

**Minutes**

**Village Board of Trustees**

**June 10, 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  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Trustee Larry Clark  
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham  
Parks Director Nate Nagle  
Police Chief Mike Barton  
Manager's Asst. Rachel Baer  
Asst. Fire Chief Jeff Gray

**Others:**

Dave Padgett, W. Franklin St.  
Mike Swasta, Watkins Rd.  
Martha Hauser, W. Broad St.  
Jean Quinn, Gardner Rd.

Terry Bolt, Lee Ave.  
Tara Edwards, Broad St.  
Tess Banfield, Catalpa Dr.  
News Media

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the May 27, 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 Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

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

FINAL MAY BILLS

JUNE BILLS

General \$100,421.13  
Water \$ 1,783.25  
T/A \$ 1,762.28

General \$259,207.73  
Water \$ 44,463.78  
T/A \$ 969.96

Roll Call Vote:

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

Resolution by Trustee Clark , seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Planning Board Meeting of May 25, 2010 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the application from Tara Edwards on behalf of Judd & Marcia Sullivan for rezoning of 714, 716 and 718 W .Broad St. from R1 Residential to Planned Unit Development, and also for Site Plan Approval to Establish a Restaurant on said parcels is hereby received by the Village Board, and be it further

RESOLVED, that this application be forwarded to the Village Planning Board for its review and comment.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, there has been a determination of need relative to an aerial firetruck for the Village of Horseheads Fire Department, and

WHEREAS, the Village has pursued grant sources to fund the acquisition of such a vehicle, and

WHEREAS, the Village was awarded a grant in the amount of \$351,300.00 from the Department of Homeland Security (FEMA), and

WHEREAS, the Village of Horseheads advertised on June 3, 2010 for sealed competitive bids for the supply of One Used Aerial Firetruck, and

WHEREAS, bids were opened, read and examined on June 9, 2010, and the following bids were received:

Brindlee Mountain Fire Apparatus, LLC. - \$284,775.00

and

WHEREAS, said bid has been determined to be in order, the lowest responsible bidder being Brindlee Mountain Fire Apparatus, LLC, and

WHEREAS, the Village Manager and Fire Chief Arthur Sullivan have reviewed the specifications of the aerial firetruck and have compared same against the bidding specification, have found only minor deviations from the bidding specifications, which they recommend be waived, and the Manager has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Brindlee Mountain Fire Apparatus, LLC.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Brindlee Mountain Fire Apparatus, LLC, and that Village Manager Walt Herbst is hereby authorized and directed to execute an agreement with said company for the purchase of a used aerial firetruck (1992 E-One 95' Platform) for the sum of \$284,775.00 to be delivered to the Village of Horseheads within 60 days. This authorization is subject to inspection of the vehicle, apparatus, equipment and systems by Arthur Sullivan prior to delivery, and his determination that same are satisfactory, comply with the bid and are in good working order and repair in all material respects. The agreement shall be in a form satisfactory to the Village Attorney.

Village Manager Herbst - the 60 days is following our inspection and acceptance.

Mayor Ziegler - is it a ladder or platform truck.

Jeff Gray - it is a platform, or basket use.

Trustee Koliwasky - will the grant money be there in 60 days.

Manager Herbst - I spoke to grant specialist at FEMA in Washington. Have it all worked out. Once we have a purchase contract and specific delivery date then we are good.

Roll Call Vote:

Mayor Zeigler:           Aye

Trustee Koliwasky: Aye  
Trustee Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Peters, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads' current comprehensive insurance coverage for Village activities and property including liability coverage, personal injury, property damage, and umbrella liability, and insuring Village property including apparatus of the Fire Department, expires on June 11, 2010 and,

WHEREAS, Village Manager Walter Herbst has recommended acceptance of the proposal of Perry & Carroll, Inc. of Elmira, NY, as agent for Selective Insurance Company providing coverage to the Village of Horseheads for the period June 11, 2010 through June 10, 2011 at a premium not to exceed \$90,895.00 for municipal, police and fire department coverages.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept such proposal and does further authorize and direct Village Manager Herbst to secure such insurance and coverages as noted above, and be it further

RESOLVED, that Clerk-Treasurer Cunningham is authorized and directed to pay the premium for such insurance in the ordinary course.

Trustee Clark - what did we pay last year.

Manager Herbst - It is a \$9,000 reduction over last year.

Roll Call Vote:

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

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

- Receive Police Department 2009 Annual Report
- Authorize Fire Chiefs to Travel for Firetruck Inspection
- Appointment to Zoning Board of Appeals

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that the Police Department's 2009 Annual Report is hereby received, and same is to be placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that Fire Chief Arthur Sullivan, and First Assistant Chief Jeff Gray are hereby authorized to travel to Brimlee Mountain Fire Apparatus, in Union Grove, Alabama, for the purpose of inspecting a used aerial firetruck, with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that Tony VanDinther, of 224 Kennedy Drive, Horseheads, be appointed as an Alternate Member of the Zoning Board of Appeals, said appointment to expire the first Monday in December, 2010.

Roll Call Vote:

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

Trustee Clark

- Commended Police Dept. on annual report. Pleased to see crime going down.  
- Every month we vote on bills. Other places I've always been kept up to speed on financials, cash flow, etc. I got on web site of Comptrollers Office of NYS, found cash management technology. Recommend we take a look at this. I'd also like to say that my remarks have

nothing to do with the way the Village is being run. We have a terrific team. I just like to know where the finances stand in the village on a month to month basis. What I would like to see is a sheet with what you would normally see in the real world. We might just need to tweak it for our needs. Just an overview of what is happening.

Manager Herbst - the accounting system required by the state is so different than what you are accustomed to. But we can prepare something.

Suzanne - I went to that website too, section on monitoring the budget. I too would like to see a one page summary.

Trustee Koliwasky - I liked annual report from Police Dept.. Nate did a great job on parks getting ready for Memorial Day.

Manager Herbst reported on the following items:

- Everyone did great job on memorial day parade
- Security, phase 2 - getting quotes from security companies for cameras, alarms, etc. - for here and at Thorne St. Rec'd two bids so far.
- Implementing new procedure for bulk water at the garage. Landscaping businesses can take bulk water. Was starting to be abused. Now we are asking them to sign new rules. Establishing a permit process. \$50.00 for entire season.
- Working on light duty policy.
- Charges for mowing properties - we changed it to be up to \$250.00. Before we impose this fee, the person has a courtesy call, notice, second notice, appearance ticket. Then if we have to send in a crew, that is when this comes into play.
- Mayor, Trustee Koliwasky and I met with Calamar. New approach is that they need a fixed dollar amount for taxes, except that they would allow a max of 2.5% increase. This is over 10 years. What they did is go to Town Assessor and came back with a potential assessment of 3.6 million for the facility. Of that amount, it is based on 22% vacancy rate. If the full tax on this 3.6 million was \$1,200, they are asking to pay 750. That is the same as 37% tax abatement. The question is if the building was originally proposed at 9 or 10 million. If we double to 7.2 million. Then the abatement is actually 74%. We ended the meeting with the statement that we have approved the project. We have not approved or agree with tax abatement. Need to consult with our attorney on whether there is a way for a profit corporation to pay for services directly. Costs for fire and police protection can be considerable. Mayor thought maybe they could pay for those services directly. Once that question is answered we can come to a conclusion.
- Begun pre-planning for impact of new companies coming into Village. Met with someone from Schlumberger. Will be following up meeting with the County on economic development.
- Meeting next week with owner of Center at Horseheads.

Trustee Koliwasky - property maintenance, have we had to mow anything this year. Are they absentee landlords.

Manager Herbst - they are absentee owners. We can assess costs against the taxes.

Trustee Clark asked if the vendors at the farmers market have to have liability insurance.

Clerk-Treasurer Cunningham - we have a special events insurance policy, that the Village pays,

that covers the market. County Health Dept. is involved. This came up before as far as individual certificates of insurance, or use their homeowners' insurance. Turned into a very involved process, and was going to prevent market from happening. So a few years ago we took out the policy with Perry & Carroll. These small vendors won't do markets if they have to get an insurance policy.

Mayor Zeigler - Our CSO's are doing a great job.. Done about 70 visits so far.

Police Chief Barton displayed the 'speed spy device'. It is an enclosed radar unit. We set them up in neighborhoods. Takes traffic data, can generate reports. He distributed reports on what it can do. We used this data to get grant money for extra enforcement. This unit cost about 1,200. Those trailers that display the speed is much more expensive.

Parks Director Nate Nagle reported on the following

- pool inspection Monday
- pool open on June 19<sup>th</sup>
- registration for summer activities in process
- Teal Park concerts start in two weeks - plus food service

Trustee Peters - need to advertise food service on the sign at Teal Park. Nate said we could do that.

#### Audience Participation:

Martha Hauser, 407 W. Broad St. - wanted to know more about Tara Edwards project.

Manager Herbst explained process of rezoning. Our Planning Board will be reviewing it first on June 22<sup>nd</sup> and make a recommendation to the Village Board.

Mrs. Hauser- don't understand this.

Mike Swasta, Watkins Rd. - soon it will be one year for Schlumberger occupying their temp facility. When will construction start. Or is there an extension of temp facility.

Village Manager Herbst - Monitoring wells are in. That clears way for construction.

Mr. Swasta - truck traffic on Watkins Rd. Holding Point street address must be S. Main St. Truckers using GPS are using S. Main St. Nothing at Main St entrance to identify the complex other than their sign that says Center at Horseheads.

Mayor Zeigler - we are meeting with owner soon. We could bring this up. New signage is in the works for Ithaca Road.

Mike Swasta - any issues with the large train that exited Holding Point recently. I suspect it took a long time to pass through Village.

Mayor Zeigler - need to have a meeting with Norfolk Southern on this.

Mr. Swasta asked about the bid opening for the LRC Demolition project.

Manager Herbst - many bids picked up. There was a pre-construction meeting at the site. Many contractors showed up. Addendum to the specs went out today. Clarification of questions.

Mr. Swasta - what is the status of my appeal to the denial of the FOIL request.

Rachel Baer noted that it was mailed to your attorney. We tried twice to fax it to her, but her machine is not working.

Dave Padgett - What is going on with Klees building on W. Franklin St. It is wide open - nothing has been going on for days. Its an eyesore.

Manager Herbst - will have to discuss with Code Enf.

Trustee Peters - need more Yield to Pedestrians signs.

Chief Barton - applied for grant for these issues - pedestrian enforcement and cell phone users. Fresh paint on crosswalks is needed.

As there was nothing further to come before the Board, the meeting was closed at 8:25 p.m.  
/rmb