

**Minutes**

**Village Board of Trustees**

**March 26, 2009**

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  
Trustee Walter Herbst  
Trustee George Koliwasky  
Village Manager Marc Whitney  
Village Attorney John Groff  
Fire Chief Arthur Sullivan

DPW Chris Lawrick  
Clerk-Treasurer Sharron Cunningham  
Parks Dir. Nate Nagle  
CSO Bob Young  
Deputy Clerk Donna Hartsock  
Manager's Asst. Rachel Baer

**Others:**

Bernie Weigle, 111 Boorum Pl.  
Tess Banfield, 134 Catalpa Dr.  
Joe Romanick, 725 Westlake St.  
Ed Vankirk, 303 Gardner Rd.  
Art Markle, SGM Works  
Kevin Gokey, SGM Works  
Pat Gross, 632 W. Broad St.  
Robert Klein, 103 Winding Way  
Kieran Hetzler, Rochester

Barb Skorcowzek, 109 W. Franklin St.  
Mary Ann Stickler, 532 Hatfield St.  
Carl Lewis, 304 Eisenhart Pl.  
Scott Zelko, Hhds. PD  
Mike Dipetta, Hhds. PD  
Elliott Blauvelt, Jr., Fletcher St.  
Elton & Nancy Shaw, 218 Liberty St.  
Beth Grannis, Hhds. PD  
Tom & Jen Stickler, Kennedy Drive

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of March 12, 2009 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:       Aye  
Trustee Herbst:       Aye  
Trustee Koliwasky:   Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the following items be declared as surplus equipment, and the Village Manager is hereby authorized to dispose of same by sale, or as scrap if same have no value:

1999 Ford Expedition - Police Vehicle (VIN#.....73279)  
2003 Ford Crown Victoria - Police Vehicle (VIN#.....18605)  
2004 Ford Crown Victoria - Police Vehicle (VIN#.....34705)  
1960 Fire Dept. Training Trailer (home built)

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Tentative 2009-2010 Village Budget is hereby received by this Board, and further that a public hearing regarding same is hereby scheduled for Thursday, April 9<sup>th</sup>, 2009 at 6:05 p.m.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

At this time Atty. Groff declared open a Public Hearing regarding the SEQR Review, SGM Works LLC Use Variance Application. The application is for a proposed retail use in a manufacturing zone located at 1015 Kendall Street.

As nobody came forward to speak, Atty. Groff declared the public hearing closed.

The Board, as Lead Agency, reviewed and completed Part 2 of the Long Form SEQR regarding the SGM Works Use Variance application. Their responses were "No" to every question. The Board declared Negative Declaration regarding adverse environmental impacts.

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, SGM Works LLC has applied to the Village of Horseheads for a Use Variance and Area Variance relative to premises commonly known as 1015 Kendall St., Horseheads, NY, and

WHEREAS, this matter is an Unlisted Action as defined under SEQR, and its rules and regulations, and

WHEREAS, the Village of Horseheads is the only involved or interested agency, and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village Board of Trustees has declared itself as Lead Agency for this Action as it relates to SEQR.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees find and

determines:

- a. It has considered the action, reviewed the full environmental assessment form, reviewed the criteria set forth in 6NYCRR Section 617.7, thoroughly analyzed the relevant areas of potential environmental concern and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed action.
- b. The granting of a Use Variance and an Area Variance as requested will not result in any large and important environmental impacts and therefore is one which will not have a significant impact on the environment.
- c. The reasons supporting this determination are set forth in the Determination of Significance with respect to this project, a copy of which is on file with the Village Clerk.. The Village Board, as Lead Agency, with reference to this project adopts a Negative Declaration with respect to same and authorizes the Village Manager to sign a Negative Declaration determining non-significance with respect to the project, and authorizes the Village Clerk to forward copies of same to necessary bodies and agencies including but not limited to the Village Zoning Board of Appeals and Code Enforcement Officers. This resolution shall take effect immediately.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

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

- Probationary Appointment to Fire Department
- Receive Application from Roy Builders, Inc. for PUD Amendment and Site Plan Review, Newtown Heights Senior Housing Complex, North Street

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Jon Michael Martines of Horseheads to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that an application from Roy Builders, Inc. for PUD Amendment and Site Plan Review for construction of a senior housing development on North Street is hereby received, and same is hereby forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Mayor Zeigler explained that this is similar to the senior housing development in Big Flats. This will be a good addition to the Village.

Mayor Zeigler opened the floor to audience participation. Nobody came forward.

Village Manager Whitney reported on the following items:

- Met with TVGC Consulting Group that we had met at the NYCOM conference. Trying to get shovel ready projects. Grand Central Ave. Project - still have not heard anything on this. Trying to get this to be a shovel ready project.
- We also have a project for upgrades to the water systems on south end of the Village. Trying to get grant for this as well.
- Looking at funding availability to help defray costs of Koppers Pond matter.
- Working with STEG to again apply for Restore NY funds to demolish LRC building.
- Also getting funding for Level 3A body armor for all the police officers. Money is available from two areas. COPS funding is one, also the Edward Burn Memorial Fund is a grant opportunity for police agencies.
- Looking at funding for rehab work for the Fire Department.

Atty. Groff reported on the following items:

- Pending litigation, Greene vs. Village of Horseheads, excess force - in process of discussing disposition, will report back to the Board.
- Another litigation, former student at high school suing Horseheads High School and our SRO officer. Village has a contract with the school district that provides indemnification and

defense. School insurance agent agreed to indemnify us.

- Working on housing rehab project for CDBG monies, initiated modifications to the retention agreement with Community Progress Inc. of Corning.
- Working on final revisions and modifications to proposed Vehicle Use Policy.
- Updating Village's Purchasing Policy, will be presented to the Board.
- Village Code Enforcement function is being reincorporated into the Village administration. Formerly was provided under the Town of Horseheads. Will mean we have to modify our code to provide this as a department of the Village.

Trustee Herbst stated that he and Bob Young participated in a in a webinar for a vendor for a new function of code enforcement software. Its designed for abandoned and foreclosed properties.

Trustee Koliwasky addressed the audience: For the past two weeks I've received many calls, emails, personal letters. I've heard about past mayors, and past village managers. Because you don't have information you spread rumors. Right now it is a personnel issue. If you can't respect the privacy of both sides, there is nothing we can do for you. Not one person has asked me about any other issue - Schlumberger and its new jobs, CDBG monies, etc. Nobody has talked about code enforcement. When we were out campaigning that was what we heard all about. Not one person is asking about that. This will work out, we'll get through this. But for right now, no more rumors. You can call me all you want and talk to me if you want to, I'd be happy to talk to anyone.

Mary Ann Stickler - is he still the Police Chief.

Village Manager Whitney said yes he was.

Nate Nagle - The holding point complex scheduled to open on April 1<sup>st</sup>.

Mayor Zeigler - lots of work on this proposed budget. We were able to keep it down to a 3% tax increase. We made this budget very lean, etc. Need to look at some things down the road. Do we need a new pool, what do we want to do there. Nate has some interesting ideas about it. Lots of federal and state cuts on recreation monies - over \$115,000 less just for the Village. We found a way to incorporate this without damaging the tax base. We are working on a new program for sidewalks, and we are also keeping trash disposal program. You asked for this and we found a way to keep this in the budget.

Tom Stickler, Kennedy Drive - these people have some right to say what they have to say. But I'm wondering if this is a unified board action.

Atty. Groff - this is a pending personnel matter. That is all they will say. No comments from the Board. You are provided an opportunity to comment, which they will entertain.

Tess Banfield, Catalpa Dr. - people still think your meetings are at 7. I had no idea you changed them to 6:00. I heard nothing about it.

Kieran Hetzler - I drove down here because I wanted to find out information. Your doing a

disservice to the residents.

Mayor Gross - what is the timeline for the shovel ready projects.

Village Manager Whitney - 180 days from the date you submit. There is no deadline though. There is a series of different processes for each project.

Pat Gross - is the Grand Central Project ready to go.

Village Manager - yes, as soon as DOT approves it.

Pat Gross - if that project isn't in by June, possibly you won't get it done this year.

Chris Lawrick - we will mill and pave no matter what this summer, even if we don't get a grant. We do have a backup plan in case we don't get the grant. We will use Village money if we have to. We can no longer let it go.

Pat Gross - Do we have a certified code officer.

Village Manager - yes he just needs to pass civil service exam.

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

/rmb