

# Minutes

## Village Board of Trustees

September 14, 2017

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 Mike Skroskznik  
Trustee Pat Gross  
Trustee Bill Goodwin  
Trustee Rob Maloney  
Village Manager Brad Lytle

Village Atty. John Groff  
Clerk-Treasurer Donna Dawson  
Mgrs. Asst. Rachel Baer  
Police Chief Tom Stickler  
PB Chair Mike Stenpeck  
Parks Dir. Nate Nagle

### Others Present.

Dave Padgett, W. Franklin St.  
Kelly, Michael Maloney, Westlake St.  
Tom Rupp, Tift Ave.  
Debbie Hicks, Gardner Rd.  
Don Zeigler, Watkins Rd.

Sue Pirozzolo, Horseheads School Dist.  
Dr. Tom Douglas, Hheads School Dist.  
Tony Gill, Horseheads School Dist.  
Tiffany Owen, Horseheads School Dist.

### Presentation - Horseheads School Superintendent

Supt. Douglas reviewed the District's long term plan for renovations of all schools. He also distributed information. The public vote is October 17<sup>th</sup> - at the High School.

- Renovations for all buildings
- Many needed repairs
- Roofs, maintenance, mechanical systems
- Traffic flow problem at Middle School
- Classroom upgrades
- Bulk of work is at the High School
- High school needs only one main entrance for security. Common identifiable entrance
- Redesign traffic flow for high school. Cars are parked right up to classrooms

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of

August 10th, 2017 be dispensed with and the same stand approved as entered by the Clerk.

Trustee Skroskznik - I wasn't here - so no.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	NO
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, this Board is actively seeking opportunities to enhance the Village's ability to provide services and activities not otherwise available to the residents and taxpayers of the Village, and

WHEREAS, the Village was awarded and accepted an Incentive Proposal from NYS Department of Economic Development and NYS Urban Development Corporation, d/b/a Empire State Development (ESD) to develop a strategic plan for optimizing the Village's economic growth per a resolution of this Board adopted May 25, 2017 and

WHEREAS, Village Manager Brad Lytle sought proposals from qualified parties to assist the Village in development of a strategic plan for economic development within the Village, and

WHEREAS, proposals were received from four parties which were reviewed and analyzed by Village Manager Brad Lytle and other Village officials, and

WHEREAS, a proposal was received from Fairweather consulting in the amount of \$25,000, and

WHEREAS, Village Manager Lytle has recommended the acceptance of the Fairweather proposal.

NOW THEREFORE BE IT RESOLVED, that the above-noted proposal is hereby accepted subject to the condition that Fairweather Consulting shall, as part of its proposal, assist the Village in all material respects in complying with the terms and conditions of the EDS grant.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

### Financial Reports

Revenue up 2% from last year

We paid liability insurance in installments. They don't charge extra for that.

Water revenues up 13%

Received most real estate taxes  
 No PILOT pmts made yet - they come later in the year  
 Charges for cemetery service up  
 Chips money doesn't come in till the end of the year

### Wendell

Village Manager Lytle recommended that we discontinue Wendel's Measurement and Verification services associated with our energy performance contract. It costs us \$7,000 a year now, and it goes up every year.

Trustee Skroskznik - is there a safeguard for projections if something in the next 3 years goes wrong.

Manager Lytle - LED street lights is constant. We thought we had a problem with water projections, but it doesn't matter - the total savings is combined.

MOTION by Trustee Skroskznik, seconded by Trustee Goodwin, that on the basis of the Village Manager's recommendation on the energy performance contract, that the Village refrains from the auditing on cost savings service of future years, as it is not cost effective.

Trustee Gross - if there is a problem in the future, we have this resolution.

Atty. Groff - in order to benefit from the audit and the guarantee you have to audit every year. If you discontinue you can't commence it in the future and rely upon the guarantee. Once you stop your reliance on it the guarantee is over. They analyze energy savings from entire programs. Led lighting, Village Hall improvements, water meters, etc. So the Village also has to maintain these systems. The Village Manager oversees that part.

Trustee Gross - I would like a report from someone saying these things have been done.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

Audience Participation - Nobody came forward.

### Manager's Report

- As you have all been informed, we had an incident here at Village Hall, outside of our regular office house, that could have been disastrous. The water cooler in the Clerk's Office had electrical problems, which caused sparking, smoke and eventually flames. Fortunately, Becky was working that evening and discovered the problem and alerted police in the building. Police then called our Fire Dept. The Fire Dept. determined it was the cooler. We have battery-operated smoke

detectors, which can be heard provided there is someone in the building to hear them. Chief Stickler had just brought up the inadequacy of our fire protection a few months ago, he and I both agreed we should look at this very soon. Since this incident, we received two quotes, and we are awaiting a third. The low bid now is just under \$5,000, which is from our current security system provider, and it includes all monitoring fees. The second quote is more than twice as much and does not include the yearly fees for monitoring the system.

- Met with a representative from Bond Financial about our Health Insurance. As you know we are currently with Brown & Brown. The rates have gone up by double digits that past couple of years. We are seeing if there are any significant savings, though, with the limited carriers in NY, we're not optimistic. We have another meeting scheduled for next week and I will report the outcome of that meeting.
- Attended a teleconference with the attorneys from the several entities that are involved with EPA over Kopper's Pond. We have spent in nearly a ¼ million on this, so far, and we'd like to see this resolved. EPA has essentially named a deadline and given the group the option of coming up with alternative plans for remediation, or the EPA will move forward and charge all the members the significant costs they estimate.
- Payroll – Donna has completed the transition to New World Software for our payroll, as you likely noticed from the different appearance of the checks and notification of deposit. Our last payroll with ADP was August 8. They will be sending us a report of the data we will need for our yearend tax filings and our W2s. We will return the biometric time clocks as soon as we receive the shipping boxes from them. Our service with ADP cost the Village \$16,000 per year. We will on pay the County \$2,500/year for the software and support. Savings to the Village = \$14,100 per year.
- Mega Energy – John Groff and I have been in contact with MEGA about the Community Aggregation because we have a few changes we would like to make in their proposed Agreement. We will have these worked out very shortly and, per the Board's instruction, I will sign the Agreement. Please keep in mind that we can withdraw from this at several steps in the process, should the Board decide it's not right for the Village.
- Fire Dept. - GMS - Project LG17-1123-D00 has been submitted to the New York State Division of Criminal Justice Services in the amount of \$30,000. This money will be used to purchase new handheld radios for the firemen. We should be able to purchase these shortly after Sept. 1. We were assisted in this by NYS Senator Tom O'Mara and his office.
- 2016 – 2017 Financial Audit -- We have begun the process of working with our outside auditor to finalize our yearend figures and hope to have this to the Board in October.
- FEMA Grant/Wells 4&5 Interconnect
  - we are still waiting for final determination. As reported to you earlier, NYS SHPO has declared they see no need for a further Archaeology Survey. Several others were still not convinced, so they came up with a 3 point plan, which they want us to submit, and then they will consider closing this disaster file, which will allow FEMA to complete their funding of this project, which to date, has cost us at least the following additional financing costs and likely more:
    - \$37,198 in Interest & premium
    - \$12,030 to Financial Advisors

- \$12,935 to Bond Counselor Orrick
- **Total: \$62,935**
- The sale of Bond Anticipation Note took place Aug. 9. We were originally advised that the latest interest rate might be 2.25% - 2.5%, but great news! The award has been made to JPMorgan Chase Bank, N.A. at an interest rate of 1.690%.
- 3 Point Plan (they wanted some things we could not provide. I included them, but struck them through, so you can see what was negotiated by John Groff and myself.)
  - ~~A long-term maintenance plan with procedures for the protection and preservation of the Horseheads Waterline Site (SUBi 2188).~~
  - FEMA indicated that an email summarizing the procedures discussed on the call would suffice.
  - An education component to enhance the public's knowledge of Horsehead's history.
  - ~~A declaration of restrictive covenants to place restrictions on the allowable use of the property and protect the site in perpetuity from further disturbance.~~
  - The Village must summarize its objections to a restrictive covenant in writing and provide a copy of the easement to demonstrate that the Village does not own the property.
- Thank you, Rachel, for another fine job as Editor! Our Village Newsletter was just sent to BOCES for printing and mailing. Thank you to all Department Heads who contributed. Great Job!

Clerk's Office water cooler - because of this incident we received estimates for an alarm system. Right now we just have battery operated smoke detectors. Chief Stickler and I have been discussing this. CPE, who does our security system, gave a good quote of \$4700. I think we should do this. It's too important. We asked two other companies. One came in at \$10,900. Purchasing policy says we only need two verbal quotes at this level. I'm asking to let us go ahead with this. The system will notify Fire Department when alarms go off, building will be more secure. We're paying CPE a monitoring fee already.

MOTION by Trustee Skroskznik, seconded by Trustee Goodwin

WHEREAS, Village Manager Lytle is recommending the installation of an automatic alarm system to secure Village Hall from loss due to fire, smoke and similar events, and

WHEREAS, this Board has received a report on proposals for same ranging from \$4,700 to \$10,900, and

WHEREAS, this Board is being asked to grant authority to the Village Manager to contract with CPE for installation of the system.

NOW THEREFORE BE IT RESOLVED, that Village Manager Brad Lytle is hereby authorized to enter into a contract with CPE Communications for installation of an automatic alarm system for Village Hall per their quote for same for \$4,700, and be it further

RESOLVED, that the following transfer of funds be approved for same:

<u>From</u>	<u>To</u>	<u>Amount</u>
Contingency	1620.440 Village Hall Contracted Services	\$4,700

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

Outside Drop Box

Village Manager Lytle informed the Board about an idea from Clerk-Treasurer Donna Dawson for an outside drive-up drop box for customers to drop off water bills, taxes, fines for court, etc. It would be located out in the parking lot. We would have to change one area a little. Have a lane to go through there. We have a drop box on the front of Village Hall but not many people use it because they are already out of their car. We discussed this at the Department Head mtg. and everyone agreed it was a great idea. We would install it ourselves. Would have to do some education to public. Next newsletter could certainly have it. It would be a wise investment.

After brief discussion, the Board agreed it was a good idea, and recommended that Atty. Groff come up with a policy for its use, document removal, etc.

BOT, Department Head Updates

Trustee Goodwin -

- Asked about the traffic counters out on W. Broad St. and W. Franklin St.  
Village Manager Lytle - we don't know. I think it could be for railroad. Nobody notified the village.  
Atty. Groff - many times its done by state and county agencies.
- Newsletter - are we still going to do sponsors to help with the costs.  
Rachel Baer commented that getting the newsletter done and out is a lengthy process, and tracking down sponsors for payment is very time consuming, and doesn't get much money in. Manager Lytle added that we have reduced the cost for the newsletter considerably since having BOCES do the copying, etc.
- What are restrictions for fishing at Mill Street Pond. Is it just youth under the age of 15.  
Rachel Baer stated that its also for organized groups of handicapped people - like ARC, etc. Not individual elderly or handicapped.
- Are we still going to do a special audit for the Clerk's Office.  
Manager Lytle- they recommended we go through our regular audit first, which we are doing now. Then they will work in conjunction with auditor. They won't do another full blown audit - just procedures.

## Trustee Gross -

- Newsletter - can we include info on neighborhood watch - and maybe recognizing new businesses opening
- Went to new diner - Poppin Charlies - very good food
- Potholes - Co. of John St. and Curns st.; and Co. of Broad St. and Maple Grove Lane
- Emerg preparedness seminar - very well done - everyone should get a copy of our emerg plan
- Where are we with Empire Video?  
 Manager Lytle stated that we shouldn't be happy with them. They told us we would be next in line. But state encourages access to rural areas and provides funding. Now we are in back of the line.

## Trustee Maloney -

- Firetruck bid went way over our limit. We are still looking. Perhaps next year we can consider increasing amount of money available.

## Nate Nagle -

- Holly Days coming up, and the Selfless Elf 5K - in December - very large - 1000 runners. They will park at high school, finish at teal park.

## Mayor McIntosh -

- Thanked DPW and Soil & Water staff for prospect creek cleanout
- Sep. 27<sup>th</sup>, 4:30pm, Sen. Tom O'Mara here for town hall meeting
- Oct. 16<sup>th</sup>, 7:00pm - neighborhood watch mtg.
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Mayor McIntosh asked for a motion to move into Executive Session to discuss the employment history of a particular person, and also to discuss pending litigation. Participating in the executive session regarding the employment history will be the Mayor and Board. Participating in the executive session regarding pending litigation will be the Mayor, Board, Village Manager, and Village Attorney. Motion made by Trustee Goodwin, seconded by Trustee Skroskznik

## Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

At 8:40 p.m. the Village Board of Trustees moved into Executive Session, the minutes of which are attached hereto and made a part hereof.

At 10:02 p.m. the Executive Session was closed and the Board reconvened back into its regular meeting

of this date.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, on or about September 8, 2016 the Village of Horseheads Board of Trustees approved the employment of Brad Lytle as Village Manager, and

WHEREAS, the Employment Agreement between the Village and Brad Lytle dated September 12, 2016 expired on September 12, 2017, and

WHEREAS, this Board has conducted a performance evaluation of Brad Lytle in his capacity as Village Manager and has found such performance to be satisfactory, and

WHEREAS, this Board has reviewed the accomplishments of Manager Lytle during the term of the agreement and has found same to be exemplary.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby offer to extend Village Manager Lytle's employment agreement for a term of one year upon its existing terms and conditions, and be it further

RESOLVED, that Mayor Louise McIntosh is authorized and directed to extend this offer to Manager Lytle, and be it further

RESOLVED, that Village Atty. John Groff is authorized and directed to prepare any and all documents necessary to extend the employment agreement for a term of one year.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye

Discussion ensued regarding the issue of Marcy and Martin Barrington, and their request for a Discharge of Mortgage regarding their defaulted CDBG loan.

Motion made by Mayor McIntosh, seconded by Trustee Gross

WHEREAS, Martin Barrington and Marcy Barrington borrowed \$15,000 from the Village's Community Development Block Grant (CDBG) program in December 2002 to finance their business "The Square Bean Café", and

WHEREAS, the business failed and the Barringtons filed personal bankruptcy in 2002, and

WHEREAS, the Village filed a Notice of Claim in the amount of \$12,752.38, and the Barringtons reaffirmed the debt via a Reaffirmation Agreement which was amended in September 2004, and

WHEREAS, the Barringtons defaulted on the reaffirmation agreement afterwhich the Village filed suit and



obtained a judgment in January 2005 in the amount of \$12,398.70, and

WHEREAS, the statute of limitations has run with respect to collecting on the judgment and foreclosing on the mortgage, yet the mortgage continues to encumber the debtor's real property.

NOW THEREFORE BE IT RESOLVED, that Village Manager Brad Lytle is hereby authorized to execute a Discharge of Mortgage relative to the above matter.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Skroskznik	No
Trustee Goodwin	No
Trustee Gross	Aye
Trustee Maloney	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 10:15 p.m.

/rmb

**Village Board of Trustees  
EXECUTIVE SESSION  
September 14, 2017**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:40 p.m. in Village Hall. Present were Mayor Louise McIntosh, Trustees Mike Skroskznik, Pat Gross, Bill Goodwin, and Rob Maloney at which time they discussed the employment history of a particular person. No action was taken.

At 9:40 p.m., Village Manager Brad Lytle and Village Attorney John Groff were brought into the Executive Session, at which time they discussed pending litigation involving the Village. No action was taken.

At 10:02 p.m. a motion was made by Trustee Maloney, 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 Gross:	Aye
Trustee Goodwin:	Aye