

Minutes

Village Board of Trustees

February 25, 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
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Larry Clark
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Recreation Director Nate Nagle
Code Enf. Officer Bob Young
Police Chief Mike Barton
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer

Others:

Michele Locey, Lee Ave.
Jim Clark, W. Broad St.

Mike Swasta, Watkins Rd.
Matt Cox, Veteran Hill Rd.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 11, 2010 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 Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, the Village Board of Trustees adopted a Vehicle Use Policy on August 27, 2009, and

WHEREAS, on August 27, 2009 the Board also adopted a resolution terminating the then existing practice of providing a Village Vehicle for 24 hr. use to the Police K-9 Officer and other positions, effective October 1, 2009, and

WHEREAS, the Village Manager has reviewed the impact of the change in practice on the

Police K-9 Officer position, and has recommended that the Police K-9 Officer be exempted from the Vehicle Use Policy so as to permit the officer to use such vehicle for employee commuting purposes, i.e. the transportation of the employee to and from work (in this case also including the K-9).

NOW THEREFORE BE IT RESOLVED, that effective immediately a Village Vehicle will be assigned to the Police K-9 Officer for 24 hr. use; further, such vehicle may be used for such Officer's (and K-9's) commuting purposes, and be it further

RESOLVED, that in all other respects the Policy shall apply to this position and use, and be it further

RESOLVED, that this assignment and authorization may be rescinded by the Village Manager at any time in writing.

Roll Call Vote:

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

7:05 p.m. - Public Hearing: Gardner Road PUD - Townhouses:

At this time Village Manager Herbst declared open a public hearing regarding the Gardner Road PUD application for townhouses. As nobody came forward to speak, Village Manager Herbst declared the public hearing closed.

Manager Herbst noted the following: applicant has applied for townhouses in three phases. Phase 1 would include two buildings, phases 2 and 3 yet to be determined. As previously discussed the County Planning Board as well as our own Traffic Commission recommends that the western most drive be aligned with Hilton Dr., and this was passed on to engineer for the project. Village Traffic Comm. also recommends removal of easterly most drive due to lack of visibility. Essentially that would limit ingress and egress from the site to the two driveways. I also shared this with the engineer. Major part of discussions now is regarding stormwater management. Issue in brief is that the applicant's representatives have noted that the phase 1 is less than 1 acre and does not require a SWPPP. However application at our insistence is for the entire 9 acre parcel. Our attorney says that although phase 1 is less than an acre, we are looking at full PUD here, we should consider recommendations of the stormwater engineer. We have done that. There are 3 options. We can insist upon a full measure of stormwater retention basins for whole project; or a temporary mitigation for just phase 1, with full for other phases; or require no mitigation for phase 1 at all. But the difficulty of that is it is still within the PUD. We have stormwater issues for this area now which end up at feeder canal where we already have problems. So what we have to consider is phase 1's impervious surface will require a strong stormwater mitigation plan. We could pass on the phase 1 protection but require a bond for 3 or 5 yrs which would guarantee that a SWPPP would take place. It could be only for phase 1, or for 2 and 3 with attachment to phase 1. Conditions would be that should no further development take place after phase 1, we cash in the bond and go in and build our own stormwater protection. You have a couple of weeks until the next Board meeting. Stormwater engineer was satisfied with a 3 yr bonding condition and said we would be ok, but long term because we don't

know how or if phases 2 or 3 would be developed it is important to get that guarantee. We also have to do a SEQR. Will do that at the next meeting.

Manager Herbst noted that having a bond isn't to collect damages due to stormwater; its to guarantee that a stormwater basin gets put in.

Discussion ensued.

Manager Herbst - the danger to the Village is if Phases 2 and 3 never take place, then stormwater from phase 1 becomes a problem. All of this has been discussed with the applicant's engineer.

Update: CSEA Negotiations

Village Manager Herbst - we were doing well in negotiations. I sent you a chart that the CSEA proposed. By averaging cents per hour the next increase would be 3.83%. However the offer was declined by the union. Have to continue negotiations.

Bonding Resolutions - LRC Demolitions

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Horseheads, Chemung County, New York, as follows:

Section 1. The demolition of a Village owned building located at 901 South Avenue, in and for the Village of Horseheads, Chemung County, New York, including incidental costs and expenses, is hereby authorized at a maximum estimated cost of \$422,862, being no longer of any use or value or having become dangerous or detrimental to human life.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$422,862 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any grant monies received therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village, provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Village of Horseheads, Chemung County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with as the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in

summary form in the official newspaper of said Village hereby designated for such purpose, together with a notice of the Village Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

Mayor Zeigler explained this was to get the grant to tear down the LRC building, then we get reimbursed by the State.

Village Manager Herbst - the cost of establishing the bond and having Fiscal Advisors take care of it is less than \$2,000. Interest rate is open and determined by the market. They are tax exempt, then buyers bid. We won't know interest rate yet. Expectation is 2% or less. Winner and O'Mara are very reassuring that we will get the funds.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads is the owner of property commonly known as 901 South Avenue, Horseheads, NY, referred to as the former LRC property, and

WHEREAS, the Village has determined that due to its condition the property is no longer necessary for operational purposes, and

WHEREAS, this Board has heretofore determined, based upon structural review and examination, that the structural improvements to the property should be demolished due to their condition, and

WHEREAS, this Board has heretofore pursued a grant application for funding of the costs of demolition and has been notified of its award of same, and

WHEREAS, such grant requires that the Village incur and expend the demolition costs prior to receipt of the grant funds, and

WHEREAS, Village Manager Walt Herbst recommended to this Board that it consider the upfront financing of the demolition costs through a bond or alternate funding method rather than utilization of Village general funds or other reserves, and

WHEREAS, Village staff researched various financial service agencies to assist the Village in pursuing bond financing for the above purpose, and

WHEREAS, Manager Herbst and staff met with representatives of Fiscal Advisors and Marketing, Inc. regarding the use of their services to assist the Village in bond financing and is in receipt of Fiscal Advisor's proposal for financial advisory services, and

WHEREAS, Manager Herbst has recommended to this Board that it approve Fiscal Advisors's

as the Village's bond administrator for the above project.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized and directed to accept the proposal of Fiscal Advisors and Marketing, Inc. dated February 3, 2010 for financial advisory services in connection with the issuance of bond anticipation notes for the above project for a fee of \$950.00, a copy of said acceptance of proposal shall be placed on file with the Village Clerk.

Roll Call Vote:

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

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

- Probationary Appointment to Fire Department

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby approves the one year probationary appointment of Jeremy Robertshaw, of 114 Sayre Street, Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Trustee Koliwasky - attended deployment ceremony for national guard unit. Very emotional. Watching families see them off made me appreciate everything more. Because of them we have what we have.

Village Manager Herbst - NYCOM meeting wrap up. No money expected from state. Sen. Schumer was there. Gave strong speech in what everyone had to say. We have decided which streets to pave this summer. Will have to make a decision in March on Maple Grove Lane.

Recommendation is to do cold patch for that strip.

Mike Swasta, Watkins Rd. - LRC property, how will we market it.

Village Manager - no actual plan other than it can't be a municipal use. Could be a residential use.

Michele Locey, Lee Ave. - any environmental clean up down there?

Village Manager - that has been done. Part of grant application was to have environmental people come in and make determination.

As there was nothing further to come before the Board, the meeting was closed at 7:37 p.m.

/rmb