

Minutes

Village Board of Trustees

September 10, 2009

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 Ronald Swartz
Trustee Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters

Village Attorney John Groff
Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock
CEO Bob Young
Police Chief Mike Barton
Fire Chief Arthur Sullivan

Others:

Jocelyn Bos, Calamar
David Padgett, W. Franklin St.
Howard Miller, Sunset Dr.
Art Ambrose, Coleman Ave.
Sam Reeder, Calamar

Jamie Gensel, Fagan Engineers
Bonnie Chollet, Latta Brook Rd.
Tess Banfield, Catalpa Dr.
Bill Dominikoski, Skyland Dr.
Barb Skorczewski, W. Franklin St.

Resolution by Trustee Swartz, seconded by Trustee Peters

BE IT RESOLVED, that the minutes of the Board of Trustees Meeting of August 27th, 2009 be received 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 Herbst, seconded by Trustee Koliwasky

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

General	\$194,210.31
Water	\$78,948.89
Trust & Agency	\$2,182.43

BE IT FURTHER RESOLVED, that \$50,355.00 be transferred from the Capital Reserve Fund for the acquisition of a sander (\$12,073) and a grader (\$38,282).

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

BE IT RESOLVED, that the minutes of the August 25, 2009 Planning Board Meeting 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

Calamar Project:

At this time the Board and Village Attorney completed Part 2 of the Full EAF for the Calamar Project. On the basis of the answers they found some areas that had environmental impact. Upon further analysis they concluded that it would be small to moderate. They made a finding that there are no negative environmental impacts that can't be mitigated by the proposal submitted by the applicant. The Board found a Negative Declaration.

After brief discussion it was found that the 7:05 p.m. public hearing for the Calamar Project was inadvertently left off tonight's agenda.

Motion by Trustee Herbst, seconded by Swartz, that an item be added to the agenda to conduct a public hearing relative to the Calamar Senior Housing Project.

Roll Call Vote:

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

Jocelyn Bos, Director of Senior Housing for Calamar - the intended use is 120 units for moderate income senior housing apartments. Units include utilities and cable. In the common areas will be a lounge and fireplace, exercise room, etc. Two elevators will also be present. Each unit has its own patio - both levels. Pets are welcome. Secured access with video monitoring. Pending approval they anticipate 12-mo. construction time.

Sam Reeder, Calamar - I initiate marketing and outreach to the community. We work with local council on aging to bring services to the project. We don't provide direct nursing care, but can provide links to home health care. Use a lot of local vendors for services like cleaning, meal programs, etc. Do a lot of social activities to bring people together. Looking for suggestions for an appropriate name for the project.

Bill Dominikoski, Skylark Dr. - Chairman of Horseheads Town Planning Board - the traffic on W. Broad, Sing Sing, Colonial is large right now. The last site plan for this showed that there were two ingress/egress. One was across from Colonial Dr. This road is so heavily traveled now. The intersection of W. Broad and Sing Sing is already difficult. I suggest the Board consider this and change it.

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

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, Calamar is the owner of premises situated in the Village of Horseheads, located near the corner of Broad St. and Sing Sing Rd.(Tax Map Parcels #58.11-1-48.1, 48.2, 49.4, 49.5, 49.6) comprising approximately 15.24 acres, and zoned Planned Unit Development, and

WHEREAS, Calamar has applied for an Amendment to the PUD, and Site Plan Review for construction of a 120-unit senior citizen apartment building on said site, and

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

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

WHEREAS, this application has been reviewed by the Village of Horseheads Planning Board, Town of Horseheads Planning Board, Chemung County Planning Board, and Village Traffic Commission, all boards having returned recommendations for approval of the proposed project as submitted, and

WHEREAS, a public hearing regarding the proposed project was held on September 10, 2009, and

WHEREAS, the 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 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.

NOW THEREFORE BE IT RESOLVED, that:

- 1) a public hearing on the environmental aspects of this action is waived;
- 2) Mayor Donald Zeigler is hereby authorized and directed to execute the SEQR Determination of Significance for this project, issuing a Negative Declaration determining that the action will not have any significant adverse environmental impacts
- 3) the application of Calamar for PUD Amendment and Site Plan Review for construction of a 120-unit senior citizen apartment complex on a 15.24 acre parcel located near the corner of Broad St. and Sing Sing Road be and the same hereby is approved.

Discussion:

Atty. Groff noted that public comments were received tonight, as well as written comments received this afternoon. The Board said they read the written comments.

Trustee Herbst - first issue seems to be the exit-only road out onto Broad St. What are the alternatives.

Jamie Gensel, Fagan Engineers - the secondary access that was added was based on comments received from the County Highway Dept., and also through discussions from Village Traffic Commission. From the applicant's point of view it is not a necessary element. However, some believe there should be two access points. One option is to not have this second access. Another option is to build it as shown. Option 3 is to use gravel driveway down at the bottom near the sewer pump station. I think there are a number of ways we could do this. The project is not going to be occupied for a year. We could split project into two phases - phase 1 being everything except this driveway. Phase 2 could be this secondary access. That way if we have additional talks with the County and Village Traffic Commission, we could come up with another solution.

Mr. Gensel continued to say that the existing gravel drive at the south used to serve fitness center. It comes up and ends where parking area used to be. Could take that and loop into parking area. Would have to investigate this a little further, but we could check this out as a secondary access. I would like the Village Traffic Commission to look at this option first before deciding.

Fire Chief Sullivan - intersection of Colonial is busy. We worked with Jamie to develop this egress road for people leaving the facility to avoid the intersection at Colonial. Also gave emerg. vehicles another entrance so we could also avoid the Colonial intersection. Chemung County approved this. We thought it was a good plan for emergency vehicles coming in and also letting traffic to go out and only allow to make a right turn on Broad. They designed this road wide enough for emerg. vehicles to get through if there is a car also coming out.

Trustee Koliwasky - Police monitors this road well. Do you foresee any problems with this exit out onto Broad.

Chief Barton - from what I've seen I don't see it being significant. We did get a grant to do speeding enforcement there. This won't be anything we can't manage or deal with.

Trustee Swartz - is there an option to just make that road for emerg. vehicles to come in only.

Jamie Gensel - we did discuss having this, with a type of gate. But not a good idea, people like to go around gates. There are also some slope issues.

Mayor Zeigler - asked if this is a necessity. Chief Sullivan said it is recommended but not an necessity. If its not there it would make us use that intersection of Colonial and Sing Sing.

Atty. Groff - did the other Boards see this updated plan? I think they saw the original plan with the two access points on Sing Sing Road, not this one.

Jamie Gensel - reason there is no longer a second access onto Sing Sing was having one north of Colonial Drive would not have been allowed by Chemung County. The intersection with Colonial will have improvements with this new plan.

Trustee Swartz - seems quicker for emergency vehicles. Concern is for people coming out. A gate could be inset further down the road with guardrails so nobody could go around it.

Jamie - then someone drives in and has to back up. Wouldn't want that on Broad St.

Atty. Groff - how do you intend to construct it to prevent people from making a left.

Jamie - there is a radius off to the right hand side. That doesn't mean it will stop people for making a left. It will be striped in a way that says you can't make a left. Will that prohibit anyone? No. Even if we put a little island there, that won't completely stop it either.

Chief Sullivan - if it was gated, yes we can stop and open the gate. Ideally we like to just drive in.

Mayor Zeigler - what if there is an accident at Broad and Sing Sing. Then this drive will allow emergency vehicles to get to the facility. But they can drive around it. But I'm concerned with the steep slope on the site. These are seniors living there.

Discussion ensued.....

The Board agreed to change this project to Phase 1 and Phase 2 - Phase 2 being the possible secondary access road, and to let the other Boards relook at this road issue, but not stop construction of the building.

Mayor Zeigler added that the Phase 2 part should be resent out to the various Planning Boards, Traffic Commission, etc.

Atty. Groff - what is approximate cost of the second road.

Jamie Gensel - Probably total around \$50,000 - that is a guess.

The Board agreed to have a decision by December 1, 2009.

Amendment to Resolution:

Motion by Trustee Swartz, seconded by Trustee Herbst, that this approval be subject to the following conditions:

1. This Board has until December 1, 2009 to add an additional condition to the approval - that being that the Board can require the applicant to construct an egress road similar to the road as shown on the drawings last dated August 21, 2009.
2. The applicant and their representatives consult with the Village Traffic Commission, Chemung Co. Highway Department and other appropriate agencies regarding the necessity for this egress road, and possible alternative locations for same. Further that the applicant will have 45 days to present design alternatives to those agencies for their review and comment.

Roll Call Vote on Amendment:

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

Roll Call Vote on Resolution as Amended:

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

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads, Town of Horseheads, and County of Chemung have entered into an Inter-Municipal Agreement for the purchase of an Articulated Motor Grader at a total cost of \$255,212.00, and

WHEREAS, per said agreement the Village's share of the cost is 15%, or \$38,282.00, and

WHEREAS, this agreement was reached during the Village's 2008-2009 fiscal year, yet the invoice for the Village's share of the cost was not received until FY 2009-2010, thereby requiring a budget amendment.

NOW THEREFORE BE IT RESOLVED, that the Village's FY 2009-2010 Budget is hereby amended as follows:

<u>Change</u>	<u>Line Item</u>	<u>From</u>	<u>To</u>
Increase	Transfer to Capital	\$ 90,000	\$ 128,282
Increase	Appropriations	\$4,170,200	\$4,208,482
Decrease	Appropriated Fund Balance	\$ 336,983	\$ 298,701

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

BE IT RESOLVED, that a Proposed Local Law Regarding Temporary Storage Containers, and a Proposed Local Law Regarding Dumpsters are both hereby received, and public hearings regarding these two proposed laws are hereby scheduled for Thursday, September 24, 2009 at 7:05 p.m. and 7:10 p.m. respectively.

Roll Call Vote:

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

Amendment to and Possible Adoption of Emergency Response Plan

Atty. Groff - the Village updated this plan a few months ago as a result of a safety audit. We have since made some modifications to it. One of the issues was who is in charge if we don't have a Manager regarding overseeing emergency response. The language designated the authority as being the most senior department head. This was because the Plan already states that elected officials should not have any role in emergency response. We discussed that utilizing the most senior department head might not be a good idea if that specific person is not necessarily involved in public safety. I suggest that in lieu of this delegation that we say in absence of Manager that the Mayor be designated as the person who oversees emergency response and delegation of authority. The Mayor would obviously take input from appropriate Village emergency response personnel. We discussed this with the Mayor and we made a change in this Plan to say that elected officials have no role except as provided. That is the rationale for revising the proposed plan. Also we did not adopt the previous proposed plan from May 2009.

Motion by Trustee Herbst, seconded by Trustee Koliwasky, that this Board hereby adopts the proposed Emergency Response Plan as amended.

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

Motion by Trustee Herbst, seconded by Trustee Swartz, that the following item be added to the agenda:

- Authorize Police Training

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 a Police Sergeant is hereby authorized to attend Patrol Rifle Instructor Training, October 5-9, 2009 in Bethlehem, PA with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Chief Barton - we decided to use patrol rifles instead of shotguns. State recommends that we receive specialized training and instruction. So I found a school that provides a good opportunity.

Roll Call Vote:

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

Trustee Swartz thanked Deputy Clerk Hartsock on her work compiling the Emergency Response Plan.

Mayor Zeigler stated that the Town Supervisor is asking for a meeting to go over recreation issues. Trustees Koliwasky and Peters to attend for the Village.

Mayor Zeigler said he talked to Ron Sherman regarding the updated EAR and SWPPP on Schlumberger. He said Ron does not have enough time to review all this new material before the joint workshop next Tuesday. He suggests rescheduling it for the following week -

September 22nd.

After brief discussion the Board agreed to reschedule the Joint Workshop with the Planning Board regarding Schlumberger for September 22nd at 5:30 p.m.

Clerk-Treasurer Cunningham - I gave each of you a memo regarding some new software for our office. If you could please review this as soon as possible.

Brief discussion ensued regarding the Board possibly approving the purchase in advance.

Trustee Peters - was this in previous budget. Sharron - no it wasn't.

The Board agreed to take time to investigate further.

Chief Sullivan stated that they've had some unique incidents recently, which our firefighters responded to very well. During fire prevention week we will have open house. I'd like you to come and thank our firefighters for all their training and hard work. Tonight we had a bad accident and had to use special tools to remove victim and everything went very well. Everyone responded so well, our training has really paid off.

Mayor Zeigler said he will be reading a proclamation at Bethany this weekend regarding assisted living week.

Motion by Trustee Herbst, seconded by Trustee Koliwasky that this Board and the Village Attorney move into an Executive Session to discuss the employment history of a particular person.

Roll Call Vote:

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

At 8:25 p.m. the Village Board and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:40 p.m. the Village Board returned to the regularly scheduled meeting of this date. As there was nothing further to come before the Board, the meeting was adjourned.
/rmb

Village Board of Trustees

EXECUTIVE SESSION

September 10, 2009

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:25 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, George Koliwasky, Suzanne Peters and Village Attorney John G. Groff, at which time they discussed the employment history of a particular person.

At 8:39 p.m., a motion was made by Trustee Herbst, seconded by Trustee Swartz, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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