

**Minutes**

**Village Board of Trustees**

**November 20, 2008**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 6:00 p.m.

Present were:

**Village Board and Staff:**

Mayor Donald Zeigler  
Deputy Mayor Ronald Swartz  
Trustee Howard Miller  
Trustee George Koliwasky  
Village Manager Marc Whitney  
Village Attorney John Groff

CSO Bob Young  
Police Chief Mike Barton

DPW Chris Lawrick  
Clerk-Treasurer Sharron Cunningham  
Parks Dir. Nate Nagle  
Fire Chief Arthur Sullivan  
Justice Bill Driscoll  
Court Clerk Jan Zeigler  
Deputy Clerk Michele Accavallo  
Manager's Assistant Rachel Baer

**Others:**

Suzanne Peters, 104 W. Mill St.  
Mike Swartz, 411 Watkins Road  
Barb Skorczewski, 109 W. Franklin St.

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Special Board of Trustees Meeting of November 13, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that an Organizational Meeting for the Board of Trustees is hereby scheduled for Monday, December 1<sup>st</sup>, 2008 at 6:00 p.m.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the financial statements prepared by Richard McNeilly for Fiscal Year 2007-2008 be received and placed on file in the Village Clerks Office.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Planning Board Meetings of October 28 and November 18, 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday December 11, 2008 at 6:05 p.m. regarding the application of Barber Funeral Home for a Special Sign Permit.

Roll Call Vote:

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

Mayor Zeigler advised that regarding the Orchard Family Special Sign Permit - the applicant withdrew their application and will resubmit in December for two signs.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads is the owner and operator of the Village of Horseheads water system, and

WHEREAS, Yunis Realty LLC and/or Gardner Road LLC are the owners and developers of Village Estates situate in the Village of Horseheads, said developers having constructed or caused the construction of an extension of Lynhurst Avenue including sidewalks, lighting facilities, drainage facilities and a water distribution system within the project in accordance with approved plans and specifications, and

WHEREAS, the Village has been provided with test reports showing that the system has been appropriately disinfected and pressure tested, and

WHEREAS, the developer has offered the Village dedicated ownership of the street, lighting, drainage and water distribution facilities, etc. including easements for water distribution system and drainage maintenance, repair and replacement for the constructed facilities in accordance with Village policies, practices and procedures, and

WHEREAS, review of title to the property will establish that the contractors have released the project from mechanic liens or the time to file same has expired, and

WHEREAS, the developer has provided the Village with an irrevocable letter of credit to assure the timely completion of final road surfaces and the like, and

WHEREAS, Director of Public Works Chris Lawrick has overseen the construction of the system and has recommended acceptance of this water system as presently constructed and the appropriate easements for maintenance and repair of same, as well as the streets, lighting, sidewalks and drainage facilities.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby authorize the acceptance of the dedication of the extension of a street known as Lynhurst Avenue including sidewalks, lighting facilities, drainage facilities and water distribution system for Gardner Road Subdivision - **Phase 2B**, and an easement for maintenance and repair of same from the owner/developer, does direct that following same such deeds, easements and other necessary instruments be recorded in the Chemung County Clerk's Office at the expense of the developer, authorizes the Village Manager to execute any and all documents necessary for the acceptance and recording of same including NYS Transfer Tax Return, and does henceforth authorize the issuance of water connection permits to the dedicated system in accordance with the rules and regulations of the Water Department as amended from time to time, and be it further

RESOLVED, that copies of the foregoing instruments shall be placed on file with the Village Clerk.

Roll Call Vote:

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

Discussion on Code Enforcement/P.O.D.S. Law - CSO Bob Young stated that after reading the proposed law, I can't think of anything to add. Had a question on the permit fees. To me they seem kind of steep. If someone gets fined for going past time, some people would rather pay fine since it is less than permit cost.

Atty. Groff noted that the fine could be as much as \$250/day.

Bob Young - another question, everything is referred to as Code Enforcement Officer. I am a Community Service Officer. Would this fall under the scope of my job for enforcing? Should we include my title in the law?

Atty. Groff - I think that there really needs to be a strategy developed with respect to Bob's position going forward and to what extent laws can be enforced to him, or to Code Enf. office. It also will be dependent upon this Board's decision on what it wants to do with code enforcement in general going fwd, continue to do it out of house, in house, etc. I talked to Bob about some of these issues and we discussed his credentials. He will soon have taken and passed last test necessary for him to be a certified Code Enforcement Officer. That may make all this moot, but anyway we need to have a strategy with respect to allocation of responsibility because these laws have been drafted from perspective of Code Enf. Officer. If you move forward with dividing it, it may necessitate a review of our existing code and picking and choosing which aspects would be enforced by which arm of enforcement you want to select. His passing of this test will be in place before we act on this law. So we can designate who you want to enforce it once you decide who that will be. When we initially drafted this, Bob wasn't in the position he is in now. That is why it was drafted to say Code Enf. Officer. Please give close review to the law and give me your input. Walt did send email with some of his thoughts. They are not reflected here, this was drafted before I received his email. Will look them over for incorporation.

### Village Manager's Report

Village Manager Whitney reported on the following items:

- Proposal from Austin Homes. Have been entertaining bids from a couple of diff. contractors to fix the rear entrance to Police Dept. And also upgrades to Court Office and west end near Nate's office. Total is \$6,840. Money is available. I'm recommending we do these repairs. Brief discussion, everyone agreed to go ahead with the repairs.
- Cemetery issues. Need to set up a Cemetery Commission Meeting to discuss possibly having columbaria at former Sherman property. I've done research, looking into costs. Also have to discuss that request for Nance's law. My research was there never was an official proposal by the Cemetery Commission. Also before you is a proposal for change in cemetery rates from the Clerk. Need to review that.
- Had a meeting with Dick Buchanan, Trustee Swartz, and STEG regarding using CDBG money for merchants in the Square. Part of current requirements is the hiring of low/mod people for jobs. That is part of difficulty getting this money out. STEG is looking at potential to reconfigure how this can be changed to get rid of this HUD requirement. Buchanan said he would borrow money if he didn't have

to hire low/mod people. I will keep discussing with STEG. We are thinking of combining STEG's services with Community Progress Inc. She will do presentation on 12/11.

- Employee performance reviews have been completed.

Mayor Zeigler read a proclamation for Trustee Howard Miller. Everyone expressed well wishes to Howard.

As there was nothing further to bring before the Board, the meeting was adjourned at 6:40 p.m.

/rmb