

Minutes

Village Board of Trustees

October 25th, 2018

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were:

<u>Village Board and Staff</u>	
Mayor Louise McIntosh Trustee Bill Goodwin Trustee Pat Gross Trustee Rob Maloney <u>Absent</u> Trustee Mike Skroskznik	Clerk-Treasurer Donna Dawson Village Atty. John Groff Manager's Assistant Rachel Baer Planning Bd. Chair Mike Stenpeck Parks Director Nate Nagle
<u>Others Present.</u>	
Jonathon Phillips, Davidson Architecture Chris Yearick, Chemung Conservancy Board Paul Rossi, Corning, NY Joshua Baker, Steuben St.	Laurie, Garrett, Jacob Spencer, Breesport Rd. Don Zeigler, Watkins Rd. Rick Milazzo, S. Main St.

2138 Grand Central Ave., PUD Amendment - Kentucky Fried Chicken Restaurant

7:00 p.m.: Public Hearing: PUD Amendment - 2138 Grand Central Ave. - KFC Restaurant
Atty. Groff opened the public hearing. Nobody came forward to speak. He closed the hearing.

SEQR and D&A: At this time the Board completed Part 2 of the SEQR form, finding no significant negative environmental concerns, and the Mayor to sign a Negative Declaration for same.

Resolution by Trustee Maloney, seconded by Trustee Gross

WHEREAS, Plaza Street Fund 51 is the owner of lands known as 2138 Grand Central Avenue, Horseheads, NY (Tax Map Parcel #59.18-1-4.112) which is located in a Planned Unit Development zone, and

WHEREAS, the owner has applied for the establishment of a fast food restaurant with drive thru window at said location, commonly known as Kentucky Fried Chicken, and

WHEREAS, such use requires an amendment of the plan for the Planned Unit Development, and

WHEREAS, the owner has submitted a Short Environmental Assessment Form as part of its application, and

WHEREAS, the Board of Trustees has reviewed and considered Parts 1 and 2 of the SEAF.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NYS

State Environmental Quality Review regulations (6 NYCRR Part 617) Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed amendment to the plan for the Planned Unit Development (“Action”):

1. The Action is subject to SEQR
2. The Action does not involve a federal or state agency.
3. The Action is preliminarily classified as an Unlisted Action.
4. The Board of Trustees is and will be the Lead Agency with respect to adoption of, and approval of, the Action.
5. The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.
6. The Village Board, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action, and authorizes Mayor Louise McIntosh to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Resolution by Gross, seconded by Trustee Goodwin

WHEREAS, Plaza Street Fund 51 applied to the Village of Horseheads for a Planned Unit Development Amendment for use of premises known as 2138 Grand Central Avenue, Horseheads (Tax Map Parcel #59.18-1-4.112) as a fast food establishment with drive thru window, commonly known as Kentucky Fried Chicken and

WHEREAS, the application is subject to SEQR, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding no significant environmental impacts, and

WHEREAS, the application was referred to the Village Traffic Commission, as well as the Planning Boards of the County of Chemung and Village of Horseheads for review and consideration, all having recommended approval of same contingent upon the applicant submitting an appropriate Storm Water Prevention Plan (SWPP), said plan being subsequently submitted and approved, and

WHEREAS, Planned Unit Developments are regulated by Chapter 245 of the Village Code - Zoning, Article XIV which requires a public hearing, and a public hearing was held on this date at which time all interested parties were afforded an opportunity to comment regarding the application, and

WHEREAS, this Board has reviewed the application and supporting materials and has found same to be compliant, and

WHEREAS, this Board has considered the reports, findings and recommendations of all other boards and agencies which have considered the application and finds that granting the application is in the public good and best interests of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby approve of the amendment to the plan of the Planned Unit Development to Plaza Street Fund 51 to use the above-described premises for use of same as a fast food restaurant with drive thru service (KFC) with the plans prepared by Davidson Architecture and Engineering of Overland Park, KS, dated September 18, 2018, Job #18056, and be it further

RESOLVED, that this resolution shall take effect immediately.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Resolution by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of September 27th, and October 4th, 2018 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Discussion: E. Franklin St. Farmland

Mayor McIntosh - we passed a resolution a year ago to authorize the Village Manager to move forward in purchasing this land. Since that time we have had a lot of discussions on the condition of our parks. My concern is that we would be taking on something we can't afford to do anything with. It's a good idea. I just feel that it is not a good move for taxpayers to take on more. I want to introduce someone to talk about this further, a group that wants to take over this land and work with us on what we can do.

Chris Yearick, Chemung Valley Conservancy Board came forward. We have a number of properties. Geared toward outdoor pursuits. Looking for any land that has outdoor recreation uses. I had talked to someone before Village got involved. Said then we'd love to have it. Always looking for more recreation fields. We could work with the Village and Town develop this property. However we're not really in the business of maintaining this, but we could get other organizations to help us with that. I also work with Sporstmens Federation and Trout Unlimited.

Trustee Goodwin - We definitely don't want to lose this land.

Mr. Yearick - we are 501c3. We hold land and make it available. Once it's in the conservancy its off the

tax roll. Tied up in land trust. Can't sell it.

Trustee Maloney - this is a good option. This land has great potential.

Chris - connector road will go through there soon.

Trustee Gross - I like your idea, but we still want the Village to be involved. I would like a little bit more understanding of what your going to be developing there.

Mr. Yearick - maybe they would transfer land to the Village, and then you donate it to the Conservancy.

Mayor McIntosh - ideally it would be Conservancy doing it with agreement that Town and Village and the County would be involved collectively. We also know that we don't have the money to develop and maintain it. Sounds like this is a good option.

Trustee Goodwin - I'd like to time to talk to Nate about it and get his input.

Trustee Gross agreed.

The Board agreed to put an item on the next agenda for Nate to make a presentation regarding this matter.

Financial Report

Clerk-Treasurer Dawson came forward to review the financial reports.

Expenses for general and water are up but no too much. On target with the budget though. We are not overspending, just more than we did at this point last year.

General expenses up 12% - new hires for police, damages to police car, cemetery OT. Next Board meeting I'll have transfer list.

Water expenses up only 5% compared to last year - leak detection. Extra testing per Dept. of Health.

Water revenue up 2% - NYCLASS.

Positive compared to last year

Health ins consortium rates - 2018 premium 327,889

New rates up 5%, but consortium rates make it lower - 305,000 for 2019

Savings of 22k.

Resolution by Trustee Gross, seconded by Trustee Maloney

BE IT RESOLVED, that the hours for Halloween in the Village will be Wednesday, 10/31 from 5:30pm - 8:00pm.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Board of Trustees Rules of Procedure

Mayor McIntosh - this is what we discussed recently about agendas and resolutions.

Resolution by Trustee Goodwin, seconded by Trustee Maloney

WHEREAS, this Board has adopted Rules of Procedure for meetings of the Board of Trustees and other boards and committees of the Village which rules were last amended in December 2017, and

WHEREAS, recently this Board reviewed the rules specifically with attention being directed at procedures for drafting resolutions to be considered at a meeting of the Board prior to such meeting, and delivery of such draft resolutions to Trustees in advance of meetings, and

WHEREAS, proposed revisions to the Rules have been drafted and reviewed by this Board.

NOW THEREFORE BE IT RESOLVED, that the Rules of Procedure for meetings is amended as submitted, and adopted effective immediately.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Chapter 40

Mayor McIntosh - what do you think if we put in the code that the Manager needs to bring all contracts to the Board before signature. Some contracts happen every year as routine, some not.

Trustee Gross - those aren't as important as negotiated contracts

Trustee Goodwin - would we just read them or would we vote.

Discussion.

Trustee Gross - any contract should be taken back to Board, if it effects policy - i.e. union negotiations.

Atty. Groff - collective bargaining has to come to you by law. What we are talk about here are contracts like contract renewals - continuation of an existing service. Your traditional approval for future contracts is in the budget process. Every time that you approve a budget, within that budget are expenses that contain contracts that expect to be renewed. Effectively your approving them in advance through the budget process. Other types are material changes, ex. streets to be paved. It's not as though you don't control it already. Do you want each and every contract to come to you for approval.

Trustee Gross - we should have some idea when getting a new contract.

Atty. Groff - The Manager has to keep you informed. That's a communication issue. Reflected in reports. You can require it.

Mayor McIntosh - we can make it clear now with new applicants what our expectations are.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, the Village of Horseheads operates a Village Manager form of government, and

WHEREAS, this Board has discussed modifications to the powers and duties of the Village Manager as established by local law, and noted in Chapter 40 of the Village Code, and

WHEREAS, amending the Village Manager’s powers and duties requires a local law.

NOW THEREFORE BE IT RESOLVED, that Village Atty. John Groff is hereby authorized and directed to commence drafting of a proposed local law to amend Chapter 40 of the Village Code with such amendments to be reviewed and approved by this Board prior to adoption.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, recently this Board determined to provide health insurance to Village employees and retirees by participating in the Greater Tompkins County Municipal Health Insurance Consortium (GTCMHIC), and

WHEREAS, this Board authorized the Village Manager to apply to GTCMHIC to become a “participant” which application has been approved, and

WHEREAS, as a consequence of a such approval it is necessary that the Village Board designate a representative of the Village to serve on the governing board of GTCMHIC, and

WHEREAS, the 2015 amendment to the Municipal Cooperation Agreement permits participants to designate an alternate director to the Board of Directors of GTCMHIC.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby designate Village Clerk-Treasurer Donna Dawson as its director to the Board of Directors of GTCMHIC, and does hereby appoint Deputy Clerk Kari Wheeler as the alternate director to attend meetings of the Board of Directors of GTCMHIC when Ms. Dawson cannot attend, and Ms. Wheeler is authorized to exercise the Village’s voting authority. And be it further

RESOLVED, that a copy of this resolution shall be transmitted to GTCMHIC as soon as is practical.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Resolution by Trustee Maloney, seconded by Trustee Gross

WHEREAS, the 2019 NYS Budget included multi-pronged legislation to combat sexual harassment in the workplace, and

WHEREAS, as a result of this legislation the Village of Horseheads must have a stand-alone sexual harassment prevention policy which includes the minimum standards as set forth in the model policy established by NYS, and must train employees in accordance with the new guidelines, and

WHEREAS, the Village of Horseheads currently does not have a stand-alone sexual harassment prevention policy, and

WHEREAS, Village administration and staff have reviewed the model policy and have determined that the model policy is appropriate for the Village of Horseheads.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts the attached stand-alone Sexual Harassment Prevention Policy, based upon the model policy, to be known as the "Village of Horseheads Sexual Harassment Policy". A copy of said policy shall be placed on file with the Village Clerk. Be it further

RESOLVED, that the Village shall use a form, based upon the NYS model complaint form, to report incidents of alleged sexual harassment, and be it further

RESOLVED, that Village staff are authorized and directed to promptly deliver a copy of said policy to all current and future Village staff, electronically or in hard copy form, and be it further

RESOLVED, that a copy of this policy shall be incorporated into the Village of Horseheads Employee Handbook, and be it further

RESOLVED, that a copy of policy shall be posted on bulletin boards at the Village Hall, Fire Department, DPW Garage, Recreation/Pool Office, and Cemetery Office.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

D&A: RFP's for Water Study

Mayor McIntosh - Chris Lawrick had come to us about this to move forward to do RFPs for an engineering water study. We discussed hiring Hunt Engineers to prepare the request for proposals for same. This will go out soon. You would have had this sooner except Hunt just came in today and we made a few changes. Chris has gone through this thoroughly to make sure all the numbers were correct.

Resolution by Trustee Goodwin, seconded by Trustee Gross

WHEREAS, Village Water Operator Chris Lawrick has reported to this Board that the Village would benefit significantly from improvements to the Village water system, and

WHEREAS, he has also reported that grants may be available for construction of such water system improvements, and that in general award of such grants is predicated on independent engineering studies establishing the need and benefit for water system improvements, and

WHEREAS, Chris Lawrick and Mayor Louise McIntosh have consulted with engineering firms regarding the drafting of Requests for Proposals (RFPs) to complete a study and preliminary engineering report for the Village's water system including evaluating existing water infrastructure, asset management, and identifying critical needs of the system, both in terms of potable use and fire protection, and have received a draft RFP proposal from Hunt Engineers and Architects, DPC and after minor modifications and corrections to same are recommending to this Board that Hunt be authorized to proceed with drafting the necessary RFP at a cost not to exceed \$500.00.

NOW THEREFORE BE IT RESOLVED, that Mayor McIntosh is authorized to enter into an agreement with Hunt Engineers to draft the above-noted Request for Proposals at a cost to the Village not to exceed \$500.00, and be it further

RESOLVED, that the final RFP shall be reviewed and approved, as to content, by Chris Lawrick and Mayor McIntosh prior to issuance of same.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Discussion: Status of Cameron Mfg. - Lease for Land

Atty. Groff - Cameron Mfg. wants to lease empty land for parking. We drafted a lease. They would develop it into parking lot. We received some proposed changes back from Cameron's attorney. I reviewed with the Mayor. Accepting some changes and proposing our own changes. The request has been made to DEC for approval of the land use because now its vacant land to be used as a parking lot. They cannot disturb the existing land. They can bring in fill but can't disturb what is already there. Another aspect of the project is that the property has to be declared surplus. We haven't done that yet. No determination made on rental amount for the property. Mayor is working on getting input from a real estate person who can give us an estimate. This will be part of proposal made to Cameron.

Motion by Trustee Maloney, seconded by Trustee Gross, that the following items be added to the agenda:

- Contract with Town of Elmira - Mechanic

- Probationary Appointment to Fire Department

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Resolution by Trustee Gross, seconded by Trustee Maloney

WHEREAS, the Village of Horseheads and Town of Elmira entered into an Inter Municipal Agreement dated November 29, 2010 which provided for the Town to share with the Village the duties and services of a Department of Public Works Supervisor and a Vehicle Mechanic, and

WHEREAS, the Agreement has been amended and extended from time to time, and

WHEREAS, pursuant to the terms of a separate but related agreement, Chemung County is paying all of the costs associated with the duties of the Town's Highway Supt., thus enabling the Town to continue to provide the highway supt. services and at no cost to the Village, and

WHEREAS, the Town is willing to continue to provide both services and has proposed to continue to provide the Mechanic services at a cost of \$11,031.30 annually, and this Board has determined that such proposal is fair and reasonable.

NOW THEREFORE BE IT RESOLVED, that Mayor Louise McIntosh is authorized and directed to enter into an addendum to the above-noted agreement (Addendum #3) reflecting the above modifications to the November 29, 2018 agreement and extending and renewing the agreement as noted above.

Roll Call Vote:

Mayor McIntosh	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Maloney	Aye

Discussion: Village Manager Vacancy

Mayor McIntosh - are we in agreement as to what the ad says. The print cost is extremely high - so we are just going to place ads online.

Trustee Maloney - I know we talked about this - 8 yrs management experience in govt. Can we amend to say govt or similar management experience.

Everyone agreed. Ads to be placed as soon as possible.

Audience Participation

Rick Milazzo, S. Main St. - I walk Village streets. Many trees between sidewalk and road hang low and hit me in the head. I've reported this to Village staff. There is also a light out on the walkway in Linear Park. Also, many trees block light from streetlights. I wonder when they will trim them back. Just want to know.

Mayor McIntosh - give us a list so we can pass on to the right department.

Mr. Milazzo - who picks up trash in Linear Park. I pick up garbage down there. And in island on grand central.

Trustee Gross - there is a street light out on W. Mill St. It is a Village light but its NYSEG's line that is the problem. Message I got from Matt.

Check with Matt on this.

BOT, Department Head Updates

Trustee Goodwin:

- Glad to see the Boy Scouts here today.
- On Oct 17 the Sign Committee met. We are cleaning up sign issues such as size, materials, etc. Then we will submit findings to Village Manager.
- Water Dept - commended for fixing water line in middle of the night.
- For 6 days during 10/9-10/14 I was deputy mayor. Appreciate being asked to do this.

Trustee Maloney:

- Last Thursday we rec'd new firetruck. It's in the station getting lettered and striped. Then it will have training for firefighters.
- Also fire dept submitted grant app through FEMA for funding to update SCBAs.

Parks Dir. Nate Nagle:

- Last week a young child got stuck in baby swing. Had to be cut out. That is being repaired. This was during a supervised classroom visit to the park.
- Saturday is Make a Difference Day. Kids coming in to do work, but weather looks bad.
- Holly Days coming up November 24th.
- Tom Sawyer Basketball League has dissolved.
- 5k Lover Fighter had 150 runners. Good prep for Selfless Elf Run on 12/2. 1200-1400 runners there.
- I will be on vacation 10/27-11/2.

Mayor McIntosh:

- Steering Committee for Hanover Square Pedestrian Study will be myself, Stenpeck and Tom Stickler. Will have report.
- Police car had minor MVA. Two newest officers on way to training and hit a deer. Minor damage to car. No injuries.
- Meeting with each department, some items will be brought up during budget prep.

Trustee Gross asked to have a list of all current employees and their positions - part time and full time.

As there was nothing further to come before the Board, the meeting was adjourned at 8:24 p.m.

/rmb