

Minutes

Village Board of Trustees

September 9, 2010

A 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	Clerk-Treasurer Sharron Cunningham
Trustee Ronald Swartz	Mike Stenpeck, Planning Board
Trustee George Koliwasky	Director of Parks Nate Nagle
Trustee Suzanne Peters	Fire Chief Arthur Sullivan
Trustee Larry Clark	Code Enf. Officer Bob Young
Village Attorney John Groff	Manager's Assistant Rachel Baer
Village Manager Walter Herbst	

Others

Mike Swasta, Watkins Rd.	Alice Roste, Gardner Rd.
Tess Banfield, Catalpa Dr.	Wayne Brubaker, Gardner Rd.
Barb Skorczewski, W. Franklin St.	Jean Quinn, Gardner Rd.
Dave Padgett, W. Franklin St.	News Media
Mary Mower, Kinley Pl.	

Resolution by Trustee Swartz, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the August 26, 2010 Board of Trustees 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 Peters:	Aye
Trustee Clark:	Aye

Item #2, Audit of Bills, is tabled.

SEQR Review – Kayden Industries Special Sign Permit – Board to Complete Part 2 of

Short Form (Tabled from 8/26/10)

Atty. Groff - you started the SEQR at last meeting, but it was adjourned. Everyone inspected the site since then. Now we are back at the SEQR form.

The Board answered the questions on Part 2, and found that there would be no adverse environmental consequences as to the issues raised by questions C1-C3, and C5-C7. They discussed the following question in detail:

C4 - plans or goals, change in use, etc.

Trustee Peters - does this question relate to the setback requirement.

Atty. Groff - is it a significant environmental change or consequence.

No.

Atty. Groff - you have identified one potential area of environmental impact, then concluded it was not significant. It would be appropriate to issue a Negative Declaration. He added that the draft resolution for their consideration has been modified to include the measurement changes since their site visit.

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, Kayden Industries, 224 N. Main St., Building T, has made application for a Special Sign Permit for a pole sign to be placed at said facility, and
WHEREAS, the property is zoned Industrial (M1), and

WHEREAS, said application requests approval for a 10' x 15' pole sign to be located inside the required 25' setback, thus requiring the issuance of a Special Sign Permit, and

WHEREAS, this application was referred to the Village and Town Planning Boards, and to the Village Traffic Commission, for their review and comment, and

WHEREAS, the Village and Town Planning Boards have reviewed same and recommended approval of the application, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action under SEQR regulations, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the application, the Short Environmental Assessment Form, and all of the environmental consequences of same as more specifically delineated on that portion of the Form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on August 26, 2010 regarding the application for the

Special Sign Permit at which time all interested or affected parties were afforded an opportunity to present their views regarding the application, and

WHEREAS, this application has been thoroughly reviewed and given thoughtful consideration by this Board.

NOW THEREFORE BE IT RESOLVED, that this Board finds:

1. the application of Kayden Industries, of 224 N. Main St., Building T, for a Special Sign Permit for a 10' x 15' pole sign at said address to be in harmony with the appropriate and orderly development of the site, and the area wherein the sign would be located;
2. that the sign will not discourage the development of adjacent lands and buildings or the value thereof;
3. that the operation of the sign will not be objectionable to nearby properties by reason of noise or lights;
4. that the location and height of the sign will not be hazardous to the traveling public;
5. that there would be undue hardship to require full compliance with the Village Sign Law under the circumstances of this application.

Accordingly the application of Kayden Industries for a Special Sign Permit is hereby approved, and a Special Sign Permit shall be issued in accordance with the terms of this resolution, subject to the condition that said sign shall be located no less than 17' westerly from the applicant's easterly property line, and no less than 5' nor more than 8' northerly of the location for said sign as originally proposed by the applicant.

Trustee Peters - the design they sent us says it will be 5' x 10'. Or is it 10' x 15'.

Trustee Koliwasky - They also now say it will be on posts?

Atty. Groff - looks like there is some conflicting information. Their application says 5' x 10', and also 10' x 15'. Its impossible for us to respond to your question.

Trustee Peters - they need to give us complete information.

All agreed.

Trustee Clark - confusion between height and size of sign.

Bob Young - so many people involved in this process. When we left yesterday the final sign was 4' x 8'. Right now I'm not sure what they are looking for.

Atty. Groff - is there a motion to table with request that applicant resubmit application and address inconsistency.

Trustee Clark made the motion, seconded by Trustee Peters

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of August 30, 2010 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Motion by Trustee Clark, seconded by Trustee Swartz that the following items be added to the agenda:

- Inter-Municipal Agreement with Town of Elmira
- Electric Parkway
- Court Attendant
- Peddler's Permit – Best Construction Co.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, Director of Public Works Chris Lawrick has taken a position elsewhere, and

WHEREAS, the DPW has operated for some time without a Director, and

WHEREAS, it appears that the effort of Chemung County municipalities to implement an acceptable plan of shared highway services will not come to fruition in the very near future, and

WHEREAS, the Department is in need of a Director and Village Manager Walt Herbst has explored with representatives with the Town of Elmira the provision of departmental supervision services by a qualified individual from the Town, and

WHEREAS, Manager Herbst has recommended to this Board that the Village continue to explore the development of an intermunicipal cooperation agreement with the Town of Elmira regarding the provision of Highway Department supervisory services at a cost of \$20,000 per year, and, assuming acceptable terms and conditions of such an agreement, entering into same.

NOW THEREFORE BE IT RESOLVED, that Manager Herbst is authorized and directed to continue to explore the merit of an Intermunicipal Cooperation Agreement with the Town of Elmira for the provision of Highway Department supervisory services and is authorized to enter into same upon such terms and conditions as are agreeable to Manager Herbst and recommended by Village Attorney John Groff.

Village Manager Herbst - the shared highway concept with the County was more about consolidation. Various municipalities have backed away. Looks like County plan for all the municipalities will be delayed possibly more than a year. We have been talking with the Heights who has a mechanic about exchanging services. The Town of Elmira was lined up to work with the Heights and they were ready to go with the concept. It is in our best interest to take advantage of this. Starting to move forward with this. Objective is to save costs, etc. On Tuesday the Town of Elmira loaned us their sweeper and driver for the Village.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, an easement for highway and related purposes over a certain tract of land commonly known as Electric Parkway adjacent to and northerly of New York State Electric and Gas Corporation (Tax Map #58.15-1-1.1) and Hardy Investment Associates, LTD (Tax Map #58.15-1-1.2) has or is expected to be offered for dedication to the Village of Horseheads by New York State Electric and Gas Corporation, the owner of said lands as shown on a plan prepared by Fagan Engineers dated September 29, 2008, Project #2006-055E, NYSEG Plat 1 and 84 Lumber Plat 2, and

WHEREAS, former Director of Public Works Chris Lawrick previously recommended acceptance of said easement for dedication for highway purposes upon completion of reconstruction of said roadway in accordance with plans and specifications he had approved, and

WHEREAS, former DPW Chris Lawrick reviewed the reconstruction of the roadway and determined same to meet or exceed said specifications, and

WHEREAS, a condition of said acceptance was the establishment of an agreement between the Village of Horseheads and County of Chemung for snow and ice control and grass care on and along the roadway, and

WHEREAS, the Village has prepared a proposed agreement and has been reviewed and approved by the County, and

WHEREAS, New York State Electric and Gas Corporation has submitted a proposed easement and Abstract of Title relative to this dedication which are under review by Village Attorney John Groff, and

WHEREAS, this Board has previously adopted resolutions regarding this subject concerning dedication of free simple title on March 13, 2008 and February 12, 2009 after which NYSEG revised its proposal to dedication of an easement.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that upon notification from Village Attorney John Groff that the title to the parcel has been approved and that the agreement between the Village and the County has been executed, and such other terms and conditions as Village Manager Walt Herbst deems necessary or reasonable the Village Board agrees to accept the deed of dedication of said easement, and authorizes Village Manager Walt Herbst to execute any and all documents necessary to effectuate the Village=s agreement and to record the easement in the Chemung County Clerk=s Office, such recording to be at the expense of the offeror.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, the Justices of the Village of Horseheads and their predecessors have expressed to this Board and its predecessors that there is a need for a Court Attendant, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board the establishment of such a position, and

WHEREAS, the Civil Service Commission of Chemung County and the City of Elmira has established a job title for such position and the duties and qualifications thereof.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby authorize the creation of the position of Court Attendant in the Village of Horseheads, and does further authorize Manager Herbst to take such steps as are necessary, in his discretion, to fill the position with such permanent, temporary, full and/or part-time personnel as is warranted by the need for same.

Village Manager Herbst - We need a magnetometer operator (metal detector). This is the avenue that Civil Service recommend we take in order to meet their requirements. No more complicated than that. It would be part time for court nights and our meetings. Qualification is high school graduate or GED, with on the job training. It is not a tested position. It would be about 6 - 8 hrs a week. Strictly for metal detector.

Trustee Koliwasky - will this person also be used for jury trials?

Village Manager Herbst - we have officers for jury trials.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads regulates peddling and soliciting in the Village in accordance with Chapter 171 of the Village Code, and

WHEREAS, Edward W. Pronti of Best Construction Co. has applied for a peddler permit for the sale of home improvement services door to door within the Village, and

WHEREAS, the Village of Horseheads conducted investigations for felony and misdemeanor convictions regarding such applicant.

NOW THEREFORE BE IT RESOLVED, that Village Clerk Treasurer Sharron Cunningham is authorized to issue a license to said individual for peddling of such goods in the Village, said license to expire December 31, 2010.

Trustee Swartz - The solicitor listed only has an interim drivers permit, and its expired. I'd like to know what they are selling.

Atty. Groff - home improvement services is what they are selling.

Trustee Peters - is that legal ID?

Atty. Groff - he doesn't have a picture ID. License provided is the father who would be driving because solicitor does not have a license.

Trustee Clark - what form of ID do we require they show.

Atty. Groff - the permit issued by the Village is what they would have to show. Police did background check on felony and misdemeanor convictions.

Trustee Swartz - what about limiting hours.

Atty. Groff - our law does not allow us to limit hours. But property owners can ask people to leave. Or put up sign that soliciting is prohibited. This process is constitutionally protected. Your not endorsing the product or individual. Both the law and the form we use for these is fairly old. I have worked with Rachel and the Manager and in the process of updating application form to allow for broadening of information requested from applicants.

Mayor Zeigler - if we get complaints can we pull permit.

Atty. Groff - if complaint is valid.

Roll Call Vote:

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

Trustee Clark - hope by next meeting we can finalize Kayden permit. What are they doing on Lake Road and S. Main.

Manager Herbst - the cross walks were sagging because they weren't constructed properly. I asked the State two months ago if it was their responsibility. They said they would take care of it. Worse on south side of Grand Central.

Trustee Koliwasky - regarding the flowers in the Square, discouraging to see how it looks. It's a garbage bin out there. Cigarette butts all over. Compounded by cement that replaced grass. Empty beer bottles, papers, etc. Nobody's fault, but we talk about how great the Square is, but I don't know what we can do to solve. Merchants need to get on board, and residents.

Manager Herbst - speed bumps on Miller St. The School Board changed policy so that buses have to stop at 1/4 mile increments. Now they have to stop in the middle of Miller St. When this came about the Transportation office called because residents with young children would not have to be crossing Miller at the top or bottom where the traffic was. Lots of speeding. By having the bus in the middle of Miller, it is dangerous. They asked if we could put up speed bumps. And they gave them to us. We said we would do it. Didn't realize that how hard they were. You have to really go slow. We also put up signs about them. It is a temporary solution. Will probably be removed next week. Not appropriate for long term. We may have to look at something else.

Trustee Swartz - I know on two different streets in our Village where we've had requests by residents to do just that and we chose not to. I'm wondering if this will require us to do this on other streets.

Trustee Koliwasky- any legal liability issues.

Atty. Groff - its your street, and your putting them up. Yes, there is liability.

Manager Herbst - Gary is putting them up in cemetery as well. Speeding in there is a big problem. Fair amount of damages to our fences up there.

Manager Herbst - Clerk's Office staff training in Syracuse for ADP training.

Atty. Groff reported on the following items:

- working on updated peddler permit form
- local law for recouping expenses for consultants and engineers regarding some applications for land use permits, etc.
- NYS modified its dog control laws. Cities and towns which do the licensing are now taking over, State no longer involved. May not have any impacts on Village. We contract with the Town.

Trustee Clark - Linear Park fence damage. What is status.

Manager Herbst - insurance paid us for that claim. The contractor ordered the parts, but its a special order, we hope its in soon.

Chief Sullivan - inspected ladder truck in Alabama. Everything looks good. Will be placed on truck Monday for shipping. Will arrive sometime next week.

Nate Nagle- 100 yr. celebration for Teal Park on Saturday, September 25th at 3:00 p.m. Historical Society will designate marker. Entertainment too.

Chief Sullivan - we have a ceremony on 9/11 day at 9am on Saturday.

Mayor Zeigler - been approached by a group who wants to adopt Linear Park to maintain. Nate is handling this.

Audience Participation

Tess Banfield, Catalpa Dr. - speed bump, is the one at the cemetery permanent.

Manager Herbst - no. They are all temporary. But he will probably move them around. Lots of speeders through there.

Mary Mower, Kinley Place - speed bumps are hazard for emergency vehicles. Neighbors should walk their kids to the bus stop.

Manager Herbst - we are talking to school about reconsidering this policy.

Jean Quinn, Gardner Rd. - do we have a street sweeper.

Manager Herbst - yes, owned by Village and Town. Lots of repairs needed on it this year.

People doing the repairs are pointing fingers at each other. Haven't been able to fix it. In shared services, this is just one example of what can happen, with Town of Elmira loaning us theirs.

Jean Quinn - years ago, every Thursday night merchants would sweep sidewalks into street, because Friday morning was the sweeper. If we knew when this one was coming, we could do the same thing.

Mike Swasta, 411 Watkins Rd. -
- shoulder of Watkins Rd. needs mowing.
- do we have a certified technician to monitor water system.
- speed bump, is this subject to local laws.

Manager Herbst - Chris Lawrick is still employed by us and in charge of our water system.

As there was nothing further to come before the board, the meeting was closed at 8:07 p.m.
/rmb