

Minutes

Village Board of Trustees

April 23, 2009

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 6:00 p.m.
Present were:

Village Board and Staff:

Mayor Donald Zeigler
Deputy Mayor Ronald Swartz
Trustee Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters
Village Manager Marc Whitney
Village Attorney John Groff

Fire Chief Arthur Sullivan
Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock
Parks Dir. Nate Nagle
CSO Robert Young
Manager's Assistant Rachel Baer

Others:

Dave Radin, 501 S. Main St.
Tess Banfield, 134 Catalpa Dr.
Bernie Weigle, 111 Boorum Pl.
Barbara Clark, 115 Sayre St.
Joe & Janet Ruhmel, 318 Gardner Rd.
Elton & Nancy Shaw, 218 Liberty St.
John & Andrea Dunlap, 129 Matthews
Bob Fischer, 209 Normandy Pl.
Gary Payne, Erin
David & Cheryl Barton, Erin
Charles White
Stan Holland, 304 William Lane
Martha Hauser, 407 W. Broad St.
Steven Morrell, 143 Matthews Cir.
Barb Skorcowski, 109 W. Franklin St.
Joe Romanick, 725 Westlake St.
Pat Gross, 632 W. Broad St.
Ean Johnson, STEG
Pet Bleir, 413 W. Franklin St.
Bonnie Sampson, 306 Scott Lane
Don & Jean Quinn
Howard Miller

Bunnie & Jim Lynch
Tom Nagle
Tina Landis
Mike DiPetta
Brad Davies
Tom & Jen Stickler
Tom Sweet
Robert Klein
Catherine Kohlberger
Penny & George Kastenhuber
Suzie Driscoll
Edith Burdick
Sean Haefner
Chris Haefner
Tess & Bill Danaher
Darla Hancock
R. C. Ike
Eileen Patocka
Elliott Blauvelt, Jr.
Francis Stranzyl
Jeff Foster
Karen Schoonover

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 9th, 2009 be dispensed with 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 Peters

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds indicated on the attached sheet.

Roll Call Vote:

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

At this time, Atty. declared open a public hearing regarding a grant application under Restore NY for demolition of the former LRC building on South Avenue.

Ean Johnson from Southern Tier Economic Growth came forward. STEG is writing the application for the Village. We see this as a blighted site in the community. With this grant positive redevelopment can happen.

At this time the Board read and reviewed the questions on Part 2 of the Short Form SEQR, answering No to all questions. Atty. Groff noted that Mayor Zeigler is authorized to execute the Negative Declaration.

Resolution by Trustee Herbst, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads is the owner of lands on South Avenue in the Village of Horseheads comprising approximately 3.88 acres and consisting of a vacant industrial structure commonly known as the former LRC Facility, situate in a former Light Industrial Zone in the Village, and

WHEREAS, said facility is in disrepair and the Village of Horseheads may determine to apply for a demolition grant under the Restore NY Communities Initiative Grant Program, and

WHEREAS, such grant program requires, prior to the initiation of any activities, that the State Environmental Quality Review Act be complied with, and

WHEREAS, a Short Environmental Assessment Form has been submitted to this Board for its review and action with respect to SEQR compliance.

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

1. The action is subject to SEQR as, based on the documents submitted in connection with the project, the same requires governmental review and approval including financing.
2. The action does not involve a federal agency and does not involve other agencies other than the Village of Horseheads.
3. This Board make a preliminary classification of the action as an Unlisted Action.
4. The Village of Horseheads Board of Trustees determines that it is and will be the Lead Agency with respect to the project.
5. Acting as such Lead Agency, the Board of Trustees has reviewed and examined the Short Environmental Assessment Form including Part 2. This Board has examined all of the questions comprising Part 2 and has, based upon such examination, made a Determination of Significance finding that the proposed action will not have a significant adverse environmental impact, and directs that Village Manager Marc Whitney shall complete the Determination of Significance being Part 3 of the Short Environmental Assessment Form in accordance with such determination.

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 Herbst

WHEREAS, the Village of Horseheads is the owner of lands on South Avenue in the Village, said site consisting of a vacant structure commonly known as the former LRC Facility, and being situate in a former Light Industrial Zone in the Village. Said zone being eliminated as a zoning district within the Village of Horseheads during its 2002 adoption of a new zoning code, and

WHEREAS, said facility has been and continues to be in such a state of disrepair and deterioration making it unusable for municipal purposes, and unsaleable due to its current state, and

WHEREAS, the 2009 New York State Budget includes a Restore NY Communities Initiative Grant Program, administered through the Empire State Development Corporation. Said grant program is designed to assist municipalities in revitalizing urban areas and stabilizing neighborhoods as a means to attract residents and businesses, and

WHEREAS, this Board desires to make application to the Restore NY program for grant funds which will enable us to completely demolish the LRC Facility structure, ensure proper and complete remediation of the property, and allow the Village to sell it to developers for affordable housing, or other more appropriate uses that will be allowed in a residential zone, and

WHEREAS, this Board finds that the proposed project is consistent with the development plan of

the Village, the financing arrangement between the Village share and Restore NY funds is appropriate, the project promotes efficient and effective economic development and preserves community resources, and develops/enhances community facilities to attract, create and sustain employment opportunities.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby approves and strongly supports its application for \$380,576.00 through the Empire State Development Corporation's Restore NY Communities Initiative for demolition and remediation of the former LRC Facility.

Roll Call Vote:

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

Proposed Budget:

Trustee Peters - distributed summary that she created to help people understand our budget because it is very detailed. Things that are out of our control are Koppers Pond, retirement fund, new Code Enf. Department. Other problem is we are losing income with this economy. Sales tax will be down, interest income down. We also lost 65/35 grant money. That is \$371,000 just in lost income. Will get \$50,000 in new income due to Code Dept. We have ended up cutting \$238,000 without cutting any services. Sidewalk program - took out \$20K but are hoping we can do even more sidewalks because we can put in more labor in that project. Personnel - cut \$100,000 where some positions that were going to be part time, or starting up half way through that we decided to eliminate. County shared services cut \$69,000 in things we were sharing with them that we had to pay for last year. Next year we are bidding insurance, employee health care programs, network services, etc. etc. For now though we now are proposing a tax rate of \$4.89. Works out to be \$14.00 more per year for a 100,000 house. That is not a lot to cover all these extra expenses. It is prudent to go with this increase.

Pat Gross, Broad St. - regarding salary increases, St. Joseph's laid off people, Corning, Inc. laid off people. School districts had 0% increase in taxes. I do believe that your 3% is not too bad for you guys. However, you have people that are living on social security, a 4% increase in salaries in this day and age is ludicrous. They got increases last year. I was a part of that. Times were good for all of us. You have laid off nobody, in fact you have hired more people to help. You knew the economy when you started the budget process

Mayor Zeigler - a lot of the employees are under union contracts. About 6-7 non-union employees are also getting increases.

Elliott Blauvelt - Was there any consideration about hiring freeze and pay freeze for coming year.

Trustee Peters - I don't see us talking about freezing hiring, or freezing salaries.

Village Manager Whitney - we spent a lot of time working on this budget. We started this process earlier because of the economy. We aren't unmindful of all that. We've done some very stringent

analysis. We may not all agree, and have different points of view. We took a look at the whole budget. Sticking points are wages and compensation, what we are talking about is a very small portion of the budget. The percentage we are paying is not top end of the scale. I've looked at salaries for these positions in equivalent areas. We are in the low and middle range on those jobs. People we are talking about are the ones who come in here every single day, with good will in their hearts, through all kinds of bad things. People we are talking about are department heads, working 6 days a week, 50-60 hours per week. It totals \$15,000 spread out across 9 people. Should we tell them that their efforts are not appreciated. People they supervise are making thousands more in overtime than they are. But they still come in. We are not paying these people outrageous salaries. These people are serving you every day and have earned every penny of that money.

Mayor Zeigler - If we had not made the cuts we did, you would have seen a double digit increase last year and this year. Sharron and Marc did a lot of work on this. This is a good budget. We would rather have a small tax increase this year, than a huge one next year.

Tess Banfield, Catalpa Dr. - will the manager's salary go up.

Trustee Peters- yes, he is part of the 4%.

Resident - how can you cut \$238,000 and still ask for a 3% increase. Nothing has changed to taxpayers.

Trustee Peters - it lowered how much we take out of our fund balance. We were going to take almost \$500,000 out of reserves. So some of this increase will go back into reserves. We have an obligation to the residents to keep the Village viable. With additional expenses, we can't afford to deplete our reserves. According to the NYS Attorney General, we should have 3 months of our operating budget in savings. We don't at this time. If we have to take out a lot of savings to operate we will have even less. It is prudent that we try to get a little bit this year to not drain all the funds. If you were in our same position, you would do the same thing. 3% is easier on people than 6% or 8%.

Pat Gross, Broad St. - what is projected cost for entire Code Enforcement dept.

Village Manager Whitney - already purchased the vehicle, need to get software, etc. Probably between \$85,000-\$90,000. We will also have a part-time person, with no benefits. We have a lot of work to get done, including Schlumberger, requires additional person in there.

Trustee Herbst - the \$90,000 cost for the department, then we get \$50,000 in fees, fire inspections, etc., plus reduction of \$40,000 that we would have been paying to the Town its pretty much a wash. During the comprehensive planning, Code Enf. was stressed overwhelmingly.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, Village Budget Officer Marc Whitney has prepared and submitted a proposed budget for the fiscal year 2009-2010, and

WHEREAS, this budget has been reviewed and critiqued by the Board of Trustees, and

WHEREAS, a public hearing was held on April 9, 2009 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2009-2010 budget prepared by the

Budget Officer which establishes anticipated revenues in the amount of \$5,080,200 and appropriations in the amount of \$5,080,200 with the schedule of salaries and wages and other appropriate schedules required by law is hereby adopted as the final budget for the Village of Horseheads for the fiscal year June 1, 2009 through May 31, 2010 containing a tax levy of \$4.89 per thousand dollars of assessed valuation.

Trustee Herbst moved to amend the resolution as follows:

- Move monies in Line 1230.168 into Contingency
- Any monies received for School Resource Officer be moved into Tax Stabilization
- The Code Enforcement Officer Line 1619.151 in Code Enforcement Department shown as \$27,000.00/yr. be a part-time, temporary appointment not to exceed one year and not eligible for benefits, and further that the appointee report to and be part of the Village Manager's Office until such time as a fully developed Code Enforcement Department and attendant polices are established and implemented.

Roll Call Vote:

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

Purchasing Policy - Trustee Herbst made a motion to again table this item for 60 days until we can have a workshop to discuss it. Trustee Peters seconded the motion.

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 Herbst

WHEREAS, Schlumberger Technology Corporation (Schlumberger) is the owner of premises situated in the Village of Horseheads, located on "E" Street in the Center at Horseheads, commonly known as Tax Map Parcel #49.01-5-11.12 comprised of approximately 88.53 acres, and

WHEREAS, Schlumberger has represented that it will be applying for site plan review and approval of a large-scale industrial park development to be located on the above-noted site and has filed with the Village a conceptual site plan, various drawings and SEQR materials prepared on its behalf by Bergmann Associates, last revised April 17, 2009, and

WHEREAS, the Village has been informed that the application is subject to SEQR, being a Type 1 Action, pursuant to SEQR regulations, and

WHEREAS, the applicant has submitted Part 1 of a Full Environmental Assessment Form, and

WHEREAS, the involved and effected agencies (Village of Horseheads Planning Board, Town of Horseheads Planning Board, NYS Dept. of Env. Conservation, Chemung County Planning Board, Chemung County Health Dept., US Environmental Protection Agency) have been contacted regarding a coordinated SEQR review of the proposed application, such agencies having designated, consented to or permitted the designation of the Village of Horseheads Board of Trustees as Lead Agency.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees:

1. Finds, preliminarily, that the application (proposed action) is a Type 1 Action under SEQR, and subject to the coordinated review requirements of SEQR and the regulations promulgated under same, and
2. Declares that it will be Lead Agency for the purpose of conducting a coordinated review of the proposed action, having heretofore notified all known involved or effected agencies of its intent.

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 a public hearing is hereby scheduled for Thursday, May 14th, 2009 at 6:05 p.m. regarding the application of Roy Builders, Inc. for PUD Amendment and Site Plan Review for a proposed senior housing development on North Street.

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, the enforcement of New York State statutes, the Village code, local laws, ordinances, rules and regulations in the Village of Horseheads is a critical function,

WHEREAS, such enforcement has been provided by the Town of Horseheads under contract, and

WHEREAS, such contract expires May 31, 2009, and

WHEREAS, the need for such enforcement will continue irrespective of the contract's termination, and

WHEREAS, due to the anticipated termination of the contract, the Village has taken steps to acquire staff and resources so as to perform the "code enforcement function" within the Village of Horseheads utilizing Village personnel and resources, and

WHEREAS, the Village has Community Service Officers on its staff which have assisted in various aspects in the code enforcement function.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John Groff is authorized and directed to prepare a draft local law for submission to this Board to establish a Code Enforcement Department within the Village of Horseheads.

Roll Call Vote:

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

Village Manager Whitney reported on the following items:

- We received a tax assessment increase on the Sherman property on Broad St. We will not be protesting this. We are planning in the next month to burn it down for training and turn it into Cemetery property.
- Thanks to Sharron and dept. heads for work on this budget.

Public Participation:

Mary Brown - been here many times, met with two managers, two mayors. I really would appreciate an answer to my request. My daughter passed away 4 years ago. There was a problem with cemetery law, which was changed. I asked that you call it "Nance's law" in her honor. Nothing has been done. I met with former manager and the whole board. Was told something was going to be done. Its been 4 years.

Village Manager Whitney - we keep looking for a way to say yes. But there are many issues to changing this. It is not really a law, just part of the code. Because it appears simple on the surface, there are problems inherent with that. Taking a single section opens up every other portion of the code for other persons.

Tom Stickler - is Village Manager paying village taxes.

Village Manager Whitney - as soon as somebody buys my house.

Tom Stickler - What is current status of chief of police.

Atty. Groff - that is a pending personnel matter. Inappropriate for us to make comments regarding same.

Mike Dipetta - I dispatch for the Horseheads Police Department. I respect the Mayor. You let people cloud your judgment. We all know he is a man of integrity and honor. You have made a decision that has effected this man's life. If he was doing something wrong why did he get an outstanding evaluation only a couple of months earlier. I had no input from anyone in making my speech tonight.

Joe Romanick - 725 Westlake St. - wants to know about reports of the Village Manager inappropriately touching female employees here. I was told by a member of the Village Board that it would show on his review. I know that chief Barton knew about this. This information seriously calls into question the credibility of the Village Manager, and poses a serious liability for the Village. Why is the Village spending more money on an outside attorney on Barton issue. Also, it is known that the Village Manager carries a firearm at work. According to the Village's own Code of Conduct that is not permitted. Mr. Whitney, we feel you are a great liability, we ask that you resign your position as Village Manager. What about my foil requests - its been 5 days.

Atty. Groff - they are in the mail. You should receive tomorrow.

Tess Banfield, Catalpa Dr., read a lengthy letter regarding the police chief matter asking for the reinstatement of Chief Barton, termination of Manager Whitney, and resignation of Mayor Zeigler.

Eileen Patocka, Sonora Gardens - I live in the Town of Horseheads, and I own Sonora Gardens. I helped start the beautification committee six years ago. I worked tirelessly beautifying this village. So many volunteers were involved, and all of this has gone away. Mayor Zeigler came to me, concerned about using Village funds to plant flowers. I told him the Village has given us \$2,500. Don assured us it would not go away. We said we weren't going to take on any new projects. DPW and Village Manager decided that nobody would water anything. We spent all that money for nothing. Then everything died. And it was us that looked bad. Vil. Mgr. said it costs \$600 a week to water Hanover square. That is crazy. We received no recognition, and no thanks. We have worked tirelessly. We were told the flowers were too high. In the fall they asked us if we would go through and remove all the bulbs. My company may have gotten exposure, but I certainly didn't get paid all the hours I contributed to this project. We were told we would get professionals to come in. Village didn't get grant for Grand Central Ave. So now we have no money, although we did hear from the Manager that we would get \$2,500 as normal, but couldn't do anything unless they approved. This is only a small part of the budget of what we are talking about here tonight. It killed off volunteerism. Our group wants to do nothing now. The daffodils were planted in honor of Dr. Rodabaugh. Now they want us to dig them all up.

Jen Stickler, Kennedy Drive. - I hope you hear what everyone is saying.

Motion by Trustee Herbst, seconded by Trustee Swartz, that this Board and the Manager and Village Attorney move into an Executive Session to discuss a personnel matter involving a particular person.

Roll Call Vote:

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

At 7:52 p.m., the Village Board, Manager, and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:05 p.m. the Board reconvened back into the regular meeting of this date.

As there was nothing further to bring before the Board, the meeting was adjourned.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

April 23, 2009

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:55 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, George Koliwasky, and Suzanne Peters, Village Attorney John Groff, and Village Manager Marc Whitney, at which time they discussed a personnel matter involving a particular person.

At 9:05 p.m., motion was made by Trustee Peters, seconded by Trustee Swartz, that the executive session be adjourned, and the Board reconvene 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

<u>TRANSFER LIST -</u>			
<u>4/23/09</u>			
<u>GENERAL</u>			
<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$650.54	1230.168	1010.453	TRUSTEE TRAVEL
\$425.00	1110.452	1110.160	COURT OVERTIME
\$800.00	1110.440	1110.172	COURT SECURITY
\$650.00	1110.452	1110.172	PERSONNEL
\$500.00	1111.172	1111.160	COURT OVERTIME
\$310.54	1230.168	1210.453	MAYOR TRAVEL
\$44.69	1230.451	1230.453	MANAGER TRAVEL
\$125.00	1325.453	1325.454	CLERK DUES
\$3,000.00	1620.201	1620.410	VH HALL MAT/SUP
\$1,500.00	1620.418	1620.440	VH CONT. SERVICES

\$5,925.00	1990.477	1621.442	GAS/OIL
\$716.69	5142.103	1622.422	TRAFFIC LIGHTS
\$743.21	5142.103	1622.427	POOL UTILITIES
\$82.25	5142.103	1622.429	GARAGE UTILITIES
\$1,739.94	3120.142	1623.463	POLICE COMPUTER
\$576.09	1623.467	1623.465	VH SUPPORT
\$598.00	1990.477	1910.472	LIABILITY INSURANCE
\$15,000.00	3120.142	3120.160	POLICE OVERTIME
\$3,066.00	3120.142	3120.200	POLICE EQUIPMENT
\$800.00	3120.413	3120.440	POLICE CONT. SERVICES
\$1,406.22	5110.440	3310.410	TRAFFIC CONTROL
\$868.32	3410.440	3410.482	FIRE DEPT. BLDG. REPAIRS
\$3,000.00	5110.443	5110.410	STREET MAT/SUP
\$772.95	1320.440	6410.500	SISTER CITY
\$560.33	8560.440	8170.410	SWEEPER MAT/SUP
<u>GENERAL</u>			
<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$4,355.78	8560.440	8170.443	SWEEPER REPAIRS
\$900.00	8810.200	8810.410	CEM. MAT/SUP
\$4,377.53	9950.920	9040.840	WORKER COMP.
<u>\$15,500.00</u>	9950.920	9030.830	SOCIAL SECURITY
\$68,994.08TOTAL			
<u>WATER</u>			
\$1,000.00	1620.200	1620.410	VH MAT/SUP
\$1,000.00	1620.497	1620.410	VH MAT/SUP
\$399.39	8340.440	1622.429	GARAGE UTILITIES

\$149.70	8320.200	1623.465	VH NETWORK
\$3,000.00	8340.114	8310.111	METER READER
\$500.00	8320.440	8320.410	WELL-MAT/SUP
\$2,000.00	1640.455	8340.410	WATER MAT/SUP
\$483.98	8340.440	8340.443	WATER REPAIRS
\$3,072.29	8340.114	9040.840	WORKERS COMP
\$11,122.64	1990.477	9060.860	HEALTH INSURANCE
<u>\$3,400.00</u>	8320.200	9030.830	SOCIAL SECURITY
\$26,128.00TOTAL			
		INCREASE	
		EXPENSE PER	
		REVENUE	
GENERAL			
\$48,000.00	1112.449		NYS FINE DISBURSEMENT
\$213.57	1621.507		COUNTY RECREATION 65/35
\$5,191.36	3120.161		POLICE REIMBURSED OT
\$3,800.00	6410.500		SISTER CITY