

# Minutes

## Village Board of Trustees

May 24<sup>th</sup>, 2018

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

<u>Village Board and Staff</u>	
Mayor Louise McIntosh Trustee Bill Goodwin Trustee Pat Gross Trustee Rob Maloney Village Manager Brad Lytle  <u>Absent</u> Trustee Mike Skroszchnik	Village Atty. John Groff Clerk-Treasurer Donna Dawson Manager's Asst. Rachel Baer
<u>Others Present.</u>	
Marge Butler, Grand Central Ave. Dave Padgett, W. Franklin St.	

7:00pm - PUBLIC HEARING: Proposed Local Law on Special Benefit Assessment - Stormwater Management. Atty. Groff opened the public hearing. This is for the new houses at the end of Lynhurst - for fund source for stormwater management. Nobody came forward. Atty. Groff closed the public hearing.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Village Attorney John Groff has presented a draft local law on a Special Benefit Assessment for Stormwater Management, and

WHEREAS, this law will affect residential building lots known as Villas at Gardner Road at the north end of Lynhurst Avenue Extension, and

WHEREAS, a public hearing regarding said local law was held on May 24, 2018, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village as required by law, and

WHEREAS, this Board finds, after due deliberation, that it is in the best interest of the Village to adopt said local law.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts said Local Law entitled "Establishing a Special Benefit Assessment for Stormwater Management", a copy of which is to be placed on file with the Village Clerk, and filed with the Secretary of State.

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of May 10<sup>th</sup>, 2018 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Maloney

BE IT RESOLVED, that the Justice reports for March 2018 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Maloney

WHEREAS, the Village of Horseheads advertised on April 23, 2018 for the submission of bids for the Supply and Laying of Bituminous Asphalt Products in the Village of Horseheads, and

WHEREAS, bids were opened and examined on May 11, 2018, and the following bids were received:

(All Prices Per Ton - Laid In Place )

	TYPE 6 TOP COURSE
Bothar Construction LLC 170 East Service Road Binghamton, NY 13901	\$73.10
Dalrymple Gravel & Contracting Co., Inc. 2105 S. Broadway Pine City, NY 14871	\$67.75
A. L. Blades	\$82.40

7610 Co. Route 65 Hornell, NY	
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And

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being Dalrymple Gravel & Contracting Co., and

WHEREAS, the Public Works Director Matt Mustico and Village Manager Brad Lytle have submitted their recommendations regarding the bids and the award of a contract, the same recommending award to Dalrymple Gravel.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Dalrymple Gravel & Contracting Co., and that Village Manager Brad Lytle is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

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

D&A: Ratification of CSEA Contract

Resolution by Trustee Goodwin, seconded by Trustee Maloney

WHEREAS, the collective bargaining agreement between the Village of Horseheads (“Village”) and the Civil Service Employees Association (“CSEA”) expires May 31, 2018, and

WHEREAS, negotiating committees for the Village and the CSEA have, in good faith, engaged in negotiations to arrive at a successor collective bargaining agreement, and

WHEREAS, Village Manager Brad Lytle has reported to this Board that the current negotiating committees for the parties have reached a Memorandum of Agreement as to the terms and conditions of a successor collective bargaining agreement which would cover the period June 1, 2018 through May 31, 2023, and

WHEREAS, the MOA has been presented to this Board and the CSEA for review and consideration, and

WHEREAS, this Board finds that the best interests of the Village are served by executing the MOA.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that Village Manager Brad Lytle is hereby authorized to execute said MOU on behalf of the Village of Horseheads.

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Empire Access Corporation and its sister entities have commenced the process of installing infrastructure, facilities and a distribution system in the Village of Horseheads so as to be able to provide CATV, Internet, telephone and other communication services throughout the Village, and

WHEREAS, the installation of such a system requires among other things the placement of facilities for the storage of Empire’s telecommunications equipment and determination of a location for same, and

WHEREAS, Empire has proposed a location of its facilities on lands of the Village of Horseheads, in return for which it has offered to provide Internet, telecommunications, and other services to the Village at a heavily discounted rate, and

WHEREAS, Village Manager Brad Lytle and Village staff have considered numerous locations and have determined that a site of approximately 10 feet by 10 feet in proximity to the generator site at Village Hall is not currently required for municipal use and therefore is available and would be a suitable location.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John Groff is directed to prepare a proposed lease with Empire which would allow the location of its facilities as noted above, and

BE IT FURTHER RESOLVED, that Village Manager Lytle is authorized to enter into such lease upon terms and conditions as he determines to be suitable and in the best interests of the Village of Horseheads.

Trustee Gross - we did this once before, but it included service at the DPW buildings in the discounted services.

Atty. Groff - that was the franchise agreement. This isn’t the same thing. In the franchise agmt with Spectrum and with Empire we have those stipulations. But they’re not required to provide internet or telephone.

Manager Lytle - currently we pay for a line that goes to the well house. Empire will reduce our bill by \$400/month. They’re not going to give us free internet everywhere, but will at Village Hall, and out to Well 5. So that is a huge savings. In addition currently we negotiated with First Light to get better speed. With Empire we will get 100mbs for internet with the optic fiber. We may also start to look at VOIP. We will get their gross receipts tax too like with Spectrum.

Roll Call Vote:

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

Audience Participation - None.

Manager's Report -

- Water System – NY State has monies available for upgrading and improving municipal water systems in the state. However, to apply for any grants to improve systems, an engineering study of the current system is a prerequisite. We will be meeting with the County, the Elmira Water Board and the Town of Big Flats on Tuesday, May 22, to put together a grant proposal for the Engineering Study.
- Empire Cable – Empire has offered to provide, at no cost, cable to Village Hall for dedication of a small parcel of Village property, approximately 8' x 8', for the construction of a concrete pad, which would hold a cabinet for their cable connections and ancillary equipment. My recommendation is that we accept this offer. When our current agreement for internet service with First Light (formerly Finger Lakes Technology), which expires on 6/14/18 and costs the Village \$711/month, we should contract with Empire, reducing our cost to \$366, saving the Village \$4,500/year. Matt Mustico, Chris Lawrick and I examined an area next to the emergency generator, which is behind Village Hall. We agreed that this would work for them and poses no foreseen impositions on us.
- Brown & Brown Liability & Worker's Compensation Insurance – Donna, Rachel and I met with John Condon, Brown & Brown about our Liability Coverage and Workers Compensation on Monday May 14. John had told us to expect an increase in our Worker's Compensation Premiums from PERMA of 8 – 10%, since our Experience Rating has increased due to several employees being off for injuries. Additionally, he told us that we might expect a similar increase in our Liability premium. It's not the large reduction we saw last year, but we are happy to report that expected increases are only 5%, and we will further reduce that to 4% by paying our PERMA Worker's Comp in full in June.
- CSEA – The Mayor and I, along with our counsel, Matt Ryan, attended our second and third negotiating meetings with the CSEA Representatives on Monday, April 23, and Monday April 30, both at 1:30 PM. We believe we have successfully reached an agreement. The CSEA will be presenting a Memorandum of Agreement to their rank and file for ratification, after Matt makes our final edits. We will then bring it to the Board for approval, which could be at the May 24 meeting.
- Connector Road – The County conducted a Public Hearing regarding the Route 13 Connector Road Project on Tuesday, May 15, 2018 at 7:00 p.m. at the Hhds. American Legion. Prior to the start of the hearing, a presentation and open house was held at 6:00 p.m. Reps from the County, NYSDOT and the consultant engineers were on hand to discuss the project and answer any questions.
- Connector Road/Levee/Filtration Plant – Attorney Groff, Matt Mustico, Chris Lawrick and I held several meetings about the Easement and Taking of Village Property that will be involved in this project. We also made some site visits. We are better prepared now for future negotiations with the County's representatives regarding these. Additionally, we had some concerns about the new height of the levee and its effect on our Filtration Plant. We contacted Wendel, the contractor, who gave us the necessary information to help us determine that the new height will not affect our Filtration Plant negatively.

- Paving – Fletcher St. was paved on Monday, May 14, under this year’s budget. It was done under budget. The preparation work of replacing all the water service lines and fixing and connecting the drywells will help alleviate the occasional flooding.
- Pedestrian Safety – The County was successful in their grant application, of which we are a participant, and we will be getting funds to improve several pedestrian crossings in the Village, mostly on South Main St. and the Square.
- Cameron – John Groff, Matt Mustico, Chris Lawrick and I met to discuss our concerns about 2 acres of land in which Cameron Manufacturing has expressed an interest. We also visited the site. Fortunately, they are successful and need additional parking spaces. The 2 acres in question are south of Cameron’s main office building and west of Blostein Blvd. We have decided, given the history of the property, that leasing the acreage may be best for the interests of the Village due to the property’s history and any future access to the site we may need. We have set up a meeting with them on Tuesday May 22 to discuss possible terms, all of which would be suggested, pending approval of the Board.
- Street Paving – Bids were received on Friday, May 11, at 9:00 AM. The successful bidder was Dalrymple at \$67.75 per ton, laid in place.
  - Dalrymple           \$67.75
  - Bothar             \$73.10
  - Blades             \$82.40

**Staff Meeting - Security Topics**

[Attendees: Les Rohde, Brad Lytle, Donna Dawson, John Groff, Chris Lawrick, Nate Nagle, Bob Young.]  
The following topics are a result of the security audit performed for the Department of Health and are required to be implemented by end of year 2018.

1. USB drives – currently enabled and in progress
  - a. OneDrive to replace the use of USB
    - i. Universal access to master copy of data avoiding data integrity issue.
  - b. How to handle temporary users shared work / data
    - i. No internal shared drives from non-Village owned devices
  - c. Domain credentials versus shared link to OneDrive
    - i. Keep non-Village owned devices outside of network
  - d. OneDrive to be used for data that originally would have been put onto a USB. Internal Data / Work continues to be saved on the Villages shared drives (i.e. - Rshared).
  - e. Internal Shared data should be restructured along departments versus just having everything placed into the Everyone folder. Many duplicate files consume 10% of total stored data, who has the last modified copy?
2. Password complexity and frequency – will implement in next 2 weeks
  - a. Passwords will need to be 12 plus characters, numbers & special characters, upper and lower case.

- b. Passwords will need to be changed every 42 to 60 days. Not allowed to repeat the last 24 used passwords. Minimum change interval set to 1 day to avoid users from changing repeatedly to get back to a favorite password.
- 3. Screen Saver lock - will implement in next 2 weeks
  - a. Inactivity timer will be set to 30 minutes, if no keys or mouse movement the screen saver will lock the screen. This is to prevent users from walking away from their PCs and possibly forgetting to lock the screen so that others cannot use their PC with their credentials. This is not logging off the users, simply locking the screen.
- 4. WiFi usage – will implement after additional input but within next two months
  - a. Restrict so that no non-Village employees have access. This limits the Village exposure but also eliminates the liability of vendors and individuals should their devices be infected. (I.e. - Mengle, Metzger & Barr auditors have stopped using client networks and now use their cellular hotspots to avoid liability)
  - b. Internal use should be restricted to devices such as patrol cars at HHPD for access to their applications. Internal usage will be locked by mac-address to avoid anyone from using the internal password to circumvent this policy.
  - c. Personal use by employees of a guest WiFi should be eliminated and this will be reviewed prior to implementing. Anyone that needs access to outside websites should use their personal devices. It was brought up that not everyone has unlimited data plans, but how much data would be used while at work?
- 5. Social site usage - will implement after additional input but within next three months
  - a. Monitor current usage for traffic to high risk sites, ex. Facebook is considered high risk by the security analyst.
  - b. Block the high risk and not business-related sites
  - c. Make exceptions for HHPD and others that need access to perform their duties.

The above are the immediate concerns and topics discussed at today's meeting, the Department of Health has many security concerns not brought up today but will need to be implemented prior to end of year. The above have direct impact on users, many of the other future changes occur in the background without direct impact to users. An example is the segregation of the networks such as business and Water (SCADA), this has already been started.

- Additional topics for future meetings: SharePoint, encryption, education

Also, from Les Rhode, MPR:

- The new Synology disk array has been installed, fully configured and I am currently running test backups prior to stopping the tape backups. If everything goes well with the testing today, I will start the daily backups tonight. The schedule has been set to backup all days including holidays while maintaining a retention period of 9 months. This retention period is 3 times the current backup using the RD1000. After review it may be possible to extend retention to 12 months.

- This disk array will also eliminate the need for the Symantec Backup Exec software. Not having to use Symantec will save Horseheads approximately \$1200 in annual maintenance fees. It also eliminates the need to replace the 1TB tapes at \$210 each.
- The disk array has the capacity (space) and the ability (software) to do much more. I will evaluate for improving processes at Horseheads.
- The RD1000 tape backup will most likely be used for archival purposes

Motion by Trustee Gross, seconded by Trustee Goodwin, that the following items be added to the agenda:

- Transfer of Funds
- Executive Session
- Koppers Pond
- UniFirst

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Maloney

BE IT RESOLVED, that Clerk-Treasurer Donna Dawson is hereby authorized and directed to transfer the funds indicated on the attached sheet.

Roll Call Vote:

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

Motion by Trustee Goodwin, seconded by Trustee Gross, that this Board, along with the Village Manager and Village Attorney, move into an Executive Session for the purpose of discussion pending litigation.

Roll Call Vote:

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

At 7:16pm the Board, Atty. and Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 7:37pm the Board reconvened back into its regular meeting of this date.



Koppers Pond

Resolution by Trustee Maloney, seconded by Trustee Gross

WHEREAS, the Village of Horseheads is a member of the Koppers Pond Group, and

WHEREAS, the Consent Decree with the USEPA requires hiring a supervising contractor for the remedial design/remedial construction, and

WHEREAS, the Group has determined to retain Arcadis, and

WHEREAS, Arcadis has offered two proposals: a) Design the remedy, subcontract the remedy construction, and provide oversight; or b) design the remedy and construct same itself (design-build approach), and

WHEREAS, the design-build approach would save the Group approximately \$100,000.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does approve and vote for the design-build approach proposed by Arcadis.

Roll Call Vote:

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

UniFirst

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads had previously contracted with UniFirst Corporation for the supply of uniforms, rugs and other materials, and

WHEREAS, that contract expired, after which the Village contracted with a different vendor, and

WHEREAS, prior to the contracting with a second vendor a Village employee inadvertently signed a document reputedly continuing the contract for materials and services with UniFirst, and

WHEREAS, UniFirst has initiated arbitration against the Village asserting wrongful termination of the contract seeking alleged damages of approximately \$11,500.00, and

WHEREAS, Village staff have reviewed the merit of UniFirst's claims, Village defenses to the allegations, costs of defense, business interruption, etc., and

WHEREAS, Village Attorney John Groff and Village Manager Brad Lytle have recommended to this Board that serious efforts be made to settle and compromise the claim.

NOW THEREFORE BE IT RESOVLED, that Village Manager Lytle and Atty. Groff are authorized and directed to make their best efforts to settle the dispute in an amount not to exceed \$5,500.00, and be it further

RESOLVED, that they shall report back to this Board regarding their progress.

Roll Call Vote:

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

Trustee Goodwin:

- Attended connector road meeting

Trustee Gross:

- Library as a second location for safety/emergency committee.
- Front of Village Hall, Laura and I would like to meet with Nate on this. Talked to Mike Burke on this who had some ideas.
- Cleanup needed at path between Broad and Thorne Streets.

Manager - can't commit right now. Can't even get commitment on other more visible areas.

Trustee Gross - can we hire someone just for the summer.

Manager - if you know someone just talk to Nate. If the Board wants me to hire someone part time to help out we can do that.

Mayor McIntosh - Linear park is in bad shape.

Discussion ensued.

The Board agreed that the Manager should get a report from Nate regarding this issue and bring his ideas back to the Board.

- Sidewalk looks good in front of cemetery
- Jamie Burgess doing a great job

Trustee Maloney:

- Safety committee. Plan needs updating. Second site at the library in emergency situations.
- Chief Sullivan asked me to mention status of new firetruck. Met with 5 manufacturers. Two have been very interested. NYS does not have firetruck contracts. But there is a cooperative purchasing contract out there to get better pricing. We're going to check it out. Also asked Atty. Groff to look at it.

Manager Lytle:

- Bid on asphalt - we had an Alternative for Gardner Road in case we had enough money. So we're able to do that. And also getting equipment from Elmira and it lays down millings similar to blacktop machine. So we can use our own millings to fix cemetery roads.

Clerk-Treasurer Dawson - attended the municipal accounting training module.

Atty. Groff:

- Working with Jamie fire inspection fees.

Mayor McIntosh:

- Thanked Trustees Gross and Maloney for safety plan work.
- Went to Kiwanis for their Officer of the Year Award - given to Sean Murray.

As there was nothing further to come before the Board, the meeting was adjourned at 8:05 p.m.

/rmb

**Village Board of Trustees  
EXECUTIVE SESSION  
May 24, 2018**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:16pm in Village Hall. Present were Mayor Louise McIntosh, Trustees Pat Gross, Bill Goodwin, and Rob Maloney. Also present was Village Attorney John Groff and Village Manager at which time they discussed that status of pending litigation. No action was taken.

At 7:35pm a motion was made by Trustee Gross, seconded by Mayor McIntosh, 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 Gross:	Aye
Trustee Goodwin:	Aye
Trustee Maloney:	Aye