

Minutes

Village Board of Trustees

July 9, 2009

6:00 p.m. - The Village Board of Trustees conducted a public hearing regarding the application of Schlumberger Technologies for Site Plan Review to construct a 90-acre facility at the Center at Horseheads.

Present were:

Village Board and Staff:

Mayor Donald Zeigler
Deputy Mayor Ronald Swartz
Trustee Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters
Village Attorney John Groff

Fire Chief Arthur Sullivan
CSO Robert Young

Others:

Carol Ransom, Van Etten
Denis Kingsley, 208 Steuben St.
Michael Smith, Chemung. Co. Emerg. Mgmt.
Robert Kishbaugh, Green Ridge Dr.
Mike Swasta, 411 Watkins Rd.
George Kishbaugh, 56 Ridge Rd.
Ray and Lorie Cass, 22 Redwing Lane
George Miner, STEG
Susan Multer, Watkins Rd.
David Padgett
David Blauvelt, Erin
Ron Sherman, MRB Associates
Jack Nickerson, Old Ithaca Rd.
Jim Lynch, W. Mill St.
Bill and Tess Danaher, 503 Steuben St.
Barbara Dunn, Appleridge
Geri Rumpf, 72 Talarico Rd.
Scott Shaw, 515 Highland Ave.
Scott Esty, 130 Park Terrace
Tess Banfield, Catalpa Dr.
Barb Skorczeski, W. Franklin St.

Elliott Blauvelt, Fletcher St.
Mary Mower, Kinley Place
Howard Miller, Sunset Dr.
Ed Frycek, Carroll St.
Pat Gross, W. Broad St.
Jean Quinn, 555 Gardner Rd.
Pat Bleir, 413 W. Franklin St.
Bonnie Sampson, Scott Lane
Clay Ambrose, Elmira
Jocelyn Bos, Calamar
Art Ambrose, Realty USA
James Gensel, Fagan Engineers
Lisa Haflett, Port Crane, NY
Scott Jelleberg, Schlumberger
Paul Able, Schlumberger
Stephen Harris, Bergmann Assoc.
Steve Boisvert, Bergmann Assoc.
Glenn Harvey, Bergmann Assoc.
News Media

Atty. Groff opened the public hearing.

Glenn Harvey, Bergmann Assoc., site engineer for the project, made a brief presentation:

Proposed project site will involve approx. 88 acres in holding point. East of "E" Street, west of Ridge Road, and south of Wygant Rd. Schlumberger provides equipment and technology services to well sites. They do not perform any drilling. Trucks will enter site from E Street into truck wash facility. Well sites that we go to are in rural areas. Trucks will travel off road, lots of mud. Required to wash off before returning, but mud gets packed on and needs to be washed thoroughly when they get back. Wash facility is completely enclosed and wash water is filtered for reuse. Then goes into wash separators before being discharged into the storm sewer. There are also sumps to remove any solids. Facility is tested quarterly for presence of contaminants. After leaving wash, the trucks move to fueling facility. Completely will contain any spills. If trucks require service they go into maintenance facility then onto the staging area to wait for the next job. When they receive a call, they get loaded up at the bulk material warehouse, then move to another staging to wait for employees to come in and get orders.

Impacts on Traffic - we prepared study and analyzed traffic. All truck traffic will go on designated truck routes. Ithaca Road out to I86. Trucks will travel in convoys of 10-15 vehicles - pickups and tractor trailer size. Trucks will not travel through Hanover square. There was a concern on trucks missing the drive and turning around. We will be installing signage on Ithaca Road. Letter from DOT stating that the project will not have a significant impact on traffic.

Stormwater - as required by DEC, two foot separation from aquifer elevation. That's to maintain adequate protection for stormwater runoff. 12" clay liner to make sure storm water will not infiltrate into groundwater. 100% pre treatment of water quality volume. Permanent pool design. DEC states that this will remove 80% of solids and 40% of phosphorus from storm water runoff, and will control peak flow runoff. Stormwater from parking areas will flow to storm sewers then to stormwater management facilities on site. No petroleum present in runoff. Will make sure vehicles are maintained properly. Stormwater pollution prevention plan will be done. This will force contractors to certify that they follow the SWPPP both pre and post construction.

Explosives - Follow ATF and NYS regulations on them. Schlumberger will work closely with emergency services. Vehicles are designed for safe transport to well sites. Drivers licensed to transport these mat'ls. Mat'ls are stored separately. No final assembly until they reach the job site.

Radioactive Material - Follow NRC regulations. Technology is similar to a cat scan. They take the probe and insert into the ground to study formations. Stored in specially locked shields, and those are stored in pits in separately fenced area. On the truck they are stored in secured areas.

Wetlands - Performed wetland investigation. No wetlands within project area. There are some on the west side, but not within our project area.

Wildlife - There were no threatened or endangered species on the site, but some of special concern. We discovered that the migratory habits of these birds will not be disturbed. Leaving north area of the site undeveloped.

Leaving existing vegetation and provided landscaping. Performing noise study now.

Connecting to village water for this site, also existing sewer. Both have sufficient capacity.

Will create 300-400 jobs, mostly local.

Jack Nickerson, 161 Old Ithaca Rd. - complained about dust from Gas Field Specialties. Hope this won't do the same.

Susan Molter, 3005 Watkins Rd. - convoys would be typically 10-15 trucks ranging in size. I hope this Board will ask them to be more specific because several might mean more. Need to know if they will go during the night. Even though they don't do drilling, you may subcontract with people who do. All the info I have heard, hundreds of trucks are necessary to build the drill pad, access roads, pipeline, etc. Then drilling, then fragging. I hope the Board asks them for numbers and size of trucks. Also, connector road is needed to go directly from this site to Route 13, to bypass Ithaca Road. Our County Exec. said that we have to have this. My question is shouldn't Schlumberger pay for this. They are a multi-billion dollar company. Our county is in financial difficulty. Also, was there any arrangement for a PILOT agreement for taxes. Was there a pub. hrg. like this before they bought the property.

Mike Swasta, 411 Watkins Rd. - in favor of project. Concerned about the following matters: Increase to impervious area due to hard paved surfaces. Will increase rate of flow of stormwater runoff. Retention ponds controls rate of flow. However, water discharged will be into stormwater mgmt. structure. From there they flow towards the marsh and Catherine Creek. There is the potential for pollution down in the marsh. Valid concerns about pollution to aquifer. Traffic - site plan shows 323 operation vehicles parking spaces. Even if only ½ are used daily, daily traffic in and out could be 210 or more vehicles. With exception of large drill operation vehicles which would be restricted to Old Ithaca Road, others will be allowed to use all streets. Necessary for Village and Town that connector road is built to Route 13. And rebuilding short section of Wygant Road. Railroad - there is rumor that many cars may be needed to service this facility. Norfolk is rebuilding or repairing tracks in this area. Concerns on this include crossings in Village Streets that are lighted but not gated. No fencing at railroad right of way. Noise - Operations vehicle parking area on SE corner of the site. 400-500 feet from Ridge Road. This section of Ridge is predominantly residences. Along this section of the site there is very little buffer or noise barrier. I believe more of a noise barrier and buffer is necessary - landscaping, berms, noise barrier walls, etc. The Draft EAF projects creation of 400-500 jobs. 250 construction jobs estimated. Meetings we've been at the number was revised to around 300. Is this the correct estimate. Also, construction has already started it appears. Security fencing is also up. Erosion or sediment measures don't seem to be in place, but may be.

Ray Cass, 22 Redwing Lane - concerned how much tax breaks they will get. I don't want to see them getting money back every year. We need the jobs, but they need to pay their fair share.

Susan Molter, 3005 Watkins Rd. - what is Schlumberger's role in toxic waste transporting. The water they use in fragging. We don't know what the DEC will require was their answer. My question was Schlumberger involved in any of these types of construction that deals with this kind of toxic waste.

As nobody else came forward, Atty. Groff declared the public hearing closed.

Paul Able, Schlumberger - well site operations, and toxic waste, is a separate issue. Not related to construction of this facility.

Steve Boisvert, Bergmann Associates - Schlumberger does not do any drilling or fragging or transport any of the water after the drilling.

Susan Molter - don't you subcontract with companies that do?

Paul Able, Schlumberger - we do not subcontract with companies that deal with the water at the well site. We bring our trucks to the site and pump, but the water stays at the job site.

Steve Boisvert - stormwater ponds will be clay lined to protect aquifer so no infiltration will occur. Ponds also designed according to DEC regulations. Stormwater runoff from parking lot enters the pond at the far end, filters through the pond and exits at the other end. Any contaminants filter down to the bottom of the pond so any water that exits is clean. The water that leaves is cleaned.

Mike Swasta - there will still be some percentage of particulate matter that goes into the wetland.

Steve Boisvert - trucks will not be going through Hanover Square. Drivers will be instructed to exit onto Old Ithaca Road. A connector road is not required. Traffic Study indicated that the existing transportation system is adequate for this project. That was reviewed and approved by NYSDOT.

Mayor Zeigler - talk about sound buffering.

Glenn Harvey, Bergmann - will be leaving existing landscaping which will provide some noise and visual buffers.

Steve Boisvert - this site sits 15 ft. below height of Ridge Road and those houses. Natural earth barrier is there already. But willing to add more landscaping at the top of the plateau.

Atty. Groff noted that public comments will still be received for two weeks, until July 23, 2009.

7:00p.m. - the Village Board held their regularly scheduled meeting.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 25th, 2009 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

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

General	\$346,833.52
Water	\$ 58,727.17
Trust & Agency	\$ 1,057.43

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Village Planning Board Meetings of June 23rd and June 30th, 2009 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Swartz

WHEREAS, Horseheads Family Day is an event sponsored by the Village of Horseheads Recreation Department, and

WHEREAS, this event will take place in Thorne Street Park on July 18, 2009, and

WHEREAS, the Recreation Department has requested to sponsor a fireworks display in the evening at Thorne Street Park as part of the event.

NOW THEREFORE BE IT RESOLVED, that 1) the Recreation Department is authorized to apply for a Permit for Public Display of Fireworks, and 2) Village Mayor Don Zeigler and other Village personnel are authorized to execute the Permit and an agreement with Young Explosives Corp. providing for a fireworks display in Thorne Street Park on July 18, 2009.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Motion by Trustee Herbst, seconded by Trustee Peters, that the item regarding surplus vehicles be tabled until the next meeting.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Motion by Trustee Herbst, seconded by Trustee Peters, that the following items be added to the agenda:

- Authorize Peddlers Permit
- STOP DWI Contract with Chemung County
- Receive Application for Site Plan Review - Calamar Senior Housing
- D&A: PBA MOU

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, Lisa Haflett of Gateway Energy Services has applied for a Peddler's Permit for the purpose of selling Energy Supplier Services door-to-door in the Village, and

WHEREAS, hawking and peddling is regulated pursuant to Chapter 171 of the Village Code, and

WHEREAS, it has been determined that the applicant has complied with all of the requirements necessary for the issuance of a permit under said Code.

NOW THEREFORE BE IT RESOLVED, that Lisa Haflett and Gateway Energy Services is hereby granted a permit to peddle the aforementioned goods in the Village of Horseheads from the date hereof through December 31, 2009 subject to the condition that she shall pay to the Village Clerk-Treasurer the license fee of \$25.00 per vehicle used, and shall comply with the regulations of said Code.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, Chemung County has implemented a special traffic operations program known as STOP DWI, and

WHEREAS, the County has offered to reimburse the Village for certain overtime costs associated with police personnel overtime committed to implement the program in an amount not to exceed \$15,000, and

WHEREAS, Mayor Donald Zeigler has recommended that the Village enter into this agreement in order to afford increased DWI enforcement procedures.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to enter into the agreement on behalf of the Village, and a copy of same shall be filed with the Village Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the application from Calamar for Site Plan Review to construct a 120 unit senior apartment development near the corner of Sing Sing Road and Broad Street is hereby received, and same is to be forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Public Comment:

Elliott Blauvelt, Fletcher St. - thanked trustees from coming to Amateur Radio field day operations.

Trustee Koliwasky - I went up there and found it very informative. They can do a lot for this County in emergencies.

Tess Banfield, Catalpa Dr. - wanted to know if the Mayor is going to answer my questions I submitted.

Mayor Zeigler replied that he would prefer to meet with her and discuss them.

Tess Banfield - asked if Jim Young filed a brief today regarding the Barton issue.

Atty. Groff replied that he does not know as this would have been filed directly with the hearing officer. If he did file one, we should receive a copy shortly.

Ms. Banfield asked who is monitoring Jim Young so we don't incur unnecessary legal expenses and what is process on following up for reinstatement of Mike Barton.

Atty. Groff - when hearing officer issues a recommendation, then this Board will act on it.

Calamar Senior Housing - Jamie Gensel, Fagan Engineers, gave a brief presentation on the Calamar Senior Housing development project. Will be located on southeast corner of Broad St. and Sing Sing Road, near intersection with Colonial Drive. Independent living apartments, and will not involve any public funding. Will have 120 units. Portion of the property to the east that will be left undeveloped. Will require stormwater management. Regarding traffic - will have 120 units. Standard trip generations show it will cause 12-15 more cars per peak hour. Already submitted plan to County Traffic board for their approval. Stormwater - will maintain project in accordance with DEC standards, even exceeding them.

Jocelyn Bos, Calamar - This project is designed to serve middle income seniors, not reached by subsidies. It is independent living. Minimum age is 60. There will be 84 2-bedroom units and 36-one bedrooms. Heat, water and cable included. Full-time site manager and maintenance person too once operational. Could set up activities, guest speakers, etc. Will have lounge and community area. This will be our 7th senior complex. Also looking for site in Ithaca. Security relay call systems installed too. Twelve-month construction then we will open.

Atty. Groff asked if the project will be phased. Ms. Bos said no, it will all be built at one time.

Atty. Groff asked why the entrance doesn't line up with Colonial Dr. Jamie Gensel said they still need to discuss this with Andy Avery from Chemung Co. We just started grading for this project. May be better to just have one entrance on Sing Sing Rd. But I will meet with Andy to coordinate on this. We did remove the Broad St. entrance. That was an idea, but the grade is too steep for that. Right now we have a lot of fill coming out of the site. Have to make sure it is balanced.

Nate Nagle - Bus trip to Darien Lake went very well. Trips to Hershey Park and Sea Breeze coming up. Family Days is next Saturday with fireworks. Also the BMX Nationals are at the holding point. Also have Youth Week activities.

Motion by Trustee Herbst, seconded by Trustee Peters, that this Board and Atty. Groff move into Executive Session to discussion pending collective bargaining matters.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

At 7:38p.m., the Village Board and Village Attorney moved into Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:30p.m., the Board reconvened back into its regular meeting of this date.

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, the Village of Horseheads and the Horseheads Police Benevolent Association have engaged in collective bargaining relative to a successor contract to the collective bargaining agreement which expired May 31, 2008, and

WHEREAS, the collective bargaining negotiations resulted in a Memorandum of Agreement (MOA) which was prepared by the PBA, and

WHEREAS, the Horseheads PBA negotiators presented the MOA to its bargaining unit for ratification, and

WHEREAS, on information and belief said MOA was ratified by the Horseheads PBA, and

WHEREAS, the negotiators for the Village presented the MOA to the Village Board of Trustees for ratification, dialogued the elements of the MOA with the Board and recommended the adoption and ratification of same, and

WHEREAS, this Board met in Executive Session on June 25 and July 9, 2009 to consider the MOA.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby reject ratification of the terms and conditions of the MOA as ratified by the Horseheads Police Benevolent Association, and be it further

RESOLVED, that this Board does hereby accept, approve and adopt the terms and conditions of "marked up" Memorandum of Agreement dated July 9, 2009, initialed by George F. Koliwasky, a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, that the negotiators for the Village of Horseheads are authorized and directed to present as soon as possible the "marked up" MOA to the negotiators for the Horseheads PBA with a request that the bargaining unit ratify same.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 9:35 p.m.

(Marked up PBA MOA will be attached for minute book).

/rmb

Village Board of Trustees

EXECUTIVE SESSION

July 9, 2009

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:40 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, George Koliwasky and Suzanne Peters, and Village Attorney John G. Groff, at which time they discussed pending collective bargaining issues.

At 9:38 p.m., upon motion by Trustee Peters, seconded by Trustee Herbst, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye