**Minutes
Village Board of Trustees**

**November 13, 2023**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. virtually via the Zoom platform and in-person at Horseheads Town Hall, 150 Wygant Road, Horseheads, NY.

Present were:

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| **Village Board and Staff** |
| Mayor Rob MaloneyTrustee Pat GrossTrustee Bill Goodwin Trustee Mike SkroskznikTrustee Mark Cronin- absent | Village Manager Nate NagleAttorney John GroffManager’s Assistant Jessica MolterChief Mike SuheyCode Enforcement Bob Young |
| **Others Present** |
| Don FischerMark TerpolilliKevin AdamsTim O’Brien | Kelley MaloneyTed OstranderJudi DriscollNannette Hatch |

**Approval of Minutes for October 10 and October 23, 2023**

Resolution by Trustee Goodwin, seconded by Trustee Gross

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees meeting of October 10 and October 23, 2023 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Update Regarding Situation on S Main Street**

**Sgt Bernard (NYS Police) :** Thank you to all agencies and Village staff for the hospitality. Unable to determine when the situation will be resolved. It is not exclusive of any one threat. The hours of operation for the task force are daylight hours. The scene is being held overnight for safety.

**Public Hearing: 3189 S Main Street Parcel Split**

Attorney Groff opened the public hearing

Ted Ostrander, owner’s son, spoke in favor of the request for subdivision.

Tim O’Brien requested confirmation that the request is simply to redraw the property lines and split the parcel- correct.

Attorney Groff closed the public hearing.

A new survey will need to be completed, Ted Ostrander stated it will be completed in the next 2 to 4 weeks.

**SEQR Review 3189 S Main Street – Subdivision Review**

The Board reviewed the submitted short environmental assessment form and determined the request to have no significant environmental impact.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, Kathy Ostrander (“applicant”) is the owner of lands known as 3189 S Main Street (Tax Map Parcel # 69.10-1-7) which are located in a C1 Neighborhood Commercial zone, and

WHEREAS, the applicant has applied for a subdivision, and

WHEREAS, such application requires review and approval by the Village of Horseheads Board of Trustees, and

WHEREAS, it has been preliminarily determined that the application is subject to the provisions of the NY State Environmental Quality Review Act which requires that a “lead agency” be established to review the Action pursuant to the Act and rules and regulations promulgated thereunder, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (SEAF) as part of its Application, and

WHEREAS, the Board of Trustees has reviewed and considered Parts 1 and 2 of the SEAF.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations 6 NYCRR Part 617 Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed subdivision (“Action”):

1. The Action is subject to SEQR

2. The Action does not involve a federal or state agency.

3. The Action is preliminarily classified as an Unlisted Action.

4. The Board of Trustees is and will be the Lead Agency with respect to adoption of, and approval of, the Action.

5. The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.

6. The Village Board, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action, and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Action: 3189 S Main Street- Subdivision**

**Attorney Groff:** Because there were two maps on file submitted by the applicant requested that the owner signs the map that is the correct representation of the proposed subdivision.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, Kathy Ostander applied to the Village of Horseheads for a Subdivision Approval (“application”) regarding the premises known as 3189 S Main Street, Horseheads, NY, to create two lots located on S Main Street as shown on a survey of Weiler Associates dated June 27, 2016 job #15570 modified by Ted Ostrander on November 13, 2023 and noted “not to scale” to establish the “proposed property line” on said survey, and

WHEREAS, it has been determined that the Application is subject to consideration of the Village Board under Village Code Chapters 245, Zoning, and 175 Planning Procedures and NYS Village Law Article 7, and

WHEREAS, all necessary reports, recommendations and comments regarding the Application have been filed with this Board, and

WHEREAS, the Village Clerk-Treasurer has caused publication of a Notice of Public Hearing scheduled for, November 13, 2023, and

WHEREAS, notice of the public hearing was sent to the effected property owners within 200 feet of the subject property, and

WHEREAS, the Village of Horseheads Planning Board has carefully considered the Application and relevant reports, recommendations and comments, and has recommended granting the Application, and

WHEREAS, the Application is subject to SEQR, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding no significant environmental impacts, and

WHEREAS, this Board has carefully considered the Application, reports, findings and recommendations of all other boards and agencies which have considered the Application, the testimony and other relevant evidence presented at the public hearing and afforded all interested parties the opportunity to be heard, and finds that granting the application is in the public good and best interests of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that given the considerations of the application and the uniqueness of the circumstances this Board does waive the requirements of Village Law Article 7 pertaining to reservation of parkland, payment of a parkland trust fund, supply of a performance bond, and/or other security and corresponding provisions of Village Code Chapter 175, specifically Sections 175-10 and 175-11 A, C, D, E, and F.

BE IT FURTHER RESOLVED, that applicant within four weeks of this date shall supply the Village with sufficient copies of the Final Plat provide by Weiler Associates for filing in the County Clerk’s Office by the applicant after approval of such subdivision is noted thereon by the Village Manager pursuant to this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Attorney Groff:** If this would have been a large subdivision entailing creating roads, et cetera then the sections of A, C, D, E, and F within the resolution would apply. These sections are not warranted because it is an already established location and just a subdivision of an established plat.

**Approve Probationary Firefighter**

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Jeffrey Schussler has been recommended for admission to the Village of Horseheads Fire Department to be a one-year probationary member of the Village Fire Department.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept and approve his membership in the Village of Horseheads Fire Department, said acceptance to be effective immediately.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Judge David Brockway Judicial Audit Acceptance**

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Uniform Justice Court Act Section 2019-a provides in pertinent part that each Village Justice shall at least once a year and upon the last audit day of the Village present the Justice’s records and docket to the auditing board of the Village which board shall exine the records and docket and enter into the minutes of its proceedings the fact that they have duly examined such records and docket and that the fines therein collected have been turned over to the proper officials of the Village as required by law, and

WHEREAS, the Village Board has delegated the task of auditing Justice David M. Brockway’s docket and records for the year June 2022 through May 2023 to Village Manager Nathan Nagle, and

WHEREAS, Village Manager Nathan Nagle has conducted the audit and issued his report to this Board finding that said records and docket have been examined and that the fines therein collected had been turned over to the proper officials of the Village of Horseheads as required by law.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle’s audit of the docket and records of Justice David M. Brockway is accepted and shall be placed on file.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Judge Andrew Smith Judicial Audit Acceptance**

Resolution by Trustee Gross, seconded by Trustee Skroskznik

WHEREAS, Uniform Justice Court Act Section 2019-a provides in pertinent part that each Village Justice shall at least once a year and upon the last audit day of the Village present the Justice’s records and docket to the auditing board of the Village which board shall exine the records and docket and enter into the minutes of its proceedings the fact that they have duly examined such records and docket and that the fines therein collected have been turned over to the proper officials of the Village as required by law, and

WHEREAS, the Village Board has delegated the task of auditing Justice Andrew Smith’s docket and records for the year June 2022 through May 2023 to Village Manager Nathan Nagle, and

WHEREAS, Village Manager Nathan Nagle has conducted the audit and issued his report to this Board finding that said records and docket have been examined and that the fines therein collected had been turned over to the proper officials of the Village of Horseheads as required by law.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle’s audit of the docket and records of Justice Andrew Smith is accepted and shall be placed on file.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Attorney Groff:** These class action lawsuits were initiated by the city of Camden, NJ. All municipalities with more than 3,000 water customers can opt in or out to participate in the lawsuits. This is regarding potential contaminant chemical that has been used for decades; however, the hazardous chemical has not been detected in our water system. The EPA is recommending new testing and looking for different levels which will cost the municipalities to complete. Currently 3M’s settlement amount is $3 billion and DuPont is $1.1 billion. Does not mean that all municipalities will share proceeds. The Village does not have the skills or resources to pursue this on our own. Asking that the Manager is granted authority to elect to opt out or in to the Class Action suits. Given the extensive use of the chemicals, other municipalities may start other class actions for settlements. If we don’t opt out by the deadline, we are automatically in. No cost to participate as it will be taken off the top of the settlement amounts.

**3M Class Action Lawsuit**

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, the Village of Horseheads has been notified that it may be eligible for participation in a class action lawsuit against 3M by all active public water systems in the United States of America having an impacted water source and required to test for PFAS, and

WHEREAS, Village Manager Nathan Nagle and DPW Director Donald Gaylord are analyzing and researching whether the Village is eligible for participation in the lawsuit which has a negotiated settlement.

NOW THEREFORE BE IT RESOLVED, that Manager Nagle will continue to investigate the merit of the Village’s participation in the lawsuit and any potential settlement.

BE IT FURTHER RESOLVED, that if he determines that participation is warranted he shall oversee the processing and submission of appropriate claim forms and shall advise the Board of the status of litigation from time to time.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**DuPont Class Action Lawsuit**

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, the Village of Horseheads has been notified that it may be eligible for participation in a class action lawsuit against E.I. DuPont de Nemours et al by all active public water systems in the United States of America having an impacted water source and required to test for PFAS, and

WHEREAS, Village Manager Nathan Nagle and DPW Director Donald Gaylord are analyzing and researching whether the Village is eligible for participation in the lawsuit which has a negotiated settlement.

NOW THEREFORE BE IT RESOLVED, that Manager Nagle will continue to investigate the merit of the Village’s participation in the lawsuit and any potential settlement.

BE IT FURTHER RESOLVED, that if he determines that participation is warranted he shall oversee the processing and submission of appropriate claim forms and shall advise the Board of the status of litigation from time to time.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Bronco Rider Painting Loan to Rockwell Museum**

Resolution by Trustee Gross, seconded by Trustee Skroskznik

BE IT RESOLVED, that Village Manager Nathan Nagle is hereby authorized to execute a Loan Agreement with the Rockwell Museum extending the long term loan of the Village-owned N.C. Wyeth painting “Bronco Rider” through December 2028.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Approve Fire Department Firehouse Subs Grant Application**

**Village Manager Nagle:** These grants are for fire equipment. The department has budgeted for a gear washer and dryer but instead of using budgeted monies, these grants could cover the cost of that and cribbing. Not all of the information is out for the grants yet, neither are the applications, but they are coming out soon and looking for authorization to apply when the grant applications are available.

Resolution by Trustee Gross, seconded by Trustee Skroskznik

WHEREAS, the Village has a Grant Application and Administration policy, and

WHEREAS, the Village Fire Department has benefitted as a recipient of many grants over time, and

WHEREAS, Chief Arthur Sullivan has become aware of the department’s potential eligibility for a grant through the Firehouse Subs Public Safety Foundation to fund equipment such as a gear washer and dryer, cribbing, and other lifesaving equipment, and

WHEREAS, Chief Sullivan has recommended to Manager Nathan Nagle and this Board that the Village would benefit from a gear washer and dryer and cribbing, and

WHEREAS, the grant requires no matching funds for a total possible amount not to exceed $50,000, and

WHEREAS, Chief Sullivan and Manager Nagle have reviewed the grant program and find that pursuing such grant would be in the best interest of the Village and promote the health, safety, and welfare of its residents.

NOW THEREFORE BE IT RESOLVED, that this Board authorizes Chief Sullivan and Manager Nagle to submit the 2024 Firehouse Subs Public Safety Foundation grant application for funding as soon as is practical.

BE IT FURTHER RESOLVED, that Chief Sullivan and staff shall be responsible for compliance with the terms and conditions of said grant and Manager Nagle will oversee such compliance.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Approve Fire Department PERMA Grant Application**

Resolution by Trustee Goodwin, seconded by Trustee Skroskznik

WHEREAS, the Village has a Grant Application and Administration policy, and

WHEREAS, the Village Fire Department has benefitted as a recipient of many grants over time, and

WHEREAS, Chief Arthur Sullivan has become aware of the department’s potential eligibility for a grant through the PERMA Firefighter Risk Reduction Mini-Grant Program to fund equipment that will help reduce duty-related illnesses such as a gear washer and dryer which remove carcinogens from turnout gear while maintaining gear durability, and

WHEREAS, Chief Sullivan has recommended to Manager Nathan Nagle and this Board that the Village would benefit from a gear washer and dryer, and

WHEREAS, the grant is a reimbursable grant up to $5,000 of the total cost, and

WHEREAS, Chief Sullivan and Manager Nagle have reviewed the grant program and find that pursuing such grant would be in the best interest of the Village and promote the health, safety, and welfare of its residents.

NOW THEREFORE BE IT RESOLVED, that this Board authorizes Chief Sullivan and Manager Nagle to submit the FY2024 PERMA Firefighter Risk Reduction Mini-Grant Program application for funding as soon as is practical.

BE IT FURTHER RESOLVED, that Chief Sullivan and staff shall be responsible for compliance with the terms and conditions of said grant and Manager Nagle will oversee such compliance.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Authorization to Hire a Water System Operator**

**Village Manager Nagle:** One of the operators we hired 3 months ago had a personal family matter to deal with, was given 30 days of unpaid leave and is to let us know when and if he will be returning. This is to thaw the position if he decides to not return.

Resolution by Trustee Gross, seconded by Trustee Skroskznik

WHEREAS, on December 13, 2018, the Village of Horseheads Board of Trustees established a hiring freeze as to all full-time employee positions in the Village of Horseheads, and

WHEREAS, such freeze may be lifted and rescinded at the discretion of this Board, and

WHEREAS, Village Manager Nathan Nagle has reported to this Board that he is anticipating a vacancy and that the Village has the need to hire a replacement Water System Operator, and

WHEREAS, the vacancy will adversely affect the operations of the Village if the position remains unfulfilled.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed

to take any and all reasonable steps necessary to hire a Water System Operator as soon as is practical.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Authorization to Hire a Manager’s Assistant**

**Village Manager Nagle:** Jessica Molter is going to a new career, and this is to thaw her position.

Resolution by Trustee Skroskznik, seconded by Trustee Gross

WHEREAS, on December 13, 2018, the Village of Horseheads Board of Trustees established a hiring freeze as to all full-time employee positions in the Village of Horseheads, and

WHEREAS, such freeze may be lifted and rescinded at the discretion of this Board, and

WHEREAS, Village Manager Nathan Nagle has reported to this Board that Jessica Molter will be taking a new position, and the Village has the need to hire a replacement Manager’s Assistant, and

WHEREAS, the vacancy will adversely affect the operations of the Village is this position remains unfilled.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed

to take any and all reasonable steps necessary to hire a Manager’s Assistant as soon as is practical.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Greater Tompkins County Municipal Health Insurance Consortium Village Representative Change**

Resolution by Trustee Goodwin, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads is a participant in the Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC) (“Consortium”), and

WHEREAS, as such a participant the Village Board may designate a Director and an Alternate Director to serve on the governing board of the Consortium, and

WHEREAS, this Board previously designated Manager’s Assistant Jessica Molter as its Director and Village Clerk-Treasurer Donna Dawson as its Alternate Director, and

WHEREAS, this Board wishes to amend the above noted designations.

NOW THEREFORE BE IT RESOLVED, this Board does hereby designate Village Clerk-Treasurer Donna Dawson as its Director to the Board of Directors of GTCMHIC, and does hereby appoint Village Manager Nathan Nagle as the Alternate Director, to attend meetings of the Board of Directors of GTCMHIC when Ms. Dawson cannot attend, and Mr. Nagle is authorized to exercise the Village’s voting authority.

BE IT FURTHER RESOLVED, that this amendment shall take effect immediately.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to GTCMHIC as soon as is practical.

Roll Call:

Mayor Maloney: Aye

Trustee Gross: Aye

Trustee Goodwin: Aye

Trustee Skroskznik: Aye

**Audience Participation**

**Judi Driscoll:** Issue with Code Enforcement, called in August regarding a couch left on the curb on Day Street across the street from house. No one ever came to look at it or take care it. It’s a rental. Finally this week there were people working on the house and asked them to put the couch in the dumpster. Why didn’t code do anything?

**Manager’s Report**

Tuesday, November 28th is the next neighborhood watch at 7:00pm

Village Hall was not staffed today, the same situation tomorrow. Staff will continue to work from home. Will discuss with department heads tomorrow afternoon if Village Hall is to be closed past tomorrow what the path going forward would be. May have someone come in to answer phones regarding water issues.

Several water mains and valves broken within the Village. Ridge Road School had to close early due to a water main break. These are all old mains and valves.

WIIA project, all contractual work is completed except landscaping and road work. The project is currently under budget by 100-150 thousand dollars, the goal is to use the leftover for further repairs. Working to determine what other items can be completed.

Best of luck to Jess, thank you for your hard work the last 3.5 years. You will be missed.

**Around the Table**

**Attorney Groff:** Thank you Jess, it’s been great working with you. Congratulations to the newly elected officials.

**Trustee Skroskznik:** Thank you to everyone for coming. Apologize to Mrs. Driscoll. The Village has only had 2 part-time code officers for years until recently. The Manager will look further into it. Good luck to Jess, thank you for everything. It’s Mayor Maloney’s last meeting, it has been a pleasure, thank you for your work the last 5 years. Mayor-elect Adams, welcome to the Board.

**Trustee Goodwin:** Appreciate everyone coming to the meeting. Thank you to Don Fischer for letting us use your facility. Attended the press release at the Fire Hall, this incident just reaffirms that everyone need to participate in Neighborhood Watch meetings. Is there anything we can do to thank the Veteran DPW worker for not ignoring the box? Thank you to Chief Suhey and his department for all he has done. Congratulations to Jess on her next adventure. Happy retirement from the Board to Mayor Maloney. Congratulations to mayor-elect Kevin.

**Chief Suhey:** State police are working well, the Village is providing perimeter security; hoping to remove the barriers sometime Wednesday but unsure when that will happen. We will really miss you, Jess.

**Mayor Maloney:** Thank you to the Water Department for all their work. Thank you for everyone involved in taking care of this incident including DPW, Police, Fire Department and the residents.

Trustee Skroskznik moved that the meeting be adjourned, seconded by Trustee Gross. Meeting was adjourned at 8:32pm.