

Minutes

Village Board of Trustees

June 27, 2013

A regular 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

Sharron Cunningham Clerk-Treasurer
Michele Accavallo, Deputy Clerk
Rachel Baer, Manager's Asst.
Mike Barton, Chief of Police

Absent:

Trustee Mike Skroskznik

Others Present

Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Paul Aldrich, First Baptist Church
Les Hartman, American Legion
Ken Howland, Briarcliff Dr.
Tom Rupp, Tiff Ave.
Pat Gross, W. Broad St.
George Kastenhuber, John St.

Scott McGrain, HPD
Jean Quinn, Gardner Rd.
Dave Radin, S. Main St.
Elliott Blauvelt, Jr., Fletcher St.
Jodi Skroskznik, Center St.
Dan West, HPD
News Media

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of June 13th and 20th, 2013 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Audience Participation

Pat Gross, W. Broad St. - budget amendment tonight, police officer who is resigning. I was wondering if someone can tell me how many police officers this will bring us down to.

Mayor Zeigler - we will be discussing this later on number 11.

Pat Gross - one of the other items about a previous meeting about board members and manager keeping weapons on Village premises. This is disheartening. That means Village Board members can carry firearms in this building. I'm very concerned about this. I do hope you have a meeting to discuss the plan with the police officers with the public.

George Kastenhuber, John St. - tonight you may be deleting an officer position from the Police Department. I'm dismayed that your doing this when Trustee Skroskznik is not here. Also I don't know what your motivation is. What I want to know is where are we headed. Will we have a minimum complement of police officers. You can sit there and say you want to save dollars, but you have to concern yourself with the safety here. Before you make any considerations you should carefully consider this. We should maybe abolish position of Village Manager and co-op that out.

Scott McGrain, Gardner Rd. - Union President and Police Officer. I made about \$60,000 last year. I'm maxed out. Yes I do have benefits, so do two board members. We're down to 9 officers out of 12. We used to have 15 in the past. We have to cover 8,760 hours a year. I don't know how you think we're going to do it with 9 officers, plus court hours. I'm not sure where your going with us for the Police Dept. I know there are issues with health ins., but I think you should have a public meeting so the public can have the option to vote on this. You keep eliminating police officers. This is a safety issue. I feel that we are going about this all wrong. Per our contract if a position comes available you have to fill it forthwith.

7:10 p.m., At this time Atty. Groff declared open a Public Hearing regarding the application of the American Legion, Ithaca Road, for a PUD Amendment for a new Sign. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

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

General - \$96,880.84
Water - \$9,390.02
Trust/Agency - \$1,027.44

BE IT FURTHER RESOLVED, that \$25.40 be transferred from the Capital Reserve Fund for plumbing equipment for the pool.

Roll Call Vote:

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

At this time, the Board completed Part 2 of the SEQR Review for the American Legion application for a PUD Amendment for a new sign, finding there to be no significant negative environmental impacts, and Mayor Zeigler was directed to sign the Negative Declaration for same.

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, the Horseheads American Legion Post 442 ("Applicant") is the owner of lands at 71 Old Ithaca Road in the Village of Horseheads, Tax Map Parcel No. 49.03-3-6.15, and located in a Planned Unit Development zone, and

WHEREAS, Applicant has applied to the Village of Horseheads for an amendment to their existing P.U.D. to install a 7.5' x 9' ground sign structure on said parcel at a location specifically identified on the application, and

WHEREAS, a public hearing was held on the application before the Village Board of Trustees on June 27, 2013 at which time all involved or interested parties were afforded an opportunity to comment, and

WHEREAS, the application has been reviewed by Town of Horseheads and Chemung County Planning Boards, both recommending approval of the application or returned for local determination, and

WHEREAS, the application has been reviewed by the Village of Horseheads Traffic Commission, and Village Planning Board, both Boards recommending approval with the following conditions:

- digital sign will be text and numbers only
- digital message will not change any faster than once every 15 minutes
- no animations on digital area, and

WHEREAS, said application is subject to SEQR and has been classified as an Unlisted Action pursuant to SEQR regulations, and

WHEREAS, the Village Board is informed and believes that it is the only involved agency relative to SEQR, and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form; Part 2 of said form having been reviewed by this Board, and this Board has found that there are no significant adverse environmental impacts of the proposed application.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is hereby authorized and directed to execute the SEQR form for this project determining that the action will not have any significant adverse environmental impacts, and be it further

RESOLVED, that the application of the Horseheads American Legion Post 442, of 71 Old Ithaca Road, for amendment to their Planned Unit Development for the construction and installation of a 7.5' x 9' ground sign structure be approved per the site plan and application as submitted, subject to the following conditions:

- digital sign will be text and numbers only
- digital message will not change more frequently than once every 15 minutes
- no animations on digital area

Roll Call Vote:

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

At this time, the Board completed Part 2 of the SEQR Review for the First Baptist Church, Grand Central Avenue, for their application for a Special Sign Permit for a new sign, finding there to be no significant negative environmental impacts, and Mayor Zeigler was directed to sign the Negative Declaration for same.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the First Baptist Church ("Applicant") is the owner of lands at 2293 Grand Central Avenue in the Village of Horseheads, Tax Map Parcel No. 59.09-3-34, and R3 Residential Zone , and

WHEREAS, Applicant has applied to the Village of Horseheads for a Special Sign Permit for construction and installation of a 5.6' x 8' ground sign structure with digital area on said parcel at a location specifically identified on the application, and

WHEREAS, a public hearing was held on the application before the Village Board of Trustees on March 28, 2013 at which time all involved or interested parties were afforded an opportunity to comment, and

WHEREAS, the application has been reviewed by the Village of Horseheads Traffic Commission, and Village Planning Board, both Boards recommending approval of the application, and

WHEREAS, on April 11, 2013 this Board tabled final action of this matter for further consideration of the application, and

WHEREAS, Village management and staff members have met with the applicant regarding this application, and have recommended certain changes and conditions to the sign proposal, specifically:

- Sign size to be 4' x 6'
- Soft transition between messages in digital portion
- Digital message will not change more frequently than once every 15 minutes
- All illumination to be terminated by 10pm each day
- Sign location to be set at mid-point between the two southern most trees on Grand Central Avenue side, and at the grass/mulch area closest to the building. The applicant will promptly amend its site plan to show the permanent location of the sign in relationship to the closest permanent buildings on the property with accurate measurements, and

WHEREAS, the applicant has agreed to these conditions, and

WHEREAS, said application is subject to SEQR and has been classified as an Unlisted Action pursuant to SEQR regulations, and

WHEREAS, the Village Board is informed and believes that it is the only involved agency relative to SEQR, and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form; Part 2 of said form having been reviewed by this Board, and this Board has found that there are no significant adverse environmental impacts of the proposed application.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is hereby authorized and directed to execute the SEQR form for this project determining that the action will not have any significant adverse environmental impacts, and be it further

RESOLVED, that the application of the First Baptist Church, 2293 Grand Central Avenue, for a Special Sign Permit for the construction and installation of a ground sign structure be and hereby is approved subject to the conditions listed above.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds listed on the attached sheet as final May transfers for the FY2012-2013 budget, and be it further

RESOLVED, that in the FY2012-2013 Budget that \$2,527.50 be transferred from Contingency Fund 1990.477 to Police Network line 1623.463 for programming the PD Manager database to be accessible in current programs, and to implement Livescan data transfer through Onondaga County, and be it further

RESOLVED, that in the FY2012-2013 Budget that \$1,496.89 be transferred from Contingency Fund 1990.477 to Network Administration line 1623.467 to cover migration of files and data to new server, and be it further

RESOLVED, that in the current FY2013-2014 Budget that \$36,026.00 be transferred from the Contingency Fund 1990.477 to Equipment Operator line 5110.101 to correct an omission on the originally adopted budget, specifically an employee was listed in the General Fund but inadvertently omitted from the Department line item. The total budget is unchanged.

Manager Herbst - when we did the spreadsheet we inadvertently omitted that person's line item, but it was included in personnel section. So in order to rectify we have to take it out of Contingency and put in personnel line item. The bottom line didn't change

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the Village Court Clerk is hereby authorized to attend NYS Unified Court System’s Court Clerk Training Program, July 23-24, 2013 in Potsdam, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the Board of Trustees Meetings scheduled for July 25th and August 22nd, 2013 are hereby cancelled.

Roll Call Vote:

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

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

- Set Public Hearing - Colonial Manor Apartments: PUD Amendment
New Signs
- Budget Amendment - Police Officer Position

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, July 11th, 2013 at 7:10 p.m. regarding the application of Broad Street Apartments, LLC for a PUD Amendment for property known as Colonial Manor Apartments, 1073 Sing Sing Road, for the installation of new signs.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads maintains a Police Department, and an officer of that Department recently resigned his appointment effective at the end of his shift July 8, 2013, and

WHEREAS, Village Manager Walt Herbst has recommended, for reasons of economy, that the above-noted position be abolished effective immediately.

NOW THEREFORE BE IT RESOLVED, that the position of Joseph Runyan as Officer of the Village of Horseheads Police Department is hereby abolished effective at the conclusion of his shift on July 8, 2013, and be it further

RESOLVED, that the Budget for the Village of Horseheads for the **FY2013-2014** is hereby amended as follows to reflect the resulting budgetary changes:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
3120.138	1990.477	\$45,520.31

Trustee Swartz - if we eliminate this, and then decide to add it back in, how hard is it.

Atty. Groff - just do another resolution to create the position.

Trustee Swartz - 9 officers, how hard will it be to fill shifts.

Chief Barton - minimum is 3 for each shift. Plus time off for officers, barring injuries, we may be able to fill, but unforeseen things occur. If someone gets hurt, we'll be in a difficult spot in filling vacancies. SRO officer puts you down to 8 officers during the day.

Trustee Swartz - do we have coverage from State Police for mutual aid.

Chief Barton - no, just the Village of Elmira Heights. But unfortunately they have the same staffing issues we have here.

Manager Herbst - the State Police and Sheriffs are required by law to do mutual aid if we need it. As far as the PBA contract, it requires us to appoint an officer forthwith when there is a

vacancy. One reason we choose to operate in this way is so that WE have a choice on when and how we fill it. Its not a question of eliminating the PD, its right-sizing the PD. As far as Trustee Skroskznik not being here, he advised us that he was unable to attend. In terms of the number of officers, we have 10. One is out on injury for whom we pay full pay. He's not on the road. The concern we have is where we are headed in five years. By 2017-2018, without any changes, if we continue on the road we are on we will be in the hole \$900,000. We have to make changes to avoid this. If we look at a tax increase, were talking 54%. That is unrealistic, impossible. We are looking at each and every department. The problem that we have at the moment in the PD is that we are in negotiations and we're currently worlds apart on salary and benefit demands. We'll be going back to the table for sure. We just need to take a business approach.

Trustee Swartz - since we can add back in if necessary, I will vote yes.

Roll Call Vote:

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

Trustee Koliwasky - I would like our second meeting of the month to start being at 8:30 in the morning so Department Heads could be here. We could start that in September. Would also give public who work different times the opportunity to come also. It works for the Town of Horseheads.

Motion by Trustee Koliwasky that effective September 1st, 2013 our second meeting of each month be held at 8:30 a.m. Seconded by Trustee Swartz.

Atty. Groff - what day of the week?

Trustee Koliwasky - still the 4th Thursday of the month.

Roll Call Vote:

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

Trustee Clark - on weekly Police reports, I see a lot of traffic stops and very few tickets. It used to be that they had to have cause to pull someone over. The last one said 28 stops and maybe 6 tickets. How come so few tickets.

Chief Barton - Its a discretionary issue. When we go out there if a warning suffices, or maybe its an elderly driver, etc., there is discretion allowed. We don't mandate they give everyone speeding a ticket.

Trustee Koliwasky - I'm seeing more signs in front yards on various topics. Do we have certain

regulations on these types of signs.

Trustee Clark - its being addressed in new sign law proposal. But its on the books now I think at 60 days. They can't be between road and sidewalk. Under our new proposal it has to have information on the back of the sign. Bob recently went around and picked a lot up.

Trustee Koliwasky - On Lake St. at the old Ames plaza, someone leasing a storefront painted words on legalizing marijuana. I wonder if the Town has even looked at this.

Chief Barton - no real provisions in any statute that prevents that.

Trustee Koliwasky - Nate had great workshop on his 5 yr plan. He has come up with numbers on what it will take to take care of the pool. This is just another item that we have to look at. What are we going to do. Public needs to start getting involved.

Village Manager Herbst reported on the following items:

- this past year it looks like we'll need \$69K out of fund balance for last budget.
- Erica Lawes has been interning here for several weeks.
- Met with STEG on design standards in the Village for the purpose of doing main street grants as well as to start using or better utilizing CDBG money.
- Today I did a fiscal stress webinar from Comptrollers Office.
- Matt Mustico has reported that S. Main St. is done, and came in under budget. Thorne St. has been based. Final coat soon.
- We will be ordering parking ticket software module.

Atty. Groff - I provided to you two weeks ago social media and identity theft policies. Still looking for input from everyone. Then it will be sent to dept. heads.

Mayor Zeigler - regarding parking, need to look at homes that don't have deep driveways. Some put cars side by side. Should we consider allowing a driveway that is 3 cars wide? Just a thought on something we should consider.

Trustee Clark - George and I discussed this, also discussed having odd/even parking. Need to talk to Fire Chief about this.

Clerk-Treasurer Cunningham - We were allowed 200 trash vouchers for the month of July. We've given out at least 60 so far.

Nate Nagle - Relay for Life at Thorne St. tomorrow night. Also we are hosting two ASA state championships this Saturday and Sunday.

As there was nothing further to come before the Board, the meeting as adjourned at 8:08 p.m.

/rmb