUPPLIES	
\$440.12	1230.418	1620.417	PAYROLL PROCESSING	
\$2,048.39	1230.418	1620.440	VH CON. SERVICES	
\$67,027.35	1112.449	1620.438	ROOF REPLACEMENT	
\$36,060.98	1990.477	1620.438	ROOF REPLACEMENT	
\$2,711.32	1920.473	1620.438	ROOF REPLACEMENT	
\$13,592.00	5110.440	1620.438	ROOF REPLACEMENT	
\$68.70	1620.444	1620.443	VH REPAIRS	
\$1,114.28	1620.495	1622.421	VH UTILITIES	
\$3,113.64	1620.495	1622.424	STREET/LINEAR UTIL	
\$1.91	1620.495	1622.426	PLAYGROUND UTIL	
\$646.79	1620.495	1622.427	POOL UTILITIES	
\$2,089.22	1620.495	1622.429	GARAGE UTILITIES	
\$1,941.00	1620.495	1623.461	COURT IT	
\$3,036.66	1620.495	1623.463	POLICE IT	
\$1,006.25	1620.495	1623.464	FIRE IT	
\$4,647.36	1620.495	1623.465	VIL.HALL IT	
\$6,438.99	1620.495	1623.467	NETWORK SUPPORT	
\$876.01	1230.415	1624.435	CLERK-POSTAGE	
\$400.00	1640.455	1640.445	GARAGE RADIO MAIN.	

\$6,858.78		1325.109		1650.471		COMMUNICATIONS	
\$164.98		1325.109		1950.474		SEWER TAX	
\$15,848.14		1990.477		1989.475		PEPSI TAX REFUND	
\$46.33		3410.408		3410.200		FD EQUIPMENT	
\$4,692.42		3410.410		3410.413		FD CLOTHING	
\$258.32		3410.411		3410.413		FD CLOTHING	
\$72.30		3410.408		3410.440		FD CON. SERV.	
\$175.00		3410.408		3410.490		FD PHYSICALS	
\$2,926.10		5110.107		5110.127		DPW EQ. OPR.	
\$1,510.31		5110.110		5110.200		DPW EQUIPMENT	
\$1,064.12		5110.101		5142.103		SNOW REMOVAL OT	
\$2,467.37		5110.101		5142.410		SNOW MAT/SUP	
\$2,174.36		5110.101		5142.443		SNOW REPAIRS	
\$111.99		7140.453		7140.452		RECREATION TRAINING	
\$1,167.85		7141.100		7141.200		CONCESSION EQUIP	
\$436.47		7141.100		7141.410		CONCESSION MAT/SUP	
\$40.56		7141.100		7141.443		CONCESSION REPAIRS	
\$1,529.06		7180.440		7180.100		RECREATION PERSONNEL	
\$493.92		7180.440		7180.200		RECREATION EQUIPMENT	
\$4,822.94		7180.440		7180.410		REC.MAT.SUPPLIES	
\$204.31		7210.410		7210.200		SPECIAL EVENTS EQUIP.	
\$3,537.33		7310.110		7310.410		POOL SUPPLIES	
\$1,275.00		7310.110		7310.413		POOL CLOTHING	
\$131.41		7310.110		7310.443		POOL REPAIRS	
\$22,717.26		5110.410		8560.416		COMPOST	
\$12,000.00		8560.440		8560.416		COMPOST	
\$734.26		5110.101		8810.100		CEM.LABORERS	
\$448.14		5110.101		8810.160		CEMETERY OT	
\$232.79		8810.410		8810.413		CEMETERY CLOTHING	
\$10.12		8810.410		8810.440		CEM. CONT. SERV.	
\$26,747.00		9010.820		9060.860		HEALTH INSURANCE	
\$23,691.86		9030.830		9060.860		HEALTH INSURANCE	
\$15,272.45		9040.840		9060.860		HEALTH INSURANCE	
\$27,243.04		3120.130		9060.860		HEALTH INSURANCE	
\$11,440.00		1619.142		9060.860		HEALTH INSURANCE	
\$1,923.64		1621.466		9060.860		HEALTH INSURANCE	
\$7,862.86		5110.101		7862.860		HEALTH INSURANCE	
\$192.04		9060.862		9060.861		CSEA VISION	
\$367,944.65							
<b>WATER</b>							
\$517.17		1622.430		1620.410		VH MAT/SUPPLIES	
\$1,996.99		1622.430		1620.440		VH CONT.SERV.	
\$86.28		1622.430		1622.429		GARAGE UTILITIES	
\$828.60		1623.462		1623.465		NETWORK SUPPORT	
\$500.00		1623.462		1624.435		POSTAGE	
\$3,226.88		1622.430		1650.471		COMMUNICATIONS	

\$1,721.04		1622.430		8340.129		EQUIP.OPR.	
\$5,554.43		8340.105		8340.160		WATER OT	
\$1,958.19		1622.430		8340.410		WATER MAT/SUP.	
\$187.68		8340.105		8340.413		WATER CLOTHING	
\$3,459.44		8340.105		8340.440		WATER CONT.SERV.	
\$23,314.78		9040.840		9060.860		HEALTH INSURANCE	
\$6,416.47		1990.477		9060.860		HEALTH INSURANCE	
\$49,767.95							