

Minutes

Village Board of Trustees

December 6, 2010

An Organizational 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 Ron Swartz
Trustee Larry Clark
Trustee George Koliwasky
Village Attorney John Groff
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock
Fire Chief Arthur Sullivan
Code Enf. Officer Bob Young
Parks Dir. Nate Nagle
DPW Dir. Matt Mustico
Plan. Bd. Member Mike Stenpeck
Manager's Assistant Rachel Baer

Others

Glen Hostetler, W. Broad St.
Tom Gough, Greenridge Dr.
John Gough, Heritage Lane
Tess Banfield, Catalpa Dr.

Mike Swasta, Watkins Rd.
Helen Allis, Center St.
News Media

Mayor Zeigler noted that Trustee Peters was absent, but listening on the speaker phone.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the members of the Board of Trustees have each been provided with a copy of the proposed resolutions to be considered for adoption at this meeting, and

WHEREAS, each of the Trustees has reviewed each of the proposed resolutions, and

WHEREAS, it has been suggested that the reading of the resolutions may be waived since each of the Trustees have reviewed each of the proposed resolutions in advance.

NOW THEREFORE BE IT RESOLVED, that the reading of the resolutions for agenda items 'a' through 'k' is waived, and the same are approved and set forth herein below:

a) BE IT RESOLVED, that pursuant to Village Law, the regular monthly meetings of the Village of Horseheads Board of Trustees shall be held on the second and fourth Thursday of each month beginning at 7:00 p.m. at the Village Hall, 202 S. Main St., Horseheads, New York. Special meetings may be called as provided in the Village of Horseheads Board of Trustees Rules of Procedures for Meetings. Nothing to the contrary withstanding there shall be no regular meeting of the Board on the fourth Thursdays for the months of July and August.

b) BE IT RESOLVED, that the Clerk's Office of the Village of Horseheads will be open to the general public between the hours of 8:00 a.m. through 4:00 p.m. Monday through Friday excepting for such holidays as are established by the Village of Horseheads Board of Trustees and such other times and periods as such Board may determine from time to time.

c) BE IT RESOLVED, that the Village Clerk's Office and Village Manager's Office shall be closed on the following legal holidays:

- | | |
|------------------------|----------------------------|
| Christmas Day | Labor Day |
| New Years Day | Columbus Day |
| Martin Luther King Day | Veterans Day |
| Presidents Day | Thanksgiving Day |
| Good Friday | Day After Thanksgiving Day |
| Memorial Day | |
| Independence Day | |

d) BE IT RESOLVED, that the Elmira Star-Gazette, 201 Baldwin Street, Elmira, NY be and hereby is designated the official newspaper of the Village of Horseheads, and be it further RESOLVED, that all official proceedings, notices, resolutions, ordinances, and acts of the Trustees shall be published in the aforementioned newspaper or as otherwise directed by the Board of Trustees.

e) BE IT RESOLVED, that HSBC Bank USA, and Chemung Canal Trust Company, both of Horseheads, New York, The JP Morgan Chase Bank of Elmira, New York, and Five Star Bank, of Bath, NY hereinafter referred to collectively as "Banks" be and hereby are designated a depository or official bank of this corporation for the official year commencing December 6, 2010 and are authorized to receive for deposit, at any such office or offices, to the credit of this corporation, or for the collection for the account of this corporation, monies, checks, drafts, notes or other instruments for the payment of money (including electronic fund transfers and wire transfers), whether belonging to this corporation or otherwise, which may now be or hereafter come into their possession, and be it further

RESOLVED, that any two of the following three officials or officers of the Village of

Horseheads - Mayor, Deputy Mayor or Clerk-Treasurer - be and they hereby are authorized to make, sign, draw, accept, indorse, execute and deliver any and all checks, drafts, notes, acceptances, evidences of indebtedness, or other instruments for the payment (including electronic fund transfers and wire transfers) of money of this corporation on deposit with the said Banks; and the said Banks be and they hereby are authorized to make payment from funds of this corporation on deposit with them upon and according to the terms of any such instrument when signed as above provided over the official title of such signer, and to receive the same to the credit of or in payment from the payee or any other holder, when so signed, without inquiry as to the circumstance of their issue or the disposition of their proceeds, whether drawn to the individual order of or tendered in payment of the individual obligations of any persons signing the same or of any other officer, agent or signatory of this corporation or otherwise, excepting that withdrawals from savings must be signed by one authorized signature of either the Mayor, Deputy Mayor or Clerk Treasurer, and be it further

RESOLVED, that any check herein authorized to be drawn in the name of this corporation may be signed with the facsimile signature of Mayor Donald Zeigler and the said Banks shall be entitled to charge any such check to this corporation's account regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto if such signature corresponds with the facsimile specimen duly certified to and filed with the said Banks by the Clerk-Treasurer of this corporation, and be it further

RESOLVED, that the Mayor, Deputy Mayor, and Clerk-Treasurer be and hereby are appointed agents of the said corporation, and that any two of such agents shall have access to the safe or safes including safety deposit boxes, in the vaults of the said Banks, and be it further

RESOLVED, that the Clerk-Treasurer of this corporation be and she hereby is authorized and directed to certify to the said Banks the names of all officers of this corporation and other persons authorized to sign for it as herein provided and the offices respectively held by them together with specimens of their signatures, whether facsimile or otherwise, and from time to time thereafter to certify such changes as may be made, and be it further

RESOLVED, that any and all prior resolutions adopted by this corporation authorizing access to safe or safes, or safety deposit box(es), and designating its official Banks and the parties who may draw against and or withdraw its funds are revoked and canceled the effective date hereof, and be it further

RESOLVED, that the foregoing powers and authority shall continue until written notice of the revocation thereof has been received by said Banks, and be it further

RESOLVED, that the Clerk-Treasurer is hereby authorized, pursuant to Article II of the General Municipal Law, to temporarily invest during the official year ending the first Monday in December, 2011 monies not required for the immediate expenditures under conditions and with the limitations specifically set forth herein.

- f) WHEREAS, the Village of Horseheads Board of Trustees has adopted a Purchasing Policy governing the acquisition of goods and services and

WHEREAS, such policy is to be reviewed annually and was last revised in July 2006, and

WHEREAS, this Board has reviewed same and found that no amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Purchasing Policy, as revised in July 2006, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- g) WHEREAS, the Village of Horseheads Board of Trustees has adopted Rules of Procedure governing the conduct of its various board and committee meetings, and

WHEREAS, such policy is to be reviewed annually, and was last revised in April 2003, and

WHEREAS, minor amendments to said policy have been submitted to this Board, same having been reviewed and found the amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Rules of Procedure, last revised November 2010, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- h) WHEREAS, the Village of Horseheads owns and operates a cemetery known as Maple Grove Cemetery which is regulated by Article 15 of the Village Law and Chapter 113 of the Village Code, and

WHEREAS, the operation of the cemetery is vested in the Board of Cemetery Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Trustees of the Village of Horseheads shall automatically be Cemetery Commissioners for the duration of their respective terms as said Trustees. The Mayor shall be the Chairperson of the Board of Cemetery Commissioners. Meetings of the Board of Cemetery Commissioners may be held as part of and during regular and special meetings of the Board

- i) WHEREAS, the Village of Horseheads owns and operates a Fire Department generally known as the Horseheads Fire Department, and

WHEREAS, Article 10 of the Village Law provides for a Board of Fire Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Fire Commissioners vested with all of the powers and

duties of such Board as provided in Article 10 of the Village Law. The members of the Fire Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Fire Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Fire Commissioners shall be the Mayor of the Village. Meetings of the Board of Fire Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

j) WHEREAS, the Village of Horseheads owns and operates a Water Department, and

WHEREAS, Article 11 of the Village Law provides for a Board of Water Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Water Commissioners vested with all of the powers and duties of such Board as provided in Article 11 of the Village Law. The members of the Water Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Water Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Water Commissioners shall be the Mayor of the Village. Meetings of the Board of Water Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

k) WHEREAS, the Village of Horseheads has entered into an intermunicipal cooperation agreement with the Town of Horseheads for the latter to provide Dog Control services, and

WHEREAS, the Town of Horseheads has employed Frank Rosplock, and may hereafter from time to time employ others in the capacity of Dog Control Officer, and

WHEREAS, it is the desire of this Board that the Dog Control Officer of the Town of Horseheads be authorized and empowered to enforce Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads and to, among other things, issue appearance tickets in regard thereto.

NOW THEREFORE BE IT RESOLVED, that such individuals as are employed by the Town of Horseheads as Dog Control Officers and assigned, pursuant to the above-noted agreement, to enforcement of Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads be and they hereby are designated Dog Control Officers within the Village of Horseheads and are empowered with all of the duties and responsibilities of such position including the power to issue appearance tickets, etc. Pursuant to Village Law Section 3-300 the Dog Control Officer may, in lieu of residing in the Village of Horseheads, reside within Chemung County.

Roll Call Vote:

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

Communication from Mayor Zeigler to the Board of Trustees:

I hereby appoint Ronald Swartz as Deputy Mayor for a term which will expire on the first Monday of December, 2011.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the following appointments be made:

- Michael Stenpeck, of 2202 Grand Central Ave., be appointed as a Member of the Village Planning Board for a term which will expire on the first Monday in December, 2015, and
- Richard Rich, of 403 S. Main St., be appointed as an Alternate Member of the Village Planning Board for a term which will expire the first Monday in December 2012, and
- Dave Radin, of 501 S. Main St., be appointed as a Member of the Zoning Board of Appeals for a term which will expire on the first Monday in December 2015, and
- Tony van Dinther, of 224 Kennedy Dr., be appointed as an Alternate Member of the Zoning Board of Appeals, for a term which will expire on the first Monday in December 2012.

Roll Call Vote:

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

Communication from Village Manager Walter Herbst to the Board of Trustees:

I hereby make the following appointments:

Arthur Sullivan, Miller Street, Horseheads, as Master Mechanic of the Horseheads Fire Department;
Robert Young, Mathew Circle, Horseheads as Fire Inspector and Code Enforcement Officer;

John Groff, Esq., Silver Oak Drive, Horseheads as Village Attorney;
Walter Herbst, S. Main Street, Horseheads as Budget Officer;
Donna Hartsock, Greenridge Drive, Horseheads, as Deputy Clerk; and
Michele Accavallo, Easterbrook Drive, Horseheads, as Deputy Treasurer

each for terms which will expire on the first Monday in December, 2011.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the November 16th Special Board Meeting, and November 18th regular Board Meeting, be dispensed with and the same stand approved as entered by the clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Sean M. Detota, of Wygant Road, Horseheads, NY to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, Broad Street Apartments LLC is the owner of premises situate in the Village of Horseheads located near the corner of Broad St. and Sing Sing Road (tax map parcel #'s 58.11-1.48.1, 48.2, 49.4, 49.5, and 49.6), comprising approximately 15.24 acres and zoned Planned Unit Development, and

WHEREAS, Broad Street Apartments LLC has applied for an amendment to the Planned Unit Development and Site Plan Review for construction of a 144-unit apartment complex comprised of 12 separate buildings, circulation and parking facilities, etc. to be constructed in two phases, and

WHEREAS said application is subject to SEQR being an Unlisted Action, and

WHEREAS the applicant has submitted Part 1 of a Full Environmental Assessment Form and

WHEREAS, said application has been reviewed by the Village of Horseheads Planning Board, Town of Horseheads Planning Board, Chemung Co. Planning Board, Village of Horseheads Traffic Commission and all boards have recommended approval of the proposed project with or without conditions, and

WHEREAS, the applicant has submitted site plan drawings for Colonial Manor Apartments dated September 21, 2010, last revised November 15, 2010, and

WHEREAS, the Village Board of Trustees has conducted a thorough review of the application, the site plan, the full Environmental Assessment Form and all of the environmental consequences of same.

NOW THEREFORE BE IT RESOLVED as follows: Pursuant to and in accordance with the provisions of Section 617.6 of the NYS Environmental Quality Review Regulations, (6NYCRR Part 617), the Village Board of Trustees hereby makes the following determinations and classifications with respect to the proposed Planned Unit Development to allow the construction of 144 units of housing (the "Action"):

1. the Action is subject to SEQR.
2. the Action does not involve a federal agency and does not involve other agencies
3. the Village Board makes a preliminary classification that the Action is an Unlisted Action.
4. the Village Board hereby finds and determines that it is and will be the Lead Agency with respect to the adoption of and approval of the said Action.
5. The Village Board hereby finds and determines that:
 - a. It is has considered the Action, reviewed the Full Environmental Assessment Form, reviewed the criteria set forth in 6NYCRR Section 617.7(c) thoroughly analyzed the relevant areas of potential environmental concern and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed action.
 - b. The project will not result in any large and important environmental impacts and therefore is one which will not have a significant impact on the environment. Specifically the Board has considered the following impacts and has made the following findings:
 - 1) Land – small to moderate, mitigated by slopes being limited and phasing to be limited to two.

- 2) Water – small to moderate, project will contain onsite surface water drainage and dispose of it pursuant to an approved SWPPP.
- 3) Air – none
- 4) Plants and Animals – none
- 5) Agricultural land resources – none
- 6) Aesthetic resources – small to moderate, applicant has agreed to mitigate impacts with buffer screening and retention of onsite vegetation
- 7) Historic and archeological resources – none
- 8) Open spaces and recreation – none
- 9) Critical environmental areas – none
- 10) Transportation – small to moderate, applicant and others have met with Chemung County Transportation personnel to review impacts of the project on predominantly County road and Village road transportation systems. Traffic counts and peak times have been taken and analyzed both on the basis of current usage and projected impacts. It has been determined that impacts are largely regulated by proposed new signage and updating of pavement markings. County Transportation agency will be reviewing W. Broad Street and Sing Sing Road intersection impacts of this project. Under consideration are construction of a traffic circle or possible installation of a traffic light. County has accepted responsibility for review and analysis of impacts and will take appropriate action at public expense to study, design and construct revised traffic control features at this intersection. A non-governmental agency shall arrange for installation of large rocks to create a barrier for misdirected vehicles at Colonial Drive/Sing Sing Road intersection.
- 11) Noise and odor – none
- 12) Public health – none
- 13) Growth and character of community and neighborhood – small to moderate, the project will have a minor impact on the neighborhood, however the neighborhood is fully residential in nature presently. Density of impact is mitigated by buffer screening and topography.
- 14) The Village Board as Lead Agency with reference to this project

hereby:

- a. Adopts a Negative Declaration pursuant to 6NYCRR 617.7 with respect to the project.
- b. Authorizes Village Manager Walter Herbst to sign a Negative Declaration Determination of Non Significance with respect to the project.
- c. Authorizes Village Clerk-Treasurer Sharron Cunningham to forward a copy of said Negative Declaration Determination of Non Significance to NYSDEC, Town of Horseheads Planning Board, Village Planning Board, Chemung County Planning Department.

6. This resolution shall take effect immediately.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, Broad Street Apartments LLC is the owner of premises situate in the Village of Horseheads located near the corner of Broad St. and Sing Sing Road (tax map parcel #'s 58.11-1.48.1, 48.2, 49.4, 49.5, and 49.6), comprising approximately 15.24 acres and zoned Planned Unit Development, and

WHEREAS, Broad Street Apartments LLC has applied for an amendment to the Planned Unit Development and Site Plan Review for construction of a 144-unit apartment complex comprised of 12 separate buildings, circulation and parking facilities, etc. to be constructed in two phases, and

WHEREAS, said application has been reviewed by the Village of Horseheads Planning Board, Town of Horseheads Planning Board, Chemung Co. Planning Board, Village of Horseheads Traffic Commission and all boards have recommended approval of the proposed project with or without conditions, and

WHEREAS, the applicant has submitted site plan drawings for Colonial Manor Apartments dated September 21, 2010, last revised November 18, 2010, and architectural drawings dated September 21, 2010, and

WHEREAS, the Village of Horseheads Board of Trustees, as Lead Agency, issued a negative declaration on the SEQR impacts of the project, and

WHEREAS, the Village Board of Trustees has conducted a thorough review of the application and the site plan.

NOW THEREFORE BE IT RESOLVED as follows: The Village of Horseheads Board of Trustees hereby makes the following determinations with respect to the Applicant's plan for the Planned Unit Development Zone in which the premises are located:

1. With respect to Village Code Section 245-78 -
 - a- the Planned Unit development exceed 3 acres;
 - b - a minimum of 25% of the site will be developed as public open space;
 - c - residential density is no greater than that permitted in the R1 district; and
 - d - the proposed land use is not in conflict with the Village Comprehensive Plan.

2. With respect to Village Code Section 245-79 -
 - a - the proposed Planned Unit Development is consistent with Village regulations governing same, is consistent with the Village Comprehensive Plan, shall provide an effective and unified treatment of the project site, makes appropriate provision for preservation of scenic features, and amenities of the site and surrounding areas, and is in harmony with existing or known proposed development in the vicinity;

 - b - the buildings and design are integral to the development and have convenient access to public streets, the individual buildings are visually and physically integrated into the overall development of the site, treatment of the front, side and rear of all buildings are comparable in amenity and appearance, the buildings and parking facilities take advantage of site topography, buildings are oriented to assure adequate light and air exposure, arrangement of buildings avoids undue concentration of loading and parking facilities and preserve visual and audible privacy, and are accessible to emergency vehicles;

 - c - the landscape design and treatment is coordinate for the entire project area, consists of shrubs, trees, and lighting with appropriate walks, existing trees shall be conserved and integrated with other vegetation, and walks are integrated into the design of the Planned Unit Development.

 - d - the plan provides adequate, safe and convenient arrangements for pedestrian and vehicle circulation, off-street parking and loading, the roads, walks and open space are integral to the design of the site, and relate to the designed improvements to same, pedestrians are not unnecessarily exposed to vehicular traffic, appropriate walks are provided.

 - e - parking and loading as designed for the project are sufficient in that same are

landscaped and screened to the extent necessary to eliminate unsightliness and monotony of parked cars. Parking facilities make appropriate use of topography, landscaping and ease of access.

On the basis of the foregoing, this Board approves the site plan drawings and architectural drawings for Colonial Manor apartments prepared for Broad Street Apartments LLC by Fagan Engineers dated September 21, 2010, last revised November 18, 2010, as the Planned Unit Development Plan for the Planned Unit Development zone located south easterly of the intersection of W. Broad Street and Sing Sing Road in the Village of Horseheads subject to the following terms and conditions:

1. No building permit shall be issued until and unless a SWPPP relative to the approved plan is approved by the MS4 Coalition.
2. Traffic signs and pavement markings shall be erected, installed and maintained as per the recommendations of Chemung County Transportation personnel.
3. This plan for the P.U.D. zone shall supersede any and all prior plans for such premises.

Atty. Groff added that the correct date for the revised drawings is November 18, 2010 - need to make that change. Also 4th Whereas paragraph at top of page 10, I suggest that this be revised to insert after November 18, 2010 the phrase "and architectural drawings dated September 21, 2010". Also should consider amending to add "this plan for the PUD zone shall sup recede any and all prior plans for such premises".

Motion to Amend made by Trustee Koliwasky, seconded by Trustee Clark.

Roll Call Vote on amendments:

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

Roll Call Vote on resolution as amended:

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

Mayor Zeigler commended the Manager on solutions we came up with from County personnel regarding traffic.

Manager Herbst - pleased with participation by County as well as suggestions from residents. In addition to traffic we were able to use several suggestions made by residents.

Trustee Koliwasky noted that Colonial Manor falls in line with our recently adopted Comprehensive Plan where we said we would support quality housing.

Trustee Swartz - since this is our annual Organizational Meeting, its good to look back at the last year. I'd like to that the Manager and Village staff for their work. We should put in the newsletter about our Comprehensive Plan, savings on health insurance, dispatch, CSO's, shared services, etc.

Trustee Koliwasky - Problem in Hanover Square with dog droppings, garbage, planters have garbage in them, maybe after holidays we should meet with merchants to ask them to take more pride.

Mayor Zeigler - should also discuss the snow removal and maintenance schedule.

Trustee Koliwasky - now that we are close t budget talks, should inventory everything, even old uniforms, etc.

Manager Herbst reported the following:

- will be doing budget soon, would like Trustees to consider direction you want budget to take.

- shared services with Town of Elmira, introduced Matt Mustico. He is the Supt. at the Town of Elmira., he's been here a short time helping with DPW, made quite a difference.

A resident asked about traffic for Colonial Manor. Manager Herbst explained what is being discussed. A private company will donate large rocks to protect house on the corner. Not possible for county to put in guardrails due to liability. Also looking at a possible traffic circle for Broad and Sing Sing intersection, or a traffic light.

As there was nothing further to come before the Board, the meeting was closed at 7:40 p.m.

/rmb