

**Minutes**

**Village Board of Trustees**

**February 28, 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 George Koliwasky  
Trustee Larry Clark  
Trustee Mike Skroskznik  
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Donna Hartsock  
Manager's Asst. Rachel Baer  
Code Enf. Officer Bob Young  
Parks Dir. Nate Nagle  
Fire Chief Arthur Sullivan

**Absent:**

Trustee Ron Swartz  
Atty. John Groff

**Others Present**

Brad Lytle, W. Broad St.  
Dave Padgett, W. Franklin St.  
Colin Diehl, Westinghouse Rd.  
Pat Gross, W. Broad St.  
Barb Skorczewski, W. Franklin St.

Darla Hancock, Wisteria Way  
Charles Short, Grand Central Ave.  
Jean Quinn, Gardner Road  
Jodi Skroskznik, Center St.  
Clair Pierce, Breesport Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 14, 2013 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

BE IT RESOLVED, that an application of the First Baptist Church, Grand Central Avenue, Horseheads, for a Special Sign Permit is hereby received, and same is to be forwarded to the Village Traffic Commission, and to the Village Planning Board for their review and comment, and be it further

RESOLVED, that a public hearing regarding this application is hereby scheduled for March 28, 2013 at 7:15 p.m.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, Cornell Local Roads Program is the sponsor of the 2013 Pavement Management Summer Intern Project, and

WHEREAS, through the use of a college student working with a Village employee from the Department of Public Works, this Project provides the municipality with a network level pavement management software system designed to collect pavement inventory and condition data, and creates a five-year maintenance plan for the municipality, and

WHEREAS, participation in this project requires the Village to hire a college intern at an wage of \$15.00/hr. for a minimum of 10 weeks, as well as providing a computer and a vehicle for their use; said financial commitment to begin in the new fiscal year, 2013-2014, and

WHEREAS, Village Manager Herbst, DPW Director Matt Mustico and Supervisor Don Gaylord have researched this program and feel it would benefit the Village of Horseheads by 1) collecting road inventory and condition survey analysis; 2) determine repair alternatives and associated unit costs; 3) generate a prioritized listing of road repairs using the new software program; 4) create a five-year plan of road maintenance.

NOW THEREFORE BE IT RESOLVED, that this Board has given this matter due consideration and feels it would be in the best interest of the Village and its residents to participate in this program, and further directs Village Manager Walter Herbst to execute any and all documents necessary to participate in this program.

Trustee Koliwasky - is this a new program, or has it been ongoing for a while.

Manager Herbst - been ongoing for many years. Cornell does many things for municipalities through this program. There is a list in the pamphlet of other municipalities that have participated. Matt Mustico has had good feedback on this. It will provide us with a five year plan for maintenance schedules, etc. He will then train our staff on the software program, which we get to keep. We get to use it and keep it constantly updated. So we always have a five year projection.

Trustee Koliwasky - how much do we already spend on summer help

Manager Herbst - around \$10/hr. Difference is they are laborers and this intern would be an engineer. The rate per hour is negotiable but I wanted to be sure we covered the expenses in the budget. This is for our upcoming budget year. We have to commit by tomorrow if we are going to do it. We can use one of our pickups. He will be shadowing a DPW employee anyway.

Trustee Skroskznik - after researching I feel that this would cause animosity in the DPW Department. This person must be shadowed by another employee, which will remove another employee from their duties. Plus the cost of \$7,200. Given all this it would be an unnecessary expense to take payers - I vote no.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No

7:10 p.m. - At this time the Board conducted a public hearing regarding a Proposed Local Law on the Tax Cap Override. Manager Herbst opened the public hearing.

Pat Gross, 632 W. Broad St. - you have this intern, plus the increase to water rates, and now you want to go over this cap, we haven't even heard about the budget yet. We don't know what your needs are. I ask that you don't do this right now. Maybe look at it later.

Brad Lytle, 2227 Grand Central Ave. - The Village history of tax increases, some are small, some big, cumulatively tax rates have gone up 25% over the years. One year we had no increase. That is what I'd like to see this year. I encourage you to find ways to not raise taxes if possible.

Darla Hancock, 306 Wisteria Way - Schlumberger was supposed to be such a boon to the Village. So now why do we need to override the tax cap. Everyone has had to cut back. Is the Village? To the casual observer it does not appear that way.

Charles Short, 2249 Grand Central Ave. - I object to increase.

As nobody else came forward to speak, the public hearing was closed.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the New York Legislature adopted a law signed by the Governor establishing a limit upon real property tax levies by local governments commonly known as the Tax Cap Law (GML Section 3-c), and

WHEREAS, Village Manager Herbst has explained to this Board that it may be necessary to override the tax levy limit to meet contractual obligations, fund health insurance expenses, fund pension contribution payments, and fund the increasing cost of commodities, among other things, and

WHEREAS, GML Section 3-c, Subdivision 5 expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by a vote of 60% of the Village Board, and

WHEREAS, this Board has been presented with and reviewed a proposed local law to override the tax levy limit established in GML Section 3-c for the fiscal year 2013-2014, and

WHEREAS, a public hearing regarding said local law was held on February 28, 2013, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village as require 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 "A Local Law to Override the Tax Levy Limit Established in GML Section 3-c", a copy of which is to be placed on file with the Village Clerk, and

BE IT FURTHER RESOLVED, that Sharron Cunningham, Clerk-Treasurer, is hereby directed to enter said local law into the minutes of this meeting and in the local law book of the Village, and to give due notice of adoption of said local law to the Secretary of State of NY.

Trustee Koliwasky - there is no tax rate that is being proposed right now. This is a safety net so that we can plan. Last year we had this law. Walt and Sharron are working on the budget right now.

Trustee Clark - there seems to be confusion about this. We are trying to protect the village. We aren't even sure if we will have a tax increase. It does not mean we will raise taxes at all, much less over the 2% limit. And we can't put this off because it has to be in place before we adopt the budget.

Manager Herbst - penalty for going over 2% if you don't adopt this law is severe. If this is in place there is no penalty, and its easy to go over the 2% with miscalculations. New York Conference of Mayors has strongly recommended that municipalities do this. Same for towns and school boards.

Mayor Zeigler - other communities are doing this too. In 3 years our pension costs increased \$136K. We were able to take care of that and in the process increased our fund balance.

Trustee Skroskznik - The Village has no debt, and is financially strong because of the great work of the staff. We are not considered a distressed community. Overriding the tax cap gives the appearance of being a distressed community. In Chemung County there are 2 distressed communities - Town of Southport is one. It is not logical to raise a tax cap without seeing any draft budget yet. We are doing very well compared to other communities in this county. That is something to be proud of.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS., the budget for the Village of Horseheads Water Department has improved but

continues to reflect an eroding income base and material increases in expenses, and

WHEREAS, this Board has received projections which indicate that the Water Department will continue to sustain moderate increases in the cost of departmental operations in the future, and

WHEREAS, water rates have not been adjusted since 2010, and

WHEREAS, Village Manager Walt Herbst and Clerk-Treasurer Sharron Cunningham have recommended to this Board that water rates for the sale and consumption of water, both inside and outside of the Village of Horseheads, be increased as reflected on the attached spread sheet so as to generate sufficient income to sustain the costs and expense of departmental operations it being noted that the rate modification **primarily reflects a reduction in the discount previously afforded to high-volume users.**

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Water Commissioners of the Village of Horseheads Water Department, hereby modifies the water rates for all customers both inside and outside of the Village on 1) the sale of water; 2) fire charges; and 3) hydrant charges, per the attached schedule; said new water rates to be effective May 15, 2013.

Trustee Koliwasky - rates haven't gone up since 2010. But everything else we use to produce the water has gone up. This is inevitable. Still a good rate when you look at other municipalities.

Manager Herbst - we are 3rd lowest in the county by a wide margin. This proposal amounts to a 29 cent increase for 10,000 gallons per quarter. That is for the average user. The cost of the base rate, first 6,000 gallons, does not increase. We are also realigning high volume users. High user history went way back to Westinghouse when they were using 1 million gal a day, and negotiated a discounted rate. But today it doesn't make sense. So we increased that.

Trustee Clark - water fund has shown a deficit recently. We can't have that.

Manager Herbst - currently the deficit is \$29K, roughly, but changes daily as revenue comes in, but when lines break expenses go up.

Trustee Skroskznik - I understand how expenses go up, but we're willing to spend \$7200 on an intern, but then raise fees in water.

Trustee Koliwasky - water is a separate fund. It has to be self-sufficient.

Trustee Clark - \$7200 we spend on intern program will pay dividends in the long run. The fact remains we can't operate a water district at a deficit.

Trustee Skroskznik- I interviewed a municipality that did the intern program years ago, and found that they didn't take the recommendations from the college intern, so they ended up wasting their time, money and etc. As far as the deficit for water account, I can't answer without seeing a draft budget.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No

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

- Barrington West Phase 2C - Water Line Dedication
- Support of Foreclosed/Abandoned Property Bills (A.88 and A.824)
- Probationary Appointment to Fire Department

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Resolution by Trustee Clark, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads operates a Water Department which includes a water system which distributes water inside and outside of the Village itself, and

WHEREAS, Barrington Associates, developer of Barrington Estates West, a subdivision situate in the Town of Horseheads, has constructed or caused to be constructed a water distribution system generally lying within the boundaries of roads heretofore dedicated to the Town of Horseheads or anticipated to be so dedicated, and

WHEREAS, the Village has received certifications that the water distribution system has been constructed in accordance with approved plans and specifications therefore, and

WHEREAS, the Village has been provided with test results establishing that the system has been appropriately disinfected and pressure tested, and

WHEREAS, the Village has a policy for the acceptance of dedication of water system improvements constructed by other, that being that the system be free from liens of any nature including but not limited to mortgages, mechanics liens, materialmen liens, etc., and

WHEREAS, Barrington Associates has offered to transfer ownership of the water distribution system to the Village of Horseheads free and clear of liens and encumbrances, together with easements for maintenance, repair and replacement of same in accordance with Village procedures, and

WHEREAS, Village Attorney John Groff has examined the title to the property proposed to be dedicated to the Village and has identified a number of items needing curatives from the developer and has received adequate assurances that said curatives will be provided promptly , and

WHEREAS, Don Gaylord from the Department of Public Works has reviewed or overseen the construction of the water distribution system and has recommended acceptance of dedication of same.

NOW THEREFORE BE IT RESOLVED, that this Board, subject to receipt of a report from Attorney Groff that the above curatives have been received, does hereby:

- 1) accept the dedication of the water distribution system for Barrington West Subdivision Phase 2C as shown on a survey prepared by Weiler Associates recorded in the Chemung County Clerk's Office as Case Map No. 3870, together with an easement for maintenance and repair of same;
- 2) authorize Village Manager Walt Herbst to execute any and all documents necessary for the acceptance and recording of same including but not limited to NYS Transfer Tax Return (TP-584), and NYS Real Property Transfer Report (RP-5217), the deed and other instruments to be filed in the Chemung County Clerk's Office at the expense of Barrington Associates;
- 3) authorize issuance of water connection permits to the water distribution system dedicated as noted above, in accordance with the rules and regulations of the Water Department as amended from time to time.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Resolution by Trustee Clark, seconded by Trustee Skroskznik

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, New York Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Village of Horseheads Board of Trustees supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Village Horseheads hereby supports the passage of said Bills and respectfully requests that State Senator Thomas O'Mara and Assemblyman Chris Friend, who represent constituents in the Village of Horseheads, support the passage of said Bills, and be it further

RESOLVED, that copies of this resolution be forwarded to Senator Gallivan, Assemblyman Kearns, Senator O'Mara and Assemblyman Friend.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Clair M. Pierce, Breesport Road, Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

#### Audience Participation

None.

After brief discussion the Board agreed to conduct a Workshop on Wednesday, March 20<sup>th</sup>, at 3:00 p.m. regarding parking regulations.

Trustee Koliwasky - Larry and I went to STEG economic meeting. Talked about drop in sales tax and hotel revenues, and flights, etc. I'm disappointed in the governor that he couldn't make a decision for or against natural gas fracking. We have had every study done on this issue. We see our hotels empty, restaurants, sales tax down. People aren't spending money because they aren't here. Schlumberger has moved a lot of their staff and equipment out of this area. I personally think it can be done safely and I think the governor has let the state down on this one.

Village Manager Herbst reported on the following items:

- Rec'd notice from DEC that we will be able to use the Blostein brownfield (dump) as a compost area. We are consulting with stormwater team on composting.
- Met with County officials. They have interest in highway consolidation. Their premise needs to be analyzed a little more. It would effect new employees in the public works dept. It would be eight to ten years before we realize any savings. They have to do more analysis, but not a strong attraction for us.

- Met with Town of Hhds on a number of issues, the pool, and SRO officer. We also discussed parks and rec programs.

Mayor Zeigler - this compost program would be open a lot longer than our current pit. This new one would have a gate and you have a card - with a camera watching it. That will save us labor to haul the stuff to dump it, manpower, etc.

Mayor Zeigler - I'm concerned about School Resource Officer. We are paying most of this, and the Town of Hhds. needs to help pay for this. They need to pay their fair share. We also share a street sweeper and it was broken half of the summer.

Chief Arthur Sullivan - Welcomed Clair Pierce to FD. Also, I would like to publicly thank Barb Skorzewski for taking over St. Patrick's parade for us. We were going to have to give it up due to financial issues. Barb stepped up and took care of it. She raised money for bands, etc. That is a big help to us.

Bob Young:

- Gardner Road Auto, they have been issued a final notice due March 14th. Then they get appearance tickets. We will probably get a letter from him or his attorney to set up a meeting.
- Corner of Center and Broad. Ian sent them a courtesy notice. Then its a violation notice tomorrow morning.

As there was nothing further to come before the Board, the meeting was adjourned at 8:01 p.m.

/rmb

**VILLAGE OF HORSEHEADS  
WATER DEPARTMENT  
SCHEDULE OF WATER  
RATES, FIRE CHARGES AND  
HYDRANT CHARGES**

**EFFECTIVE WATER BILLS MAILED 5/15/13 AND DUE 6/17/13**

**INSIDE VILLAGE BOUNDARIES**

<b>WATER RATES</b> ****	0 TO 6,000	GALLONS	FLAT RATE-MINIMUM BILL		\$	20.41
NEXT	4,000	GALLONS @	\$ 3.72	/1000 GAL=	\$	14.88
NEXT	10,000	GALLONS @	\$ 2.79	/1000 GAL=	\$	27.90
NEXT	30,000	GALLONS @	\$ 2.20	/1000 GAL=	\$	66.00
NEXT	150,000	GALLONS @	\$ 1.81	/1000 GAL=	\$	271.50

**OUTSIDE VILLAGE BOUNDARIES**

	0 TO 6,000	GALLONS	FLAT RATE- MINIMUM BILL		\$	30.58
NEXT	4,000	GALLONS @	\$ 5.47	/1000 GAL=	\$	21.88
NEXT	10,000	GALLONS @	\$ 4.11	/1000 GAL=	\$	41.10
NEXT	30,000	GALLONS @	\$ 3.21	/1000 GAL=	\$	96.30
NEXT	150,000	GALLONS @	\$ 2.63	/1000 GAL=	\$	394.50

\*\*\*Meters read in increments of 1,000 gallons

<b>FIRE CHARGES (FC)</b>	<b>SIZE OF SERVICE</b>	<b>INSIDE VILLAGE FC</b>		<b>OUTSIDE VILLAGE FC</b>		
		<b>QTRLY CHG</b>	<b>ANNUAL CHG</b>	<b>SIZE OF SERVICE</b>	<b>QTRLY CHG</b>	<b>ANNUAL CHG</b>
	3"	\$ 30.00	\$ 120.00	3"	\$ 45.00	\$ 180.00
	4"	\$ 60.00	\$ 240.00	4"	\$ 90.00	\$ 360.00
	6"	\$ 70.00	\$ 280.00	6"	\$ 105.00	\$ 420.00
	8"	\$ 80.00	\$ 320.00	8"	\$ 120.00	\$ 480.00
	10"	\$ 100.00	\$ 400.00	10"	\$ 150.00	\$ 600.00

HYDRANT CHARGES	SIZE OF SERVICE	INSIDE VILLAGE HC		OUTSIDE VILLAGE HC		
		QTRLY CHG	ANNUAL CHG	SIZE OF SERVICE	QTRLY CHG	ANNUAL CHG
(HC)	6"	\$ 203.00	\$ 812.00	6"	\$ 305.00	\$ 1,220.00
	8"	\$ 271.00	\$ 1,084.00	8"	\$ 407.00	\$ 1,628.00
	10"	\$ 339.00	\$ 1,356.00	10"	\$ 509.00	\$ 2,036.00
	12"	\$ 402.00	\$ 1,608.00	12"	\$ 603.00	\$ 2,412.00