

# Minutes

## Village Board of Trustees

September 28, 2017

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	Village Atty. John Groff
Trustee Mike Skroskznik	Clerk-Treasurer Donna Dawson
Trustee Pat Gross	Mgrs. Asst. Rachel Baer
Trustee Bill Goodwin	Village Justice Lou Tarantelli
Trustee Rob Maloney	
Village Manager Brad Lytle	
<u>Others Present.</u>	
Dave Padgett, W. Franklin St.	Kendra Griswold, Sage St.
Marge Butler, Grand Central Ave.	

Resolution by Trustee Gross, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 14<sup>th</sup>, 2017 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

BE IT RESOLVED, that the Justice Reports for August, 2017 be received and placed on file in the Village Clerk's Office.

Manager Lytle - That monthly report we get from the state, we're going to revise the spreadsheet to follow fiscal year. Have not received the one for August yet.

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the minutes of the Traffic Commission Meetings of August 9<sup>th</sup>, and September 13<sup>th</sup>, 2017 be received and placed on file in the Village Clerk's Office.

Discussion on times for holly days - BOT prefers 2-6.

Manager Lytle - Brad Layton from Jake's had idea to outline bldgs. with lights for season. Layton will provide lights if we provide bucket truck.

What about the urns. Last year Don Zeigler did it. Manager to talk to him about this.

Roll Call Vote:

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

D&A: Koppers Pond - Remedial Design/Remedial Action - Consent Decree

Atty. Groff -

- Responsible parties to enter into Consent Decree before 9/30 to save 300K
- For several weeks negotiating on allocation of costs
- Complicated by EPA decision to add 2 more parties - Eaton and Elmira Water Board
- Had % for Village reduced
- Two agmts we need to act on tonight - consent decree between parties and EPA
- Implemented over several years
- Phase 2 is cleanup
- Cleanup is projected at \$1.9M
- Phase 1 - 7%
- Phase 2 - 6.5%

Resolution by Trustee Gross, seconded by Mayor McIntosh

WHEREAS, the US Environmental Protection Agency (EPA) placed the Kentucky Avenue Wellfield Site on the National Priorities List, and

WHEREAS, on September 29, 2006 Settling Defendants Beazer East, Inc., CBS Corporation, Chemung County, Hardinge, Inc., Toshiba America, Inc., Town of Horseheads, and Village of Horseheads entered into an Administrative Order on Consent agreeing to perform a Remedial Investigation and Feasibility

Study (RI/FS) for Operable Unit #4 (OU4) of the Site, and

WHEREAS, EPA selected a remedial action to be implemented in OU4 in a Record of Decision (ROD) issued on September 30, 2016, and

WHEREAS, the United States of America seeks, among other things, performance of response actions by the Settling Defendants at OU4 consistent with the National Contingency Plan, reimbursement of costs incurred and to be incurred by EPA and the Department of Justice for response actions at OU4, and

WHEREAS, the EPA recently identified additional potentially responsible parties, Elmira Water Board (City of Elmira) and Eaton Corporation, and

WHEREAS, EPA has encouraged the Settling Defendants to enter into a Remedial Design/Remedial Action (RD/RA) Consent Decree (Consent Decree) relative to OU4 on or before September 30, 2017 providing certain financial inducements to doing so, and

WHEREAS, the Consent Decree imposes obligations on the Settling Defendants with respect to RD/RA set forth in the ROD issued September 30, 2016, and

WHEREAS, without admitting any fact, responsibility, fault or liability the Settling Defendants desire to enter into a Koppers Pond ROD Group Agreement providing, among other things, for an allocation among the Settling Defendants on a final basis of the costs and payments of performing work including but not limited to the RI/FS and the RD/RA, and

WHEREAS, this Board and predecessor boards have been fully informed regarding the performance of the RI/FS as well as all aspects of the Consent Decree and the Koppers Pond ROD Group Agreement providing for an allocation of costs and expenses incurred by the previously identified potentially responsible parties relative to OU4, and costs and expenses to be incurred in the future by the group relative to the Consent Decree, and

WHEREAS, Village Manager Brad Lytle and Village Attorney John Groff have recommended to this Board that it enter into the Remedial Design/Remedial Action Consent Decree as well as the Koppers Pond ROD Group Agreement providing for, among other things, an allocation of the Village's share of responsibility for previously incurred RI/FS costs in the percentage of 7.182% and Remedial Design/Remedial Action Consent Decree costs and future oversight costs in the percentage of 6.5%.

NOW THEREFORE BE IT RESOLVED, that Village Manager Brad Lytle is authorized to execute and enter into, on behalf of the Village of Horseheads, a Remedial Acton/Remedial Design Consent Decree with appendices with the United States of America with respect to the Koppers Pond Site designated OU4, and be it further

RESOLVED, that Village Manager Lytle is authorized to execute and enter into, on behalf of the Village of Horseheads, a Koppers Pond ROD Group Agreement with respect to OU4 to perform the remedial design and remedial action set forth in the above Consent Decree and providing for an allocation, or sharing, of costs of same amongst the parties to the Agreement and possibly others. A copy of the Consent Decree and the Agreement shall be placed on file with the Village Clerk-Treasurer.

Roll Call Vote:

Mayor McIntosh:	Aye
Trustee Skroskznik:	Aye
Trustee Gross:	Aye

Trustee Goodwin: Aye  
Trustee Maloney: Aye

Resolution by Trustee Goodwin, seconded by Trustee Maloney

WHEREAS, the NYS Justice Court Assistance Program (JCAP) offers grants to local courts for the purpose of improving the courts' ability to provide suitable and sufficient services to their respective communities. These purposes may include, but shall not be limited to, automation of court operations; office and security equipment, furniture, courtroom and court facility improvements, and

WHEREAS, per the Village of Horseheads' Grant Administration Policy, the Village Justice Court has submitted a request to the Village Manager to apply for funds under JCAP's 2017-18 Grant Program to:

- 1) improve Court Room/Court Office security, and
- 2) improve functions within the justice court

WHEREAS, said grant application would be for an amount not to exceed \$12,850.00 to be used for security and technology, and

WHEREAS, Village Manager Brad Lytle has thoroughly reviewed the Court's application to apply for grant funds, and recommends to this Board that they be authorized to proceed.

NOW THEREFORE BE IT RESOLVED, that this Board hereby authorizes the Village Justice Court of the Village of Horseheads to apply for funding under the NYS Justice Court Assistance Program as outlined above.

Manager Lytle - these recommended upgrades came out of security audit of the courts many months ago.

Roll Call Vote:

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

Audience Participation

None

Manager's Report

- We have spoken with representatives from LaBerge Group about the possibility of putting out a RFP for an engineering study of our Water System. There is a great deal of grant money available from Albany for Water System Improvements. Any consideration for these grants is predicated on having a recent engineering study of the system prior to application. We know we have some problems, which we would like to address in a proactive manner, we just haven't identified them

all and established costs and schedules for preventative maintenance. LaBerge also believes there may be some grant money available to help defer the costs of an engineering study.

- Donna has made a proposal to install a dropbox in our Village Hall parking lot, so residents could drive through and drop off water payments, property tax payments, fine payments, etc., without having to come into the Front Office. She, and other Department Heads feel this is a good idea, and I concur.
- Chief Stickler has cut a PO for the Fire Alarm system and we will have it ordered and installed very soon.
- Met again with a representative from Bond Financial about our Health Insurance, and reviewed an interesting proposal. As you know we are currently with Brown & Brown. The rates have gone up by double digits that past couple of years. Brown and Brown has been advised that we are talking with other brokers and they are due in next week to make some proposals of their own.
- As you know, we are working our way through a suggested settlement arrangement with the other parties involved in the Koppers Pond remediation, which the EPA is insisting on. The total estimated costs of the cleanup are \$1.9 million, according to the EPA. We hope to have an estimate of what our share of that will be by the next Board meeting.
- Mega Energy – Per the Board’s resolution, I have signed the Community Choice Aggregation Agreement with MEGA. We will soon have them back to a Board meeting or workshop, so they can outline next steps.
- Fire Dept. - GMS - Project LG17-1123-D00 fully approved. The Fire Dept. will be ordering the new radios at a cost of approximately \$30,000, which will greatly enhance their ability to protect our residents better. We were assisted in this by NYS Senator Tom O’Mara and his office.
- I met with the new CSEA District Representative, Tammy Romania. Our contract with our CSEA employees expires May 31, 2018. We both agreed that we would begin work on their CBA (Collective Bargaining Agreement) 6 months prior to the expiration.
- Tammy Miele started her career as a part time Clerk on Wednesday, Sept. 20. As you may know Georgianna’s husband was transferred to Albany and she will be leaving our employ.
- We have begun a review of our Emergency Policy & Procedures. We will be discussing this at the next Department Head meeting on Wednesday.

Trustee Gross expressed concern on location of drive up drop box.

Manager Lytle - we discussed this at Traffic Commission meeting. We have it worked out.

- Thanked John for his work on Koppers Pond settlement - fighting for lowers %, conf calls, keeping us updated.
- Because of our employee manual PBA took some exceptions, filed a grievance last year. I’d like permission to sign memorandum of agreement
- CGI was hired by the County to investigate reduction in sales tax. We told the state we’re not participating this year but will next year. We’re open to shared services - County wants one assessor for everyone.

## BOT, Department Head Updates

### Trustee Goodwin -

- Was recently reported that 45 water meters couldn't be read remotely?  
Brad - sending units were bad. Needed to be changed
- Went to Sen. O'Mara town hall mtg. Lots of people. Lots of great questions.
- Oct. 16th, 7pm, Neighborhood Watch Mtg. We need to support this program.
- Oct. 17<sup>th</sup>, vote for School capital improvement plan.

### Trustee Maloney -

- Thanked Mayor McIntosh for coming to FD meeting.
- Removed old sidewalks in front of FD

### Atty. Groff -

- Copies of Koppers Pond agmts, Rachel has them if anyone wants to see them
- Credit card use policy updating
- Bethany refinance - they will be doing this soon

### Clerk-Treasurer Donna Dawson -

- Payroll up and running here using new program. Successful printing of checks.  
Working on updating benefit time.

### Mayor McIntosh -

- Oct 4<sup>th</sup> is Coffee With a Cop
- Restore NY Grant Application. We had 3 -5 property owners want us to apply for this.  
More info coming. Village has to be the applicant. County Planner would be writing grant. Resolution for next meeting to apply for letter of intent. Property owners pay for it, but good for Village to apply for them.

Motion by Trustee Gross, seconded by Trustee Goodwin, to add the following item to the agenda:

- Approve Probationary Appointment to Fire Department

Roll Call Vote:

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

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Steven Fox, Hibbard Ave., Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

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

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

/rmb