

Minutes

Village Board of Trustees

April 20, 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
Deputy Mayor Ron Swartz
Trustee George Koliwasky
Trustee Suzanne Peters
Trustee Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Co-Chairs of Comprehensive Plan
Committee: Dave Radin, Mike Stenpeck
Manager's Assistant Rachel Baer

Others:

Tess Banfield, Catalpa Dr.
Mike Swasta, Watkins Rd.
Jean Quinn, Gardner Rd.

Clay Ambrose, W. Church St.
Art Ambrose, W. Church St.
Matt Cox, Veteran Hill Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the April 8, 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

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, Village Budget Officer Walt Herbst has prepared and submitted a proposed budget for the fiscal year 2010-2011, and

WHEREAS, this budget has been reviewed and critiqued by the Board of Trustees, and

WHEREAS, a public hearing was held on April 15, 2010 relative to the proposed budget.

NOW THEREFORE BE IT RESOLVED, that the proposed 2010-2011 budget prepared by the Budget Officer which establishes anticipated revenues in the amount of \$5,391,529 and appropriations in the amount of \$5,391,529 with the schedule of salaries and wages and other appropriate schedules required by law is hereby adopted as the final budget for the Village of Horseheads for the fiscal year June 1, 2010 through May 31, 2011 containing a tax levy of \$4.99 per thousand dollars of assessed valuation.

Roll Call Vote:

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

At this time, the Board conducted a SEQR Review regarding the proposed Comprehensive Plan. They read and completed Part 2 of the long form SEQR. After which Atty. Groff noted that it would be appropriate, based on their answers, to issue a finding that there is no potential adverse environment impacts, and to issue a Negative Declaration.

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, the Village Board of Trustees of the Village of Horseheads is considering the UPDATING of the Comprehensive Plan of the Village of Horseheads, by the adoption of a proposed "Comprehensive Plan" (the "Action"), and

WHEREAS, the Board of Trustees is the Lead Agency for the Action pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, together commonly known as the New York State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the action is a Type 1 Action pursuant to SEQR and the Village has been determined to be the only involved agency, and

WHEREAS, the Board of Trustees has caused Part 1 and Part 2 of the Full Environmental Assessment Form to be prepared in accordance with SEQRA; and

WHEREAS, the Board of Trustees has considered the probable environmental impacts of the adoption of the Comprehensive Plan; and

WHEREAS, the Board of Trustees has concluded that there will be no adverse environmental impacts.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Horseheads hereby makes the following determinations:

1. The Board of Trustees accepts the findings and conclusions relating to probable environmental impacts contained within the attached Part 1 and Part 2 Full Environmental Assessment Form (EAF) pursuant to SEQRA.
2. The Board of Trustees determines the Action will not have a significant environmental impact and hereby finds the Action to result in a Negative Declaration and adopts a Notice of Determination of Non-Significance.
3. The Board of Trustees authorizes the Village Clerk-Treasurer to file the Negative Declaration in accordance with the applicable provisions of State law.

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, the Village Board of the Village of Horseheads is responsible for the preparation and adoption of the Village of Horseheads Comprehensive Plan pursuant to Village Law Section 7-722, and

WHEREAS, the Village’s existing comprehensive plan has not been updated in more than 35 years, and does not reflect the community’s current vision and specific initiatives to help achieve that vision, and

WHEREAS, the Village desires to have a vision and a plan for the community to refer to when addressing potential uses and impacts from the reuse of properties and development of vacant parcels in the Village, and

WHEREAS, the Village desires to be proactive in dealing with municipal issues, protect its resources and plan for community needs, and

WHEREAS, the Board of Trustees established a special board known as the Comprehensive Plan Committee (“CPC”) and retained the services of LaBerge Group as planning consultants for this purpose. The CPC and consultant having undertaken a lengthy study of the historic and existing conditions in the Village, the surrounding areas, identified issues and opportunities, analyzed numerous topics and potential options, developed goals and objectives which resulted in a Draft Village of Horseheads Comprehensive Plan, and

WHEREAS, said Draft underwent further review and modification with input from many different sources resulting in a Proposed Village of Horseheads Comprehensive Plan, and

WHEREAS, the Proposed Village of Horseheads Comprehensive Plan is a vision document which identifies the important positive attributes and components which define the Village of Horseheads and provides a blueprint for the future, and

WHEREAS, the Proposed Comprehensive Plan will provide guidance to decision makers, residents, property owners and organizations, and

WHEREAS, there has been extensive public participation throughout the comprehensive plan development process including public workshops, public hearings, and a public hearing held on March 4, 2010, a public opinion survey, outreach meetings and review of background documents and draft plans, and

WHEREAS, the CPC, Village Board and Village staff consulted with various Boards including the Village of Horseheads Planning Board, Chemung County Planning Department, surrounding municipalities, business groups, civic groups, etc. and

WHEREAS, the Board of Trustees referred the Proposed Village of Horseheads Comprehensive Plan to the Chemung County Planning Board in accordance with GML Section 239-m, and said Planning Board responded with its letter dated February 18, 2010, and

WHEREAS, the Proposed Village of Horseheads Comprehensive Plan was finalized by the Village Board after making copies of same available for public review at the Village Hall and Horseheads Free Library, and widely distributing the draft and proposed versions of the plan, revising same in response to issues and comments raised by the Chemung County Planning Board, the public and others, and

WHEREAS, the Village of Horseheads Board of Trustees adopted a negative declaration dated April 20, 2010 regarding the Proposed Village of Horseheads Comprehensive Plan thereby completing the SEQR review of the proposed action pursuant to Part 617 of 6NYCRR.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts the Proposed Village of Horseheads Comprehensive Plan dated April 2010 as the Comprehensive Plan of the Village of Horseheads, an important planning tool which identifies a wide range of issues, initiatives, studies, projects and programs which may be undertaken by various entities at appropriate intervals of time.

Roll Call Vote:

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

At this time, the Board conducted a SEQR Review regarding the proposed PUD Plan for Gardner Road Townhouses. They read and completed Part 2 of the long form SEQR. After which Atty. Groff noted that it would be appropriate, based on their answers, to issue a finding that there is no potential adverse environment impacts, and to issue a Negative Declaration.

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, J. Ambrose Real Estate, Inc. ("Ambrose") is the owner of real property situate in the

Village of Horseheads, County of Chemung, State of New York, lying southerly of Gardner Road comprised of 9.69 acres commonly known as tax map parcel 48.20-1-58.21, and

WHEREAS, said parcel was rezoned to Planned Unit Development by the Village Board of Trustees on or about October 26, 2006 with no specified land use or uses for such zoning, and

WHEREAS, Matt Cox, Custom Home Builder (“Cox”), and Ambrose has applied to the Village of Horseheads for approval of plan for the Planned Unit Development; said plan comprised in large part of development of the site by construction of 11 duplex buildings for a total of 22 residential units, and infrastructure development including utilities, access roads, parking, and drainage mitigation procedures, and

WHEREAS, the applicants have requested that the above-noted plan be approved as the plan for said Planned Unit Development, and

WHEREAS, Ambrose has submitted drawings and design details for development of the site in three phases, said drawings entitled Planned Unit Development Drawings for Gardner Road Duplexes same being prepared by Fagan Engineers (*comprised of drawing #'s C1 Existing Conditions dated December 11, 2009; C2 Site Plan dated December 11, 2009; C3 Grading Plan dated December 11, 2009; C4 Utility Plan dated December 11, 2009; C5 Civil Drawings dated December 8, 2009; C6 SWPPP dated December 11, 2009; and C7 E & S Details dated December 8, 2009*) and

WHEREAS, the applicants have submitted a Draft Stormwater Pollution Prevention Plan (DSPPPP) for the project dated December 2009 prepared by Fagan Engineers, and

WHEREAS, the applicant has also filed with the Village of Horseheads a Long Environmental Assessment Form relative to the plan and project, and

WHEREAS, the plan is subject to SEQR being an unlisted action, and

WHEREAS, the Village of Horseheads is informed and believes that the Village is the only involved agency with respect to the SEQR review for the project, and

WHEREAS, the application and plan have been referred to the Village Planning Board, Town of Horseheads Planning Board, Chemung County Planning Board for review and comment, as well as the Village Traffic Commission; such reviews generating recommendations that with respect to Phase 1 of the project the entrance/exit point be realigned to either be across from the existing Hilton Drive/Gardner Road intersection or more distant from same; and

WHEREAS, the DSPPPP has been reviewed by the Chemung County Stormwater Coalition; such review resulting in a recommendation that stormwater mitigation measures be incorporated in Phase 1 of the project as opposed to being solely incorporated into later phases of the project, and

WHEREAS, in response to the review, comments and recommendations of the Boards, Commission and consultants, and applicant has modified the plan and drawings, realigning the entrance point to Hilton Drive, and increasing the size of Phase 1 from less than one acre to 3.0 acres, and further for Phase 1 to include stormwater mitigation measures; such changes being detailed in updated drawings entitled Planned Unit Development Drawings for Gardner Road Duplexes same being prepared by Fagan Engineers (*comprised of drawing #'s C1 Existing*

Conditions dated April 15, 2010; C2 Site Plan dated April 15, 2010; C3 Grading Plan dated April 15, 2010; C4 Utility Plan dated April 15, 2010; and C6 SWPPP dated April 15, 2010), and

WHEREAS, the DSPPP has also been revised by Fagan Engineers to particularize the proposed stormwater mitigation measures by a DSPPP dated April 2010, and

WHEREAS, the revised stormwater mitigation measures for Phase 1, Phase 2 and Phase 3 of the project have been reviewed by the Village's stormwater mitigation consultant, Jimmy Joe Carl, and the Village's MS4 Officer, and

WHEREAS this Board has conducted a thorough review of the plan and application, the Long Environmental Assessment Form, and all of the environmental consequences of same, and has found that the action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on February 25, 2010 regarding the application for approval of the plan for the PUD, at which times all interested or effected parties were afforded an opportunity to present their views regarding same.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. A public hearing on the environmental aspects of this action is waived.
2. Mayor Donald Zeigler is authorized and directed to sign the Long Environmental Assessment Form finding there to be no significant environmental impact.
3. The plan for the Planned Unit Development to construct 11 duplex buildings comprising 22 residential units in three phases as shown on the above-noted updated drawings is hereby approved, subject to the condition that the Revised Draft Stormwater Pollution Prevention Plan dated April 2010 shall be approved by Jimmie Jo Carl of the Chemung County Stormwater Coalition, and further that Page SWPPP-8 of said Plan listing "Construction Sequence" be adhered to by the developer.

Village Manager Herbst noted that in their SWPPP it states that the phase 1 parcel is less than one acre, and no permit is required. We approached it as a common development plan and required a permit. That was recognized by our engineer, and we need to reflect that editorial change.

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, the Village of Horseheads is the owner of lands situate on Blostein Blvd. in the Village of Horseheads which were formerly used as a landfill for residents of the Village and

Town of Horseheads, and

WHEREAS, the State of New York has developed, pursuant to GML Section 970-r, a Brownfield Opportunity Areas Program, and

WHEREAS, the Village of Horseheads, after reviewing said law, and evaluating the former landfill site has determined that same may be eligible for the program, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board that the Village apply for participation in the program, and further has presented to this Board a draft application and attachments for same, and

WHEREAS, this Board, after thorough consideration, has determined that certain work, as described in the application and attachments, herein referred to as the "project", is desirable, and

WHEREAS, GML Section 970-r authorizes state assistance to eligible parties for brownfield opportunity areas program grants by means of a State Assistance Contract (SAC), and the Village deems it to be in the public interest and benefit under this law for the Village to enter into a contract therewith.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees as follows:

- 1) Village Manager Walt Herbst is the Village's representative authorized to act on behalf of the Village in all matters relating to NYS Assistance under GML Section 970-r for the above project. He is also authorized to sign and submit the application, execute the state assistance contract, request state assistance contract advances and reimbursements, redistribute state assistance contract reimbursements as appropriate, submit Project documentation and otherwise act for the Village in all matters relating to the Project and to NYS Assistance.
- 2) The Village agrees it will complete the Project.
- 3) The Village agrees it will fund its portion of the applicant's 10% share of the Project.
- 4) The Village Manager is authorized to engage the services of TVGA Consultants to assist in the grant application and administration process.
- 5) This resolution shall take effect immediately.

Village Manager Herbst noted that the purpose is to explore opportunities for funding to clean up the brownfield and to develop it. This study stops short of putting us in position of having to remediate, should it need that.

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 Village of Horseheads Board of Trustees adopted Local Law #3 of 2002 providing for rules and regulations governing Village parks and recreation areas, and

WHEREAS, the Village Board may by resolution establish such rules and regulations that it deems advisable governing the use and operation of areas designated as a Village park, and

WHEREAS, Village Manager Walter Herbst and Parks and Recreation Director Nate Nagle have recommended to the Board of Trustees that the Park Rules and Regulations be amended to provide for a fee structure for the use of certain park facilities including the pool and pavilion at Sullivan Park (Thorne St. Park), and

WHEREAS, numerous funding sources which have heretofore supported the operation of Village parks and recreation areas have been exhausted or discontinued.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby adopt the attached fee or rental schedule for the identified facility effective immediately.

Roll Call Vote:

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

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

- Fire Department Officer Nominations
- Authorize K9 Training
- Peddlers Permit Applications

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 Peters

WHEREAS, at a General Convention of the Village of Horseheads Fire Department on April 8, 2010, the members of same held an election at which time the following individuals received the most votes for nomination for appointment to the respective offices:

<u>Office</u>	<u>Nominee for Appointment</u>
CHIEF	Arthur F. Sullivan
FIRST DEPUTY CHIEF	Jeff Gray
SECOND DEPUTY CHIEF	Bill Pratt
THIRD DEPUTY CHIEF	No Nominations

and WHEREAS, the by-laws of the Department empower the Board of Fire Commissioners to consider the nominations and appoint such persons to the offices to which they are nominated, and

WHEREAS, this Board has considered the nominees and the offices they are nominated to fill.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Fire Commissioners of the Horseheads Fire Department does hereby appoint the above-mentioned individuals as officers of the Department to hold the office noted for a term of one year or until a successor is appointed or a vacancy otherwise occurs in such office.

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 Swartz

BE IT RESOLVED, that Police K9 Officer Jamie Burgess is hereby authorized to attend the Annual Police K-9 Seminar, May 2-6, 2010, in Penn Yan, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Peddlers Permits : Village Manager Herbst stated that we received an application for a peddlers permit from an individual selling Kirby Vacuums. I put a note on their permit history in your packets. There are some difficulties. As recently as 2006 their permit was denied. I did research on the individuals listed on his current application. The owner is a resident in Florida, has also residence here - however primarily in florida. Not always available to supervise. The other individual doesn't have a driver's license - just Sheriff's id. Although one person says she lives in Buffalo, she actually lives in Florida and recently moved to Horseheads. Final person lives in North Carolina. Very little way of tracking or policing their activities. Given the history and the fact that they are all out of state, I recommend not approving.

Trustee Clark - do we require proof of sales tax registration? They have to collect taxes. How do we guard against that.

Atty. Groff - we rely on NYS to monitor their own sales tax collection. Not our role to police it, but doesn't mean we can't ask for authorization, but its not our jurisdiction. You should be aware that the issuance of these permits is regulated in our codebook. There are other reasons to deny. It was submitted by a corporation. Can only have two individuals acting as reps of the corporation. In this case he has 4 other people, which is not permitted. Permit also has to state how long license is for. You need a resolution that specifies that your electing to decline issuing the permit on basis of license application inconsistencies, non-compliance with Village code regarding peddler permits, and questionable prior performance by this applicant in a similar venue.

Motion by Trustee Peters, seconded by Trustee Swartz, that we deny this application.

Roll Call Vote:

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

Trustee Herbst - we have another permit application, we are still waiting for more info, haven't been able to get in touch.

Mayor Zeigler read a proclamation in honor of the Retired Lions Club.

Trustee Swartz - thanked Dave Radin and Mike Stenpeck for comprehensive plan work.

Village Manager Herbst reported on the following items:

- Nice to have budget and comprehensive plan adopted. We do have Certificates of Appreciation for the CPC committee. Things have already happened that are listed in the Plan even though it had not been adopted yet: newsletter, Manager Roundtable, working closely with Town and County on shared services, more grant writing.

Mike Stenpeck - thanked every member of Committee for the two years. We met 24 times. It was an incredible amount of time Dave and I spent even before very first meeting. And the community. They showed up for our three public meetings, and our survey. Also, nobody on committee rec'd any compensation for this. This was a freebie. We were proud to serve.

Dave Radin - commended former Mayor Gross and Ron Swartz, Earle Catlin and Kevin Sullivan, Howard Miller - they kind of came up with idea to redo this. It was also their idea to have citizens do this. Rachel, George and the Mayor Zeigler were also on the committee. Thank you for all your support. And to John, the contemplative approach was the best. Proud of the product we got.

Tess Banfield, Catalpa Dr. - asked the status of the Barton matter.

Atty. Groff - Its been referred to our insurance carrier for defense. They are engaged in discovery at this point on the basis of the litigation. You could also ask Mr. Barton for information.

As there as nothing further to come before the Board, the meeting was closed at 7:56 p.m.

/rmb

**Horseheads Parks & Recreation
Daily/Seasonal Swim Fee Schedule
Effective May 1, 2010**

	Daily Swim Fee Child 0-4	Daily Swim Fee Youth 5-17	Daily Swim Fee Adult 18-59	Daily Swim Fee Senior 60+	Seasonal Individual	Seasonal Family 3+ Members
Resident	Free	\$2	\$4	\$4	\$15/Card Holder	\$25
Non-Resident	Free	\$3	\$6	\$6	\$35(y)/\$50(a)	\$125

NOTES:

- Resident an individual who resides in the Village of Horseheads or municipalities participating in the Sullivan Park Pool Shared Services Program (Town of Horseheads, Town of Big Flats, Town of Veteran/Millport, Village of Elmira Heights.
- Family - persons occupying a dwelling unit as a single, non-profit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.
- y - Youth, a - Adult

**Horseheads Parks & Recreation
Pavilion Rental Schedule
Effective May 1, 2010**

Daily Rental Fee	Notes
\$20/Reservation Including Non-Profits	No Residency Requirement