

**Minutes**

**Village Board of Trustees**

**August 27, 2009**

A regular meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 pm. Present were:

**Village Board and Staff:**

Mayor Donald Zeigler  
Trustee Ronald Swartz  
Trustee Walter Herbst  
Trustee George Koliwasky  
Trustee Suzanne Peters

Village Attorney John Groff  
Fire Chief Arthur Sullivan  
Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Donna Hartsock  
Manager's Assistant Rachel Baer  
Recreation Director Nate Nagle

**Others:**

Howard Miller, Sunset Dr.  
Barb Skorczewski, W. Franklin St.  
Bernie Weigle, Boorum Pl.  
David Padgett, W. Franklin St.  
Jamie Gensel, Fagan Engineers  
Mike Swasta, Watkins Rd.

Tess Banfield, Catalpa Dr.  
Ray & Lorie Cass, Redwing Lane  
Tess Danaher, 503 Steuben St.  
Jean Quinn, Gardner Rd.  
Dave Radin, S. Main St.

Resolution by Trustee Swartz, seconded by Trustee Peters

BE IT RESOLVED, that the minutes of the Board of Trustees Meetings of August 13<sup>th</sup> and August 20<sup>th</sup>, 2009 be received and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:       Aye  
Trustee Swartz:       Aye  
Trustee Herbst:       Aye  
Trustee Koliwasky:   Aye  
Trustee Peters:       Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the minutes of the Planning Board Meeting of August 11<sup>th</sup>, and the Traffic Commission Meetings of August 5<sup>th</sup> and August 11<sup>th</sup> be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Swartz, seconded by Trustee Peters

BE IT RESOLVED, that the following equipment from the Public Works Department be declared as Surplus, and that Village Mayor Don Zeigler is authorized to dispose of same by sale or as scrap if same has no value:

- 1978 Clark Grader (VIN# 618A031)

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

BE IT RESOLVED, that the following Village employees are authorized to attend the training conferences as listed below with all expenses paid as are allowed under Section 77B of the General Municipal Law:

<u>Employee</u>	<u>Conference</u>	<u>Location</u>	<u>Dates</u>
Recreation Director Nate Nagle	National Recreation & Park Assoc. Conference	Salt Lake City, Utah	October 13-16
Sgt. Scott Zelko Sgt. Dan West Comm. Off. Beth Grannis	IMPACT Software Trng. Conference	West Point, NY	Sept. 16-18

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, September 10, 2009 at 7:05 p.m. regarding the application of Calamar for a PUD Amendment and Site Plan Review to construct a senior apartment complex at Broad St. and Sing Sing Rd.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Motion by Trustee Herbst, seconded by Trustee Koliwasky, that the following items be added to the agenda:

- D&A: Vehicle Use Policy
- Discussion: Dumpster and PODS Laws
- Code Enf. Software

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Vehicle Use Policy - Atty. Groff stated that we have been working on this for some time. Should you adopt there is also a resolution providing for a discontinuance of authorization for certain personnel provided with Village vehicles to use them for traveling to and from home. We need some discussion on what would be the implementation effective date. The Police K-9 vehicle will not be listed as an exception because I was advised he does not take the K-9 vehicle to and from home at the present time as there is no room for it in his driveway. We can make changes at a later date if we have to. The authority for granting 24 hr. use. has been informal for many years. The DPW position and Chief of Police position have been long standing practices, but it has always been the Manager's determination. Should the Manager assign a vehicle 24 hr. use, and then this Board find it is inappropriate, you have the prerogative to change the policy. It does give the Manager the authority, but you can change policy.

After brief discussion, the Board agreed to make the new policy effective October 1, 2009.

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, this Board has reviewed a proposed Vehicle Use Policy, and has given due consideration to the adoption of same, and

WHEREAS, such policy provides for the possibility of assignment of Village Vehicles to designated Village personnel for 24 hr. use on the basis of need, and

WHEREAS, such assignment is to be made by the Village Manager in writing, and

WHEREAS, the Village Manager position is vacant and in the absence of the Village Manager the duties and responsibilities of same are to be performed by the Mayor and Board of Trustees, and

WHEREAS, certain positions within the Village have had Village Vehicles assigned to the positions for 24 hr. use, and

WHEREAS, this Board has reviewed the facts and circumstances of same together with having done an assessment of need, and

WHEREAS, such use assignment permitted the assigned employee to use a Village Vehicle for commuting to and from work as well as in the ordinary performance of the employee's duties and functions, and

WHEREAS, Village Vehicles for 24 hr. use have been assigned to the positions of: Director of Department of Public Works, Village Police Chief, Department of Public Works Working Supervisors, and Police K-9 Officer.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees as follows:

1. This Board hereby adopts the Vehicle Use Policy effective immediately and directs that same be filed with the Village Clerk-Treasurer, that same be made a part of the Employee Manual, and that copies be given to all Department Heads and impacted employees.
2. This Board finds that the use of Village Vehicles by the positions noted above for the employee commuting purposes, i.e. the transportation of the employee to and from work, is not necessary.
3. Effective 10/1/09, notwithstanding the Village of Horseheads Vehicle Use Policy, those employees occupying the above job titles shall not be permitted to use the Village vehicles assigned to them for personal purposes including travel to and from the employee's residence and place of work.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

#### Dumpster and PODS Laws

The Board and Village Attorney reviewed drafts of the proposed Dumpster Law and PODS Law. They made some changes to the proposed dumpster law regarding buffer screening and letting Code Enforcement Officer have some determination on same.

Atty. Groff to make further modifications and present an updated draft.

Code Enforcement Software

Trustee Herbst - I think we are ready for a decision. We've looked at 7 different software programs. I recommend we contract with ComCate for their Code Enforcement Management Program. We would expect to pay \$7,150 for first year, and annual maintenance fee of \$4,900. That will include full time, full access for Code Officer, and for a part time officer, the Village Manager, and five read-only licenses for the Trustees. The purpose is to handle all code enforcement functions from issuing bldg permits to property maint., building code, fire code, all automated.

Motion by Trustee Herbst, seconded by Trustee Swartz, that we proceed with signing this contract by August 31, 2009.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Trustee Peters thanked all the residents who sent in letters regarding Schlumberger.

Trustee Koliwasky - there was a concern from residents of the Daffodil Drive area regarding speeding. Our automatic radar was set up, and found some problem times up there. Our police will now beef up enforcement. Will also set this equipment up on North St.

Recreation Director Nate Nagle - pool closes on Saturday. Doggy dip is on September 2nd. Scheduling an over-21 bus trip to Turning Stone Casino. This year we renewed 2189 pool passes, which is 948 more than last year. Total Teal Park concert attendance was 2,588. We also distributed surveys at the last concert.

Public Comment

Mike Swasta, Watkins Rd. - dumpster and pods laws, are these published by legal notice.  
Atty. Groff - yes, there will be public hearings held.

Tess Banfield, Catalpa Dr. - Chief Barton starts back 9/1. Thanked Village Board for manner in which they reinstated him. Also thanked residents who rallied behind this cause.

Motion by Trustee Herbst, seconded by Trustee Peters, that this Board and the Village Attorney move into an Executive Session to discuss the employment histories of particular people.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Trustee Peters:           Aye

At 7:45 p.m., the Village Board and Village Attorney moved into an Executive Session to discuss the employment history of particular people, the minutes of which are attached hereto and made a part hereof.

At 9:15 p.m. the Village Board returned to its regular meeting of this date.

Motion by Trustee Swartz, seconded by Trustee Peters

WHEREAS, the Village of Horseheads and the Horseheads Police Benevolent Association, Inc. have been engaged in collective bargaining negotiations for a successor agreement to the collective bargaining agreement which expired May 31, 2008, and

WHEREAS, the PBA has declared Impasse and notified the Public Employees Relations Board of same, and

WHEREAS, a mediator has been assigned by PERB to assist the Village and PBA in resolving their differences, and

WHEREAS, this Board feels the interest of the Village would be advanced by engaging the services of a consultant during such mediations.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to contact Paul Mayo and consult with him regarding his availability and interest in assisting the Village in such regard and further he is authorized to hire Mr. Mayo for such purposes upon such terms and conditions as he feels appropriate.

Roll Call Vote:

Mayor Zeigler:           Aye  
Trustee Swartz:           Aye  
Trustee Herbst:           Aye  
Trustee Koliwasky:       Aye  
Trustee Peters:           Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, Richard R. Skebey was appointed probationary as an officer in the Village of Horseheads Police Department on or about March 31, 2008, and

WHEREAS, a condition of his employment, among others, is the satisfactory completion of an approved municipal police basic training program (GML Section 209-q), and

WHEREAS, Officer Skebey has been injured twice in his efforts to complete such program, and this Board is informed and believes that he will be unable to complete the program within his probationary period.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to investigate into Officer Skebey's qualifications for the position to which he received a probationary

appointment, and to terminate Officer Skebey's employment with the Village of Horseheads as a police officer should he find that he does not or will not possess the qualifications for permanent appointment on or before the expiration of his probationary appointment.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 9:21 p.m.  
/rmb

**Village Board of Trustees**

**EXECUTIVE SESSION**

**August 27, 2009**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:45 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, George Koliwasky, and Suzanne Peters and Village Attorney John G. Groff, at which time they discussed the employment histories of particular people.

At 9:15 p.m., upon motion by Trustee Peters, seconded by Trustee Koliwasky, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye