

Minutes

Village Board of Trustees

June 9, 2016

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.

Present were:

Village Board and Staff

Mayor Louise McIntosh
Trustee Brad Lytle
Trustee Mike Skroskznik
Trustee Bill Goodwin

Village Atty. John Groff
Manager's Asst. Rachel Baer
Police Chief Tom Stickler

Absent

Trustee Pat Gross

Others Present

Debbie Hicks, Gardner Rd.
Frank Witzel, S. Pine St.
Bruce Flaherty, Sayre St.
Mike Swasta, Watkins Rd.

Ed, Sue Ungvarsky, Hatfield St.
Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.

Resolution by Trustee Skroskznik, seconded by Trustee Lytle

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of May 26, 2016 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Lytle	Aye
Trustee Skroskznik	Aye
Trustee Goodwin	Aye

Financial Report

Mayor McIntosh - Sharron left info in your packets. I hope you could review. Any questions I can try to answer them. On the front page - 52K deficit from 6/14-5/15. That is the retro pay for the police. I went through budget today. Most depts. have kept expenses in line. Nothing we could do about retro

pay. Final may bills are still coming in. Looking at revenue a lot are down. Shared recreation with the Town at 15K. So we only got 15K and not 30K. In the cemetery line some of that money didn't come in as planned. Some recreation programs didn't come in as planned. Fines and forfeited bail also was down. I have to commend dept. heads on keeping expenses down.

Trustee Lytle - if anyone has any questions please email to all, so we can keep track.

Trustee Skroskznik - revenue on sales tax stands out, it was more than we anticipated.

Mayor McIntosh- building permits fees are up. Budget was 15k and we took in 37K.

Trustee Lytle - water revenues are quite a bit less than we budgeted.

Mayor McIntosh - today we found out that the large water meters that were installed have some equipment failures. Contacted Wendell who contacted manufacturer of the meters. We will be talking with them soon. It appears that the water is running through the meter but its not transmitting.

Trustee Lytle - Wendel was contractor and they subbed it out. Rather than refer us to manuf, I expect them to take care of this.

Mayor McIntosh - we've been in contact with both of them. We're still in the talking stages. Something has to be done and we are not paying for it. We are losing water revenue.

Atty. Groff - Wendel is involved, but if its not their fault then the manuf of the equipment is responsible. Also I wouldn't characterize it as lost revenue. It's a transmission issue. The meters are reading. Just a question of the reading coming in. Similar to the problems we had with other meters - data isn't being lost. When problem is fixed the data will still be there.

D&A: Summer Meeting Schedule

After brief discussion, the Board agreed to cancel the second regular meeting of July and August.

Resolution by Trustee Goodwin, seconded by Trustee Skroskznik

BE IT RESOLVED, that the following regularly scheduled Board of Trustees meetings are hereby cancelled:

Thursday, July 28th, 2016
Thursday, August 25th, 2016

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Lytle	Aye
Trustee Skroskznik	Aye
Trustee Goodwin	Aye

Discussion - School Resource Officer

Mayor McIntosh - Trustee Gross had a question about equipment, is the car included.

Chief Stickler - probably one of the SRO officers would drop off the other, and if there wasn't a car available they would drive themselves to the site.

Mayor McIntosh - also if an officer cannot go, the police will make every effort to provide another officer at no additional cost. Is this correct.

Chief Stickler - if we have an officer available. Also we can have road officer stop in if there were any complaints. It wouldn't be under overtime or anything.

Trustee Lytle - I believe there was also a question about liability.

Atty. Groff - it was related to if our officer did something. In terms of this the officer is employed by the Village. We are responsible for failures and if something happens where the officer is found culpable then we would be responsible for it. That means liability too. We would be liable. You do have liability insurance that includes coverages for police officer conduct. Part of the discussion was providing an SRO outside the Village. If that occurs the liability insurance would cover that too. Unless it is intentional misconduct. But you do have insurance for negligence.

Trustee Lytle - So if the SRO is involved in a fight or something, and one of the students gets injured, we could get sued. Is there any way the school could indemnify us from that.

Atty. Groff - possible. We could ask school. Whether they will provide is a question.

Chief Stickler - we can ask them that.

Trustee Skrosznic - abstaining from all conversations.

Trustee Goodwin - would like to see car at the location - it is a deterrent.

Chief Stickler - should be able to cover that easily. Just got a new vehicle. So an older car will be used for that purpose.

Trustee Lytle - do you feel this is a very valuable resource for our department, and it doesn't cost village any money.

Chief Stickler - absolutely.

Discussion - Water Rates

Mayor McIntosh - contract with Wendel had a clause that we should raise the water rates 1%. So I gave Atty. Groff the book to read about it.

Atty. Groff - energy program provided for a guarantee of savings. One of the provisions requires that there be annual audits of the energy usage by the Village to determine if there was a savings, and if there wasn't one then the performance guarantee kicks in. The contract provides for adjustments to baseline annually anticipating that energy costs may go up. One component is current water rates. It also identifies the current electric and gas charges. It does say there is supposed to be a 1% increase in water rates. I have a question because the establishment of a baseline consumption of electric and gas is because they are costs. But water rates are not a cost to the Village, they are a revenue. So I question this concept why its in there. My suggestion to Mayor was to contact Wendel and ask why. And if it really does warrant the adjustment. It may be a misunderstanding.

Mayor McIntosh - sounds like we need to contact Wendel on this.

Trustee Lytle - I agree. I wonder how we missed this.

Atty. Groff - I don't know. In terms of the contract, they made changes we requested. I was reading content and not charts. So I have no role in discussing charts, etc. Based on my impression we are not stuck with this. But I need to know what the purpose is.

Discussion ensued.

Mayor McIntosh - we will contact Wendel. We may get them on the phone at the next workshop, or Atty. Groff and I can call together.

Trustee Skroskznik - a dept head knew about this before it was found. I know I had questions, Trustee Lytle had questions, and never indicated rates would be raised. I would even say that they should come to a workshop. They need to explain this.

Trustee Lytle - I will join you on phone call.

Discussion - Solar Energy Farms

Mayor McIntosh - we talked a little about this before. I wanted to put on agenda tonight so public knew. A lot of talk about this in the news. One of the things that is different about these than wind farms is that New York State has issued a statement that unless a municipality opts out of the solar farms they will be non-taxable - we can say this municipality needs to opt out. We cannot wait until we get an application. We have to do ahead of time. Next Monday night at 6pm there is a meeting at Tompkins corners - a public hearing. Both companies who are offering these farms will be there. I cannot attend. I really would like a trustee to go. I think Trustee Gross is going.

Trustee Goodwin - I will go.

Mayor McIntosh - we will put on agenda for next meeting because its something we can do. There is also talk that municipalities can have a Pilot for these. This would be Pilot between municipality and solar farm only. So there are some options. Atty. Groff has sent some good information on this.

Trustee Lytle - so opting out would allow us to tax them.

Mayor McIntosh - correct. This is just solar farms. Not the panels on your house.

Atty. Groff - I think that's incorrect. I believe you cannot distinguish between the two. This is about assessments.

Trustee Lytle - so if someone puts these on their homes that doesn't change assessment.

Atty. Groff - right now that is correct. If a solar development company initiates steps to design a system and notify us then that closes the door to opt out for that project.

Discussion ensued.

Atty. Groff - Albany puts burden on municipalities to opt out of grant of exemption.

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

BE IT RESOLVED, that a Proposed Local Law to Rescind Local Law #1 of 2016 - To Override the Tax

Levy Limit for FY 2016-2017 is hereby received, and a public hearing regarding said law is hereby scheduled for Thursday, June 23, 2016 at 7:10 p.m.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Lytle	Aye
Trustee Skroskznik	Aye
Trustee Goodwin	Aye

Ongoing Items

- CDBG: Mayor McIntosh - as we discussed we are waiting to come up with a plan after we hear from STEG. Krusen will be at our workshop on June 29th.
- CSEA: As of today it has gone back to the union for a vote. They have their pay schedules.
- Water meter issues: Mayor McIntosh - there is a letter in your packet. Working with this resident. Sent a letter asking for response by today. It came in today. I understand that some Trustees have also spoken with her. At this point I would like our attorney to take over this matter. All agreed.

Ads for Village Manager

1. Agree on text in ads
2. Decide which ads (or all of them) to place
3. Rachel will put ads in tomorrow, and online

The Board discussed the proposals from the various newspapers and online sites. After some discussion it was agreed to get further quotes from the Star Gazette for running the ad just in the Gazette - and not as a package deal - and a quote for an ad in the Gazette and the Binghamton paper together.

It was also agreed to not place ads at govjobs.com nor linkedin.com.

Rachel to report back to the Board tomorrow via email.

Audience Participation

Mike Swasta - regarding prices for ads, why not include Ithaca journal. There are qualified people in Ithaca. Discussion ensued.

Frank Witzel, S. Pine St. - payment process for Village taxes. I was told by Village staff that payment wasn't allowed here - its either at the bank or mail it. But they made exception and let me pay here.

Mayor McIntosh - it is allowed in person if it's a check. If cash we ask that you not bring to Village Hall.

Mr. Witzel - was just curious. This is what I was told, not to even bring a check, they said to go to Chemung Canal.

Mayor McIntosh - I will look into this.

Deb Hicks, Gardner Rd. - nice weather bringing out people soliciting for home repairs. My neighborhood has a lot. Asking to seal driveways. Just this week one of my neighbors did it. Its being taken care of by Village personnel. But I became aware that these people should have a permit from the Village.

Mayor McIntosh - there is a person who has done this before. Larry Comfort Jr. We are aware of this. What he is doing he goes to ask to seal driveway then he'll say I want to check around your house to see if you need anything else. There has been a cease and desist on him already in Town and Village. Office of the Aging is also aware of this.

Mayor McIntosh - Police chief did send out a warning to all officers. Code officer is also watching this.

Sue Ungvarsky, Hatfield St. - we would like to pursue our Use Variance that was put on hold. Its regarding our wraparound care program. In December 2015 we met with Village Planning Board to go over variance requirements to allow us to have a duplex, but we agreed to put on hold until school year ended. Would like to revisit this. In September we will still do this program for the school. We would like to be able to offer it, and according to our state inspector being a two family residence would help us to achieve this.

Mayor McIntosh - so it needs to get on planning board's agenda.

Atty. Groff - yes.

Mrs. Ungvarsky - can the self-created criteria be looked at differently after school term is over.

Mr. Ed Ungvarsky - we've been adamant with state officials to achieve this process in getting them to ok this. We've asked a lot of people. It's not like we've been sitting waiting for something to happen. We are working with state people, but hit a brick wall.

Trustee Lytle - you said it's a state law.

Mr. Ungvarsky - Yes. You can appeal it to the state. But they are saying no. They say if we were a two family residence that would correct the issue.

Discussion ensued.

Trustee Lytle - I went to that Planning Bd. meeting last year. There are certain laws prohibiting the Village from rezoning that parcel.

Atty. Groff - its not being rezoned. They are requesting a Use Variance. They have to meet certain criteria for the ZBA. There are 4 standards of review. One is whether or not the issue is self-created. In order for them to be granted a Use Variance they would have to establish the criteria are met. They've been made aware of criteria. There was a concern as to whether they could meet the threshold.

Trustee Lytle - hate to see residents keep coming back if there is no chance.

Atty. Groff - its not this board that acts on this. It's the Zoning Board of Appeals.

Mrs. Ungvarsky - can we amend application?

Atty. Groff - if you want to. You can amend. Get a copy of it.

Manager's Report

Mayor McIntosh went over report.

Manager's Report June 9, 2016

- Fire Dept – read Art's report
 - Concerns for rail car storage at the host – resolved by Pat Hinman
 - Met Art & Rob Maloney to talk of future plans- I asked Trustee Skroskznik to continue this discussion
 - There will be a national recognition of Floyd Coons on October 10. Art will attend.
- Parks & Rec – read Nate's report
 - Tons going on in this dept.
 - Having issues with equipment, will keep you informed
 - Teal Park concerts- I would like the BOT to help the staff serve food on July 28. Clerks do one night: Fire Dept. does another: Why not us?
- Police – no report the past 2 weeks
 - I did a ride around on Fri. June 3 10pm-2am. Thank you Sgt. West
- Code
 - 6 permits issued the past 2 weeks
 - One more lawn had to be mowed by our parks n rec. Dept.
 - Met with John & Pat re: the future of this dept. We have been presented two different proposals with totally different objectives. While this BOT is deciding the objectives of the code dept, I am going to reach out to another code dept. to mentor Pat **right now**. I am making this decision as the manager, it is not a change in the dept. so it is within my job description. Town of Horseheads will be here to talk to all of us about shared services on July 6 @ 4pm.
- DPW/Water
 - Copies of the email from Deb Lynch in your packets
 - A good number of the large water meters installed by In Line have failed. Chris is working with the company who owned the product & Wendell. We need to be vigilant on this before any warranty runs out. If you have questions, please ask Chris.
 - 5 more streetlights need to installed to complete the project
 - Road construction begins next week; William's lane, Renwick lane, Shull Lane 7 N. Hulett.
 - Vote for the CSEA contract is back in the union's hands.
 - Working with 2 employees to resolve totally different issues.
- John Groff is working on these items:
 - Blostein
 - Empire Franchises
 - Reese property

Matt, Trustee Gross and myself met with Andy Avery re: Blostein. It is now in the hands of our attorney. Trustee Lytle & I met with Liz Corvelyn re: a possible contract for grant writing.

Nate & I met with the new events committee. The first step was to contact the merchants association. You all got a copy of the email from Lori Fursman who is chairing this committee. The merchants will NOT be

implementing Holly days.

Mr. Witzel, S. Pine St. - who is in charge of Merchants Assoc.

Mayor McIntosh - there isn't one. It is defunct.

BOT, Department Head Updates

Trustee Lytle

- Last year at Holly Days we had a project that made us some money by selling old street signs. That money was supposed to go to events just like holly days. I recommend you let this committee know these funds are available.

Trustee Goodwin

- Complaint from resident that street signs are crooked. Can we contact DPW.
- Mayor McIntosh - send complaint to Rachel,
- Thanked audience for coming
- Thanks to judges. Our courts are running smoothly. Great staff.
- Code enf - couple proposals back from the Town that they would take over our code dept. under a shared svce. agmt. Makes sense in this economic climate. This is not a done deal yet.

Resolution by Trustee Lytle, seconded by Trustee Skroskznik

BE IT RESOLVED, that this Board and Village Attorney Groff move into an Executive Session for the purpose of discussing, as Cemetery Commissioners, the possible purchase of real property.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Lytle	Aye
Trustee Skroskznik	Aye
Trustee Goodwin	Aye

At 8:20 pm the Village Board as Cemetery Commissioners, and the Village Attorney moved into an Executive Session for the purpose of discussing the possible acquisition of real property when publicity would substantially effect the value thereof. The minutes of which are attached hereto and made a part hereof.

At 8:52 p.m. the Board reconvened back into the regular meeting.

Resolution by Trustee Goodwin, seconded by Trustee Skroskznik

BE IT RESOLVED, that the Village of Horseheads Board of Trustees acting as Cemetery Commissioners authorizes and directs Acting Village Manager Louise McIntosh to enter into negotiations for the acquisition of real property commonly known as 802 Maple Grove Lane, Village of Horseheads, NY for expansion of the Maple Grove Cemetery, and be it further

RESOLVED, that Village Attorney Groff will assist her in the negotiations, and if successful will prepare or review on behalf of the Village a proposed purchase agreement.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Lytle	Aye
Trustee Skrosznik	Aye
Trustee Goodwin	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 8:55 p.m.

/rmb

**Village Board of Trustees
As Cemetery Commissioners
EXECUTIVE SESSION
June 9, 2016**

An Executive Session of the Village of Horseheads Board of Trustees acting as Cemetery Commissioners was held on the above date at 8:20 p.m. in Village Hall. Present were Mayor Louise McIntosh, Trustees Brad Lytle, Mike Skroskznik, and Bill Goodwin, and Village Atty. John Groff.

They discussed the possible acquisition of real property when publicity would substantially effect the value thereof.

At 8:52 p.m. a motion was made by Trustee Skroskznik, seconded by Trustee Goodwin, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Lytle:	Aye
Trustee Skroskznik:	Aye
Trustee Goodwin:	Aye