

**Minutes**

**Village Board of Trustees**

**July 22, 2010**

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 Donald Zeigler  
Trustee Ronald Swartz  
Trustee George Koliwasky  
Trustee Larry Clark  
Village Manager Walt Herbst  
Village Atty. John Groff

Clerk-Treasurer Sharron Cunningham  
Parks & Rec. Dir. Nate Nagle  
Police Chief Mike Barton  
Fire Chief Arthur Sullivan  
Code Enf. Officer Bob Young  
Deputy Clerk Donna Hartsock  
Manager's Assistant Rachel Baer  
News Media

**Others:**

Pam Mackesey, Ithaca, NY  
Dave Padgett, W. Franklin St.  
Tess Banfield, Catalpa Dr.  
Tara Edwards, W. Broad St.

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the July 8, 2010 Board of Trustees Meeting 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 Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

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

GENERAL	\$368,805.21
WATER	\$92,315.92
T/A	\$1,432.24

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

Retirement Incentive

Manager Herbst - in your packets are worksheets. First one is estimated one year costs. Two employees are interested. If we did the buyout then the one year lump sum cost would be \$51,776 if both employees went for it. Alternatively we could do it with the five year costs. In that scenario the same two retirees would be estimated cost of \$12,944 per year for both employees. Over 5 yrs would be \$64,720. As I mentioned we only have the two people interested. Both on part A section. We need to consider these eligibilities. We have to have a local law if we are so inclined to proceed and a pub hrg, have to complete all of that by 8/31. Also decide how long the window is open. Possible that a couple of other eligibles might be interested. That is where we stand.

Trustee Clark - are you proposing not to replace these employees.

Manager Herbst - we would replace at least one, but at a lower pay scale.

Trustee Clark - lump sum saves money in the long run.

Trustee Swartz - I would like to discuss figures with you and the Clerk..

Trustee Koliwasky - have we ever done this before.

Atty. Groff - the Village has done this before when the state has offered it, but not every time.

Trustee Clark - in this calculation, did we factor in ongoing healthcare benefits.

Manager Herbst - no, strictly wages. This is the formula the state mandates.

Mayor Zeigler - everyone should get in and talk to Walt about this.

Increase in Water Rates

Manager Herbst - in you packets are overview of water rates. No increase for minimum users. Rates were last raised in 2005. Our dept. shortfall last year was \$32,000. We have lowest water rate in the county. Will have to do additional water testing. Need to complete the new electronic meters. Labor rates went up. Dept. of Health is recommending that we do a filtration system - cost \$100,000. Our own Water Department staff says we will most likely have to add to the well houses to incorporate filtration equipment. Also safety requirements, etc. backup

oversight for system. Have been talking to Elmira Water Bd. In the event Chris was gone for a while, etc., we don't have another water system operator. Option here is to have a succession plan. Elmira Water would educate themselves, come out and go through system, and to serve as system operator there would be a fee of \$10,000-\$20,000 per year. I think this is important and come to a conclusion soon so that we are protected. We also need meter replacement program. A lot will be needing replacement. We're evaluating currently leaks within the system. Dept. of Health is checking our well heads and calibrating our output to make sure that is accurate. Need to monitor where we should be doing billing, etc.

Manager Herbst continued - On the rates, basically its two ways. Typical user of 20,000 gal. I recommend we do \$5/month increase for Village residents and \$7 for non Village.

After reviewing the data, the Board agreed on the new water rate for Village users based on average consumption of 20,000 gals to be \$5.00. Non Village would be \$7.00.

Manager Herbst - also increasing hydrant billing. Would want to let the Town know this month if we are going to do that. That would be effective January 2011.

Trustee Koliwasky - I reviewed the figures with the Manager. The recommendation last time was \$3. But considering what we are facing some of the Trustees had suggested a little more.

Manager - filtration system might not be needed if Cold Spring mine doesn't go in. But Dept. of Health says we should do it anyway. If they start mining, effect on well 5 would be quick.

Also wellhead protection - that is \$38,000.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, the budget for the Village of Horseheads Water Department has reflected an eroding income base and significant increases in expenditures, and

WHEREAS, the costs of operation of the Water Department are projected to continue to sustain moderate increases in the future, and

WHEREAS, Village Manager Walt Herbst and Clerk-Treasurer Sharron Cunningham have recommended that the water rates for the sale and consumption of water, both inside and outside the Village of Horseheads, be increased as reflected in the attached spread sheet, and

WHEREAS, water rates have not been adjusted since February 2005.

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

1. The attached schedule of water rates recommending a monthly water rate increase of \$5.00 based on average consumption of 20,000 gals., and for out of Village residents recommending a water rate increase of \$7.00 based on average consumption of 20,000 gals. is hereby adopted.

This water rate increase shall be effective commencing with water bills mailed

August 16, 2010 and due September 15, 2010, and continuing thereafter until amended or revised by subsequent action of this Board, and be it further

RESOLVED, that the Village Clerk-Treasurer is authorized and directed to prepare and insert a message on the water bills mailed August 16, 2010 advising water customers of the rate increase.

Atty. Groff - your raising hydrant charges, but that is not in resolution.

Atty Groff offered the following addition to the resolution:

AND BE IT FURTHER RESOLVED, that the attached hydrant charges for Out of Village Hydrants dated July 22, 2010 effective 1/1/11 be further adopted as part of this resolution.

Motion by Trustee Clark, seconded by Trustee Swartz, that the resolution on the floor be amended as recommended by Atty. Groff.

Roll Call Vote on amendment:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

Roll Call Vote on entire resolution as amended:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

#### Engineering Chargebacks

Atty. Groff - haven't gotten to it yet. Will work on it with the Manager.

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

- Liquor License Renewal and request for 30 day waiver - Tanino Wine Store
- Liquor License Alteration - Jake's Tavern
- Receive of Application of Kayden Industries, Inc. for Special Sign Permit
- Authorize Travel for Fire Chief

Roll Call Vote:

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

Trustee Clark:           Aye

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, the Village of Horseheads has been advised by Tanino Little Wine Store, Ltd., that the latter is applying for renewal of its liquor license, and also requesting that the Village waive the 30-day waiting period for same, and

WHEREAS, Clerk-Treasurer Sharron Cunningham has notified Police Chief Mike Barton and Code Enforcement Officer Bob Young regarding same requesting reports relative to incidents, etc. at the location to be licensed, and

WHEREAS, those reports have been received and reviewed by the Village Manager, and

WHEREAS, Village Manager Walt Herbst has communicated with this Board expressing no opinion with regard to the renewal of the license, but his recommendation is to not grant the request to waive the 30-day waiting period.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees acknowledges receipt of the reports and recommendation and expresses no opinion regarding the renewal of said license, but denies the request for a waiver of the 30-day waiting period.

Trustee Koliwasky - this is something we've done two other times. Last time I said it should be the last time. We need to send this message. I'm sure they have no problem ordering food, etc. Licenses are part of their business. I don't see a problem for a first year business, an oversight, etc.

Trustee Swartz - how does this effect them.

Atty. Groff - I don't know. Two separate liquor licenses for them. Restaurant and wine store.

Manager Herbst - I'm only recommending we don't grant the 30-day waiver.

Trustee Swartz - don't want to make it look we aren't encouraging businesses.

Discussion ensued among the Board Members regarding this request for the 30-day waiver.

Atty. Groff - our new policy doesn't state that you are opposed to granting waivers. Just establishes a procedure. Report goes to the Manager, etc. He sends a comment that he may have no opinion, or approve or deny waiver request.

Mayor Zeigler - this is a pattern here with them, and it has to stop.

Motion by Trustee Swartz that we table this to find out more information.  
Motion died for lack of a second.

Atty. Groff stated that there is a resolution on the floor.

Roll Call Vote:

Trustee Swartz: No  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

Mayor Zeigler briefly excused himself to consult with the Village Atty. He then returned and stated that he was recusing himself from the vote due to a business relationship with the owner.

Motion died due to insufficient number of votes.

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, the Village of Horseheads has been advised by Brad P. Layton, d/b/a Jake's, that the latter is applying for an Alterations to the current liquor, beer and wine license, and

WHEREAS, Clerk-Treasurer Sharron Cunningham has notified Police Chief Mike Barton and Code Enforcement Officer Bob Young regarding same requesting reports relative to incidents, etc. at the location to be licensed, and

WHEREAS, those reports have been received and reviewed by the Village Manager, and

WHEREAS, Village Manager Walt Herbst has communicated with this Board expressing no opinion with regard to the alteration of the license.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees acknowledges receipt of the reports and recommendation and expresses no opinion regarding the alteration of said license.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that this Board hereby receives the application of Kayden Industries, Inc., 224 N. Main Street, Building T, for a Special Sign Permit, and be it further

RESOLVED, that same is to be forwarded to the Village of Horseheads and Town Horseheads Planning Boards for their review and comment.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye

Trustee Koliwasky: Aye  
Trustee Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that Fire Chief Arthur Sullivan is authorized to travel to Brindlee Mountain Fire Apparatus in Union Grove Alabama for the final inspection of the new firetruck, with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Koliwasky: Aye  
Trustee Clark: Aye

Village Manager Herbst reported on the following matters:

- getting security cameras in place, already deterring crime in Thorne St. park.
- ready to begin testing tomorrow - cameras are infrared
- kickoff session with ADP
- met with police officers yesterday, discussed dispatch, etc.

Chief Barton -

- commercial vehicle enforcement, 26 trucks were inspected, 16 violations were ticketed.
- attempting to get class in this area for commercial vehicle enforcement

Trustee Clark - have there been many accidents at Sayre and Grand Central.

Chief Barton - no not in a while. Since the light changed.

Trustee Clark - people are still confused.

Chief Barton - will continue to be an issue until we find a permanent solution.

Manager Herbst - I talked to the School Dist. They are not concerned if we change to stop signs. New bus routes in place, they don't use that exit much anymore. We're moving forward with that. Cost \$100,000 to put in a new light. Cost \$3,500 for stop signs with led flashing lights.

Chief Sullivan - thanked Mayor and Board and Manager for pool passes for firefighters. And on the new truck, looks good, should have around Sept. 15<sup>th</sup>.

Nate

- Family days was successful - day activity lighter than last year. Good fireworks. Thanks to firemen for coming down and helping us out.
- Should be done tomorrow having pipe laid for camera lines in Thorne st. 23 cameras at Thorne st.
- 376 people at teal park for concert tonight.

### Audience participation

Dave Padgett - flat bed trailers driving through the Village. As far as cameras, will that mean that there will be nobody in police station after 4pm. I think that is a bad move. You should review that. I can't believe you want to do this.

Manager Herbst - we did extensive study on activity.

Pam Mackesey - Tompkins County - been on City Council and County Legisl - nice to see communities talk about same kinds of issues we are. I'm running for State Senate for 3<sup>rd</sup> district.

Mike Swasta, Watkins Rd. - wants to receive copy of Kayden Industries special sign permit prior to planning board meeting.

Atty. Groff - we'll accept that as a FOIL.

Mike Swasta - on infrastructure, has any consideration been given to aeration systems as a contingency for chemical pollution of the aquifer due to activity in holding point. Also, vacant bldg on W. Franklin St., comments have been made at meetings over several months. It is unsafe. There are procedures in your code.

Manager Herbst - a warrant has been issued for the owner. He's ignored all the notices.

Mike Swasta - can the Village board it up in the interim.

Mayor Zeigler - has to go through the courts. There is a process you go through.

Mayor Zeigler asked for a motion to go into executive session to discuss a personnel matter involving a particular person.

Discussion ensued regarding waiting until all Trustees are present. The Board decided to wait.

As there was nothing further to come before the Board, the meeting was closed at 8:23 p.m.

/rmb