

Minutes

Village Board of Trustees

September 11, 2012

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 Larry Clark
Trustee George Koliwasky
Trustee Suzanne Peters
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer

Absent:

Trustee Ronald Swartz

Others

Mr. and Mrs. Glen Hostettler, W. Broad St.
Louise McIntosh, Renwick Lane
Mike Swasta, Watkins Rd.

Dot Gebhart, Biltmore Dr.
Norm Stull, Marshall St.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of August 9th and August 16th, 2012 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

General - \$ 161,497.36
Water - \$ 33,447.04
T/A - \$ 1,069.42

Roll Call Vote:

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

Financial Report: Manager Herbst reported that for the General Fund receipts to date are up about 63K. Expenses show in excess of 185K over last year, but last year we were slow in paying the highway funds. Water - receipts to date are up 7K, expenses down by 22K.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of August 23, 2012 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, the Horseheads Merchants Association has applied to the Village of Horseheads for the use of the Hanover Square area for the conduct of an event known as the Celery Festival on October 6, 2012, and

WHEREAS, the applicant has also requested that the Village Board grant special permission to allow the sale, possession and consumption of alcoholic beverages in the Village Parking lot located at the corner of Grand Central Ave. and W. Franklin St. during the festival, and

WHEREAS, Village Code Chapter 76 regulates possession and consumption of alcoholic beverages in open containers on Village property.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby grant to the Horseheads Merchants Association special permission waiving the prohibitions of Village Code Chapter 76 as follows:

1. Beefeaters Tavern, the approved vendor of alcoholic beverages for the event, shall provide the Village with an Indemnification Agreement in a form approved by the Village Manager and shall cause the Village of Horseheads to be named as an additional insured on its public liability insurance policy in an amount not less than \$1,000,000.
2. The waiver of the application of Chapter 76 shall apply to the parking lot at the corner of W. Franklin St. and Grand Central.

3. The Merchants Association shall agree to indemnify and hold the Village harmless with respect to the event and the permission granted herein shall provide the Village with an indemnity agreement in a form acceptable for the Village.
4. This permission is contingent upon Beefeaters Tavern filing with the Village proof of its authorization from the NYS Alcoholic Beverage Control Board, to sell alcoholic beverages off-premises.
5. This special permission is granted for October 6, 2012 from Noon - 4 p.m.
6. The permission granted herein may be revoked at any time by the Village Manager, without prior notice, in his sole discretion.

Trustee Koliwasky - is the amount of liability insurance enough? Should we raise it?

Atty. Groff - we can consult with our insurance broker on this. He added that we might want to specify the time. He suggested we amend the resolution to state that "the special permission is for October 6th from Noon - 4pm to utilize the Village parking lot for the sale of alcohol, and also closure of the streets from 10am to 6pm."

Trustee Clark made the motion, Trustee Koliwasky seconded.

Roll Call on Amendment:

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

Roll Call Vote on Entire Resolution:

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

Payment to Environmental Emergency Services

Manager Herbst - this is an organization that does emergency services, haz mat cleanup and mitigation. They ask each community to contribute funds.

Atty. Groff - your not required to do this, but they have an expertise.

Discussion ensued. Mayor Zeigler suggested to table the matter, and have a representative from the company come to the next meeting.

Motion by Trustee Peters, seconded by Trustee Clark, that the item regarding payment to Environmental Emergency Services be tabled until the next meeting.

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the NYS Justice Court Assistance Program (JCAP) offers grants to local courts for the purpose of improving the courts' ability to provide suitable and sufficient services to their respective communities. These purposes may include, but shall not be limited to, automation of court operations; provision of appropriate means for the recording of court proceedings; and the improvement or expansion of court facilities, and

WHEREAS, per the newly adopted Village of Horseheads' Grant Administration Policy, the Village Justice Court has submitted a request to the Village Manager to apply for funds under JCAP to 1) update courtroom automated reporting system, 2) enhance court's ability to provide current and concise case data; 3) provide a more secure area for both the court and the employees of the Village; 4) assist with maintaining the confidentiality required; and 5) improve functions within the justice court, and

WHEREAS, said grant application would be for an amount not to exceed \$30,000.00 to be used for technology, furniture, and light construction, and

WHEREAS, Village Manager Walter Herbst has thoroughly reviewed the Court's application to apply for grant funds, and recommends to this Board that they be authorized to proceed.

NOW THEREFORE BE IT RESOLVED, that this Board hereby authorizes the Village Justice Court of the Village of Horseheads to apply for funding under the NYS Justice Court Assistance Program as outlined above.

Mayor Zeigler - The State Unified Court System did a report on our facilities a few years ago. Has any of their report been taken into consideration for this grant.

Manager Herbst - we will pull that out and look at it.

Roll Call Vote:

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

Trustee Clark - I received a postcard in the mail. Very disturbing. Shows pictures in the Village. In my opinion, they are exaggerated and border on deception. On the sidewalk program - this Village the last two years has had more sidewalks replaced than any other times. Restore

Bloom on Grand Central Ave. - when that was put in the previous administration never checked on how high flowers could be. It caused a traffic accident due to height of flowers. Our insurance company told us if we did not change it they would not insure us. Restore Youth Programs, skateboard park - in 2008 our insurance company wanted full time supervision over there which would increase standards and labor costs. In 2010 we found it would take \$100K to upgrade it in order to have minimum maintenance. So we closed it. Since then we have only received one comment. Kiddie Pool at Thorne St. - shows kids looking at an empty pool. NYS closed these pools due to bacteria and lack of filtration systems. We would have had to install its own filtration system, at a total cost of \$25-30K per state regulations. In the last 4 years, maybe 10 complaints about kiddie pool. Also shows a picture of clogged drains - I can guarantee this picture of that drain is a result of a storm. If they would have pulled top off drain they would have seen nothing in there. The Village has systematically been cleaning out the drains. This whole postcard says we have done nothing in the in the Village. I'm surprised this individual is such a puppet to the prior administration who has a vengeance.

Trustee Koliwasky - last year I brought up opening the brush pit on Sundays. I'd like to discuss this again.

Mayor Zeigler - we've talked about putting a new system in on Blostein Blvd., with card access. We could also have cameras and have facility be open. Would this be better than paying people to sit over there.

Trustee Clark - how about installing card swipe system right there on Thorne St.

Manager Herbst - it costs us a fair amount of money to move the debris over to Well 5.

After considerable discussion, the Board agreed to change the Saturday hours of the brush pit to Noon - 4pm, instead of 10am - 2pm.

Trustee Koliwasky - I'm getting complaints from residents about Gardner Road Auto.

Manager Herbst - Code Enf. going to meet with owner.

Trustee Koliwasky - on the 5 yr. plan - looking at workshop so residents can come in and comment. But I'm thinking about our Comprehensive Plan which we passed in 2010. We have yet to look at it much. I would like a workshop to review it again.

Mayor Zeigler asked everyone to look at it again first. Shouldn't just do it at a meeting. Then we can discuss a workshop.

Manager Herbst reported on the following items:

- Matthew Circle is completed
- Ryan Circle - grant applic. pending.
- Lynhurst Ave. - finish work yet to be done
- Code Enf - doing fire inspections
- IT systems - new server installed next Wednesday evening
- Sister City mtg. next week
- Taping of 5 yr plan at WETM TV

- Workshop for residents - want 2 workshops for the public in October
- Next week Romer Wallens having training for our department heads - part of their package
- Working with state and county on FEMA well project. Going to Tioga County for a meeting of counties. FEMA has stalled on everything. Schumer will be there.
- Energy performance options
- Newsletter due this week
- Oct 4th and Oct 18th - workshops for the public - 7pm - financial planning
- Sept 20th - workshop - 6:30pm - 5 yr planning workshop for the Board

Louise McIntosh, Renwick Lane - last year Winding Way was repaved. This year Westinghouse. 20 ft. strips - crosswalks - need to be fixed - huge holes. On the streets off Westinghouse.

Mike Swasta, Watkins Rd. - DOS requires annual reports on code admin and code enf activities. Village report indicates the Village is lagging behind in fire safety inspections. Host Terminal has a large sign being painted on roof of new bldg. Was a sign permit application done on that? Aggregate amount of signage being exceeded. Colonial Manor Apts. - handicapped parking spaces are not properly signed, no dumpster enclosures, little or no landscaping. Also parking spots added after site plan was approved. Broad St. insurance office - handicapped parking spaces not properly signed. Parking in front of that bldg. could be considered front yard parking. Parking is closer to the street than any neighboring properties.

As there was nothing further to come before the Board, the meeting was adjourned at 8:11 p.m.

/rmb