

Minutes

Village Board of Trustees

September 26, 2013

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
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Manager's Asst. Rachel Baer
DPW Matt Mustico
Parks Dir. Nate Nagle
Village Atty. John Groff
Code Enf. Bob Young

Absent

Trustee Larry Clark

Others Present

Glenn Hostetler, W. Broad St.
Pat Gross, W. Broad St.
Dot Gebhart, Biltmore Dr.
Barb Skorczewski, W. Franklin St.

Norm Stull, Marshall St.
Mike Swasta, Watkins Rd.
Jim Benedict, Old Ithaca Rd.
Deb Lynch, Sayre St.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 12, 2013 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Audience Participation -

Dot Gebhart, Biltmore Dr. - We've received no answers to why you changed meeting time. Number of calls, letters, etc. Also - I came down to clerk's office to ask for rough number of requests. Also I am unsatisfied on weapons issue. If there are other business owners in the area and other hunters in the area that don't have the same privilege then it's wrong.

Mike Swasta, Watkins Rd. - I request board to reconsider morning meeting policy. Also monthly update on wells. I haven't seen that. Also, the sand facility - operating permits required and are they in place.

Norm Stahl, Marshall St. - morning meeting time is more convenient for me.

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

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

General:	\$ 50,373.55
Water:	\$ 137,863.71

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, Congress adopted and President Obama signed the Patient Protection and Affordability Care Act (ACA) and

WHEREAS, ACA enrollment begins October 1, 2013 for coverage beginning January 1, 2014, and

WHEREAS, recently the Village of Horseheads and other municipalities in Chemung County were advised by the County of Chemung that they would no longer be permitted to participate in the County's self-insurance program, and

WHEREAS, this sudden development caused the Village of Horseheads to explore procedures for securing health coverage from other sources and via other means, and

WHEREAS, Village Manager Walt Herbst and Trustee Larry Clark have interviewed three brokers experienced in the area of health insurance as well as the implications of ACA, and

WHEREAS, Manager Herbst and Trustee Clark have reported to this Board regarding their findings and have concluded that Brown and Brown of New York, Inc. are well qualified and eminently capable of assisting the Village of Horseheads in addressing the health insurance needs of its employees and retirees especially in conjunction with the ACA.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby engage the services of Brown and Brown of New York, Inc. in conjunction with the Village's staff health insurance needs and program, and does designate and appoint Brown and Brown of New York, Inc. as the Village's broker of record for such needs, and be it further

RESOLVED, that Manager Herbst is authorized and directed to so notify the Village's current health insurance and related service providers effective immediately and to execute such documents and take such actions as are necessary to implement this resolution.

Village Manager Herbst - I put in your packets information we received. First is on the national exchange - just background info. If we don't appoint a broker we would have to go to the exchange. Next is the info from First Niagara. They list their benefits. This was their whole presentation. We spent 16-20 hours collecting data. Next is from Perry and Carroll. We talked to them twice. This is their PowerPoint presentation as well as addit'l Excellus data that they provided. They are a local broker. We also talked to Brown and Brown twice. As you can see from the mat'l they provided just for the presentation, the background shows the strength of their resources throughout this field which led us to ultimately recommend that they become the broker of record. Their role is to put all our needs together to make a recommendation to the best plans for Village. In terms of plans themselves they are essentially the same by law whereas they weren't before. Difference between the brokers is what services they have and what they can offer. Brown and Brown shows healthcare opportunities that they already have working relationships with. Quite an extensive portfolio. They added an action plan, benefits analysis. This is a model, not specific to the Village. Just to give us an idea on how the various plans will work. This is our recommendation. Donna Hartsock is an expert and handles all of our health insurance matters. Trustee Clark is also very experienced in this field.

Mayor - will you be having meetings with employees. Walt - yes. Regulations change very quickly. Brown and Brown has many staff experts nationally. There will be several presentations to staff. This part is just selecting the broker.

Trustee Koliwasky - what does this mean to our union contracts.

Manager Herbst - this circumstance is unique, the contracts don't specify health plan that needs to be used. Also, neither the Village or unions terminated insurance - the County did. Excellus did. Because it doesn't conform with ACA. Plan no longer exists. Now what do we do. Our labor attorney is exploring this with the state labor governing bodies and in conjunction with other labor firms that all have the same question. Short answer is we are waiting to find out.

Trustee Skroskznik - I had same question. Will we be in violation of the contracts. Is there something in contracts that they need to be put on notice, or have some kind of panel comprised.

Manager Herbst - there is no violation that we can't control. All these issues are being discussed.

Atty. Groff - unions and union reps have been notified. Also, impact effects many bargaining units in Chemung County. It's not just the village.

Mike - I spent some time with Deputy Clerk Donna Hartsock. She gave me a lot of good information. I was impressed. I look forward to the meeting with Brown and Brown. As well as presentation we give to employees.

Manager Herbst - they will do as many meetings with employees as we need.

Roll Call Vote:

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

Engineer for Roof

Manager Herbst - roof on Village Hall is 60 yrs old. It's been repaired over the years but is becoming very brittle. We have had leaks, etc. We had an emergency to get roof repaired. Counsel advised we could move ahead without bidding. In the mean time, we found out that our particular roof is not easy to replace. Months have passed, so does emergency status. Our purchasing policy we believe requires that we now go out to bid, and in doing so it was strongly felt that we should have an engineer to make sure the roof is done right. There were so many different aspects to this problem. We do have time to get bids. We have a professional that can take us through this process. We have a proposal from MRB group for services they would provide as engineer in order to recommend a contractor and oversee the project. Probably talking \$100K approx. for costs of new roof. Of course we are also concerned about warranty and proper insulation. Proposal is up to \$12K from MRB for engineering services. We were able to do the new AC units over the Council Room with our court grant monies.

Atty. Groff offered the following resolution:

WHEREAS, the Village Hall building has had a lifetime of sixty years, and

WHEREAS, the Village recently incurred roof leaks necessitating repair or replacement of the roof, and

WHEREAS, this has indicated that the roof is no longer susceptible to repairs and a roof replacement or reconstruction is warranted, and

WHEREAS, Village Manager Herbst has caused the roof to be examined by professional as well as a local engineering firm, and

WHEREAS, this has revealed that total replacement is necessary, and

WHEREAS, this Board has received a proposal from MRB Group for professional services associates with this project and this Board has determined that it is reasonable.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is hereby authorized and directed to enter into an agreement with MRB Group for the purpose noted above, for an amount not to exceed \$12,000.00 which will include the appropriate bidding documents and for subsequent award to a contractor based upon the Village's Purchasing Policy.

Motion made by Trustee Swartz, seconded by Trustee Skroskznik

Roll Call Vote:

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

Trustee Skroskznik - we recently had a presentation from Nate on parks and rec. Nate did an outstanding job involving all aspects of parks and rec, and broke down into revenue and expenses. I commend him for doing the services he does for under 3% of our budget. After the presentation I met a resident who asked who our parks guy was. He said he does an outstanding job. He observed Nate doing the work in the parks. He was really impressed. His presentation was meticulous and impressive. We are blessed to have him as our Parks and Recreation Director. Having said that, there was an issue on the reserve accounts. Where are we on this. I would like Nate to move forward with a reserve account for his dept.

Atty. Groff - Some time ago I had prepared a draft resolution for consideration regarding establishment of various reserve accts. Research was being done to determine what reserve accounts would be appropriate based on current conditions, then determinations have to be made as to how they would be funded. There are serious limitations placed on these funds. Very diff from your general fund, but basically its capable of being moved as new needs arise. Concern is to make sure we fully understand limitations are of these accounts. I believe that some of the management for the Village attended a NYCOM conference and addit'l info was acquired regarding this issue. Now we can collectively made a decision on reserves you want to have, and also what funds we put into these accounts. So it's under review and will be coming up soon before the Board.

Manager Herbst - we will be ordering mat'ls from the Comptroller regarding this matter. Then we will have some discussion on this. When we do that there are legal requirements on moving money in and out.

Trustee Skroskznik - I'm just looking at Nate's perspective. He's done two presentations for us. Only 3% of Village budget is for parks and rec. Just like to see some kind of commitment on our part for his department to get things moving along. Nate has done a great job. We need to look at this seriously and get a reserve fund for him.

Trustee Swartz - I agree with comments on Nate. Very informative mtg. The next day we had a mtg. on the NYCOM conf. This was also very informative. After that I had a phone call from Al Edwards. Things that maybe the Rotary or Kiwanis can get some volunteer help to do some things. Again thank you for your presentation.

Nate Nagle - yesterday Walt and I met with Town council regarding shared services for parks. Later that day they called and they have agreed on \$30K for shared svces. It is down from 40K. but their first prop was 20K. I've met with Town several times. So at least verbally it's at 30K. As far as the contract they will just change numbers. It may be a January to December agreement. We don't know what dates they will use. Will not impact us financially this year much because we budgeted zero for revenue. On future budgets we can leave that or adjust for how it fits our budget. Bottom line is Town still wants to keep shared svces.

Trustee Koliwasky - Thanked Nate for his work. He's providing a big svce. Also, I'd like to mention congrats for Officer Burgess and his K9 for stopping a robbery. I've always felt a K9 was an effective tool. Also, regarding cemetery, is there something we can do to identify where certain plots are. Number or letter rows or something. I've seen it in some other cemeteries. Gives people a reference point for looking. Also, two months ago we had demo on street sweeper. We've had problems sharing this with the Town. Seemed to be a nice unit. I'd like to have a workshop with DPW supervisors and workers who use this equipment.

Trustee Koliwasky - regarding the weapons issue. At the last meeting we had a person say he did not want to be treated like a second class citizen. I caught up with him after. I explained that it's not the residents but the employees under the Code of Conduct policy. It almost changed the whole perspective for me. Makes it look like employees are second class citizens as opposed to the residents. I'd like to talk and maybe bring this up at the next meeting, or another workshop, and discuss this code of conduct. Who falls under that, our volunteer firemen? I think we might have to adjust this policy - but it's not the residents who are second class, it's the employees. We need to tweak this a little more. Also, there was a question on changing board meeting time. How many people I have talked to - I don't know. I talk to people every day. We're not here just for those people who work 9-5. We are here for everyone. Now everyone can be afforded an opportunity to come to a meeting, though they might not choose to come. You said you wanted numbers by next meeting, but I didn't work within these parameters.

Manager Herbst - I certainly appreciate all that Nate does. I would be remiss if I didn't mention the hard work of all of our employees. They all do a tremendous job.

Manager Herbst- monthly reports for well 5, I'm not sure where that came from, but basically under the Clean Air Act, when we had problem at well 5 we had to do an initial notice, then a 90 day notice which we have done. In the last few weeks we have discontinued use of well 5. So we have confirmed with health dept that the 90 day reports are no longer required because the well is not in service. Regarding ground water issues for Gasfield Spec, the stormwater coalition would be the agency to direct your questions on that.

Atty. Groff - I put together for your consideration the brush grass weeds law, still under review. Will look at this again in the early spring. You also rec'd the most recent draft of the local law regarding responsibilities of village manager, and other departments. Most recent modifications are a delineation of residency requirement for manager, which is waiveable at your discretion, but there is a listing of criteria used. Also, clarified in terms of instructions to manager, individual board members do not have power to instruct manager to do or not do things. You work as a board. That is how you provide direction. This is not a change, just a clarification. Regarding social media policy, you rec'd a while ago some info on background checks, etc. For info purposes. Policy itself has been given to dept. heads for their review. At this point there have been no comments. So shortly we will be offering to the board as a final proposed policy.

Manager Herbst - on the Well 5 filtration plant, I should also mention Don Gaylord. He has been invaluable in keeping this project on track. Matt Mustico has been doing a great job in taking care of streets. We've gotten more streets done this year than we have done in the past.

As there was nothing further to come before the Board, the meeting was adjourned at 9:35 a.m.

/rmb