

Minutes

Village Board of Trustees

October 23, 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 Walter Herbst
Trustee George Koliwasky
Village Manager Marc Whitney
Village Attorney John Groff

Police Chief Mike Barton
Fire Chief Arthur Sullivan
DPW Chris Lawrick
Clerk-Treasurer Sharron Cunningham
Parks Dir. Nate Nagle

Others:

Martha Hauser, 407 W. Broad St.
Mary Jo Yunis, Keuka Properties

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 9, 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 Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, Gardner Road LLC is the owner and developer of lands northerly of Gardner Road, developing same into single family dwellings. Said development referred to as Gardner Road Subdivision and also referred to as Village Estates, and

WHEREAS, the developer has completed construction of municipal infrastructure improvements to Phase 2 of the project, and more specifically Phase 2B; such improvements including but not limited to water transmission lines, roadbed and road surfaces, sidewalks, lighting, grading for drainage and other purposes, and

WHEREAS, Gardner Road LLC has submitted to this Board an irrevocable documentary Letter of Credit from Elmira Savings Bank dated March 27, 2008 in the amount of \$99,100.00, and

WHEREAS, the developer has requested that the Village consider a reduction of funds of the Letter of Credit, on the basis that the municipal infrastructure improvements have been constructed in accordance with the approved plans and specifications, and

WHEREAS, DPW Chris Lawrick has inspected the roadbed, road, sidewalks, street lighting and surface water drainage facilities comprising Phase 2B of the project and has determined that same have constructed in accordance with such plans and specifications, and

WHEREAS, a Release of Lien has been received from all contractors and materialmen in connection with such infrastructure improvements, and

WHEREAS, Director of Public Works Chris Lawrick has received and accepted appropriate disinfection and pressure testing reports relative to the water system, and has recommended the reduction of the above-noted Letter of Credit based upon the value of the paid improvements to date.

NOW THEREFORE BE IT RESOLVED, that this Board consents to a reduction of the above-noted Letter of Credit to \$9,910.00 which is the required 10% retainer of the original amount of \$99,100.00. Said retainer to be held for three years from this date, until October 23rd, 2011, in case latent defects are discovered.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, the hours for trick-or-treating on Halloween for the Village of Horseheads will be Friday, October 31st from 5:30pm - 8:00pm.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the NYSDOT conducted a project entitled Horseheads Interchange: Southern Tier Expressway, County of Chemung, and

WHEREAS, the Village desires to have lighting along the interchange at specific stations (AR 31+ 36 149' Lt, AR 26 + 80 81' Rt) which includes two high mast lights within its geographical jurisdiction, and

WHEREAS the State of New York has agreed to provide as a part of the project the following items in connection with the highway lighting system:

1. Underground duct system, including conduits, pull boxes, hand holes, and drainage pockets.
2. Ducts, pull boxes and anchor bolts on structures.
3. Foundation for light standards.
4. Light standards, banner and bracket arms.
5. Luminaries, wiring switches, outlets and ballasts and all other components necessary to complete the lighting system.

providing that the Village of Horseheads agreed to maintain, repair and energize such interchange lighting system for a period of 10 years or until such time as the Commissioner, in his discretion, determines that such lighting and/or the maintenance of such lighting is no longer necessary.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads approves of the above subject project, and it is hereby further

RESOLVED, that the Village shall maintain, repair and energize such lighting system, and it is hereby further

RESOLVED, that the Village Board hereby authorizes Mayor Zeigler to enter into and execute an Agreement with the State of New York and through the Commissioner of Transportation to commit the Village of Horseheads to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishings of electric current for the lighting system, and

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to transmit three (3) certified copies of the foregoing resolution to the State Department of Transportation.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of October 20, 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 Herbst: Aye
Trustee Koliwasky: Aye

Discussion ensued regarding the schedule for Board Meetings and workshops for the month of November. Village Manager Whitney stated that he feels two meetings in November are necessary.

Motion by Trustee Herbst, seconded by Trustee Miller, that

- the regular meeting of the Board of November 13th be cancelled, and in its place the Board will conduct a workshop to review the audit statements, and
- a Board Meeting be scheduled for Thursday, November 20th at 6:00 p.m., with a workshop to immediately follow.

Roll Call Vote:

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

Atty. Groff stated that he, Town Attorney John Mustico, and the Village Manager are meeting tomorrow regarding Code Enforcement and the Recreation Agreement.

Chris Lawrick noted that regarding that highmast lighting agreement, when they redid the interchange they had to rewire lighting - it was discovered that the Village should have paid for utilities.

Martha Hauser, 407 W. Broad St., had a question on a sign and she was referred to Tom Skebey. The business has a problem getting a sign, should be hospitable to businesses in the Village.

As there was nothing further to come before the Board, the meeting was adjourned at 6:25p.m., and the Board went into their budget workshop.

/rmb