

Minutes

Village Board of Trustees

August 28, 2008

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
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
Manager's Assistant Rachel Baer

Others:

Charles Short, 2249 Grand Central Ave.
Wayne Brubaker, 525 Gardner Rd.
Alice Roote, 525 Gardner Rd.
Mary Brown, 514 Chambers Rd.

Chip Klugo, Klugo Enterprises
News Media

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 14, 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 Koliwasky, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads and other potentially responsible parties entered into an Administrative Settlement Agreement and Order on Consent (AOC), which provided in part for a Remedial Investigation and Feasibility Study (RI/FS) of an area generally known as Koppers Pond, southerly of Blostein Blvd., and

WHEREAS, in accordance with and to comply with the AOC, the potentially responsible parties entered into an agreement with Leo Brausch as Environmental Consultant to facilitate the goals and objectives of the RI/FS, and

WHEREAS, it is anticipated that the Village of Horseheads and others will be called upon from time

to time to fund the RI/FS and to enter into various agreements for the implementation of the RI/FS, and

WHEREAS, this Board has approved past assessments as the Village's share of a Group fund for administration of the project as follows:

- | | | |
|---|----------------------|----------|
| - | February 8, 2007 - | \$11,000 |
| - | September 13, 2007 - | \$11,000 |
| - | February 14, 2008 | \$11,000 |
| - | July 10, 2008 | \$22,000 |

WHEREAS, those funds together with funds of other members of the Group have been largely expended on project administration, and

WHEREAS, members of the Group did approve by email the assessment of a *fifth* contribution from all members of the Group in the amount of \$22,000 each to be used for project costs and administration.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby approve a *fifth* assessment of \$22,000 to be contributed to the Koppers Pond Potentially Responsible Parties operating account when such funds are in hand.

Mayor Zeigler - when will this end. This is coming out of our operating fund.

Atty. Groff - no money was set aside. We are one of five entities that are potentially involved. The end result of this study may determine who is ultimately responsible. Then that entity will be fully responsible for cost of cleanup. If the Village is determined to not be involved, we would recover these funds. Right now they are taking samples and analyzing a plan for remediation. Then they will have the actual remediation. We are only in the first phase now - doing the study and designing a plan. This phase will be completed by the end of next year, then second phase starts, if there is a need for cleanup. Superfund money is utilized when there are no responsible parties identified.

Roll Call Vote:

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

At this time, Atty. Groff declared open a public hearing regarding the rezoning of 901 South Avenue from Light Industrial to Planned Unit Development. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

At this time the Board completed Part 2 of the Long Form SEQR regarding the rezoning, finding no significant adverse environmental impacts.

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads is the owner of a 3.6 acre parcel of commercially developed real property located at 901 South Avenue in the Village, identified as tax map parcel #59.14-4-13, and

WHEREAS, the property is located in a Light Industrial District in the Village, and

WHEREAS, the Village has sought to sell the parcel for redevelopment by others and has entered into a purchase and sale contract with Klugo Enterprises, LLC, and

WHEREAS, said contract provided for the rezoning of the property to Planned Unit Development as a condition of sale, and that the plan for the Planned Unit Development be acceptable to the Village of Horseheads, and

WHEREAS, Klugo Enterprises, Inc. has applied to the Village for such rezoning and has developed a Plan which has been submitted to the necessary bodies for their and approval, and

WHEREAS, the rezoning is subject to SEQR being an Unlisted Action, pursuant to SEQR regulations, and the applicant has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village Board is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, the Board of Trustees has conducted a thorough review of the application, the Full Environmental Assessment Form, and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on this date regarding the application for Rezoning at which time all interested or affected parties were afforded an opportunity to present their views regarding the application and action, and

WHEREAS, this application has been reviewed by the Village of Horseheads Planning Board, which has recommended approval of same, and

WHEREAS, the applicant in conjunction with Village staff has developed a Plan for the proposed Planned Unit Development, which plan has been available for public review and inspection, a copy of which has been presented and by direction of this resolution shall be placed on file with the Village Clerk, and

WHEREAS, this application has been thoroughly reviewed and given thoughtful consideration by this Board.

NOW THEREFORE BE IT RESOLVED, that:

- 1) a public hearing on the environmental aspects of this action is waived;
- 2) Mayor Zeigler is authorized and directed to sign the Full Environmental Assessment Form finding there to be no significant environmental impact; and
- 3) the application of Klugo Enterprises, LLC for Rezoning of the 3.6 acre parcel commonly known as 901 South Avenue from Light Industrial to Planned Unit Development be and the same hereby is approved, and be it further

RESOLVED, that Plan for the Planned Unit Development is attached to and made a part of this approval. Such parcel shall be operated in accordance with and subject to the terms and conditions of the Plan as well as the Village of Horseheads zoning law . To the extent that there may be

inconsistencies or incompatibility between the Plan and the zoning law, the provisions of the Plan shall prevail.

Trustee Swartz - what is this latest matter on curb cuts. Does this change anything?

Atty. Groff - that notice was received today. The original plan was that one of the 4 entrances be eliminated and that it be replaced with a berm. Klugo's engineer analyzed the impact of this, and indicated that there was an impact on parking spaces. Engineer eliminated the most northerly instead of the 2nd most northerly, which is the one we wanted. We pointed this out. Now they want all 4 openings to stay.

Mr. Klugo came forward and stated that because of access for emergency vehicles, loss of parking spaces, we now need all 4 openings. Also there is still that little space that the railroad still owns that encroaches on lot itself. So we need as many spaces as possible.

Atty. Groff - the plan before you called for the elimination of the entrance. That was your requirement. This latest change was not received until today. If you feel its warranted to deviate from the original requirement and have all 4 entrances, then we need to modify the plan regulations.

Trustee Swartz - they obviously feel they need them, I have no objection. I propose that we go with this latest proposal, leaving all four entrances and change plan to reflect this.

Motion by Trustee Swartz, seconded by Trustee Miller, to modify the plan to eliminate the requirement of eliminating one of the entrances

Roll Call Vote on Amendment:

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

Roll Call Vote on Entire Rezoning:

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

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that Village Manager Marc Whitney is hereby authorized and directed to enter into a contract with MRB Group for engineering services to conduct the following space analysis plans:

Village Hall -	\$9,300.00
Parks and Recreation Building -	\$7,500.00

Trustee Koliwasky - My concern is on infrastructure. Need to look at that more. Infrastructure

effects everyone. I know we have to look at parks and rec, but I question how much we should spend on this.

Trustee Herbst - originally we talked about this, but we also included the Fire Dept. Should look at other engineering groups maybe. Also, what about our community center. We should do a whole package, instead of piecemeal.

Trustee Swartz - should be looking at competitive bids. And also grants.

Village Manager Whitney - these studies will allow us to access grants. Need these studies first. We chose MRB because they are local, and they do this kind of thing regularly - municipal buildings.

Mayor Zeigler - we felt we would start with these two, then jump in with the Fire Dept. The Village Hall building has serious security issues. All departments need more room. We have money set aside to do all three studies if you want.

Chief Barton - this problem didn't happen overnight. Loss of LRC building now means we are losing impound and storage area. Village garage is need of repairs. This building is in need of repairs. Nobody here has coordinated the efforts to maintain or repair these facilities. We need a plan and a priority list. This building has security and spatial issues. It is the nucleus of all services we provide to this community. We have exposed extension cards, old pipes, etc. Someone needs to coordinate all these efforts. We've tried getting funding from former administrations for this kind of thing, and were told no.

Trustee Herbst - will the Town go 50/50 on study for the Parks and Rec building?

Village Manager - Mike Edwards said when it comes down to building the structure, they will come on board.

Mayor Zeigler - had preliminary discussions on doing some changes to the Fire Department building on our own, that is why I thought we could hold off on that one.

Trustee Swartz - I would support the Village Hall study, but I question the one for Parks and Rec. We have nothing in writing from the Town that says they will share the costs.

Motion by Trustee Herbst, seconded by Trustee Miller, to amend the resolution to proceed for the Village Hall study only, but to postpone the one for a Parks and Rec building study until we get additional estimates from other engineering groups, and an agreement in writing from the Town of Horseheads.

Roll Call Vote on Amendment:

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

Roll Call Vote on Resolution:

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

Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, NYSDOT has requested the Village of Horseheads to accept responsibility for utility costs for Linear Park and the under-bridge lighting of the I86 Horseheads Bypass in accordance with the Agreement for Maintenance, Repair and Energizing between NYSDOT and the Village dated March 28, 2003, and

WHEREAS, Director of Public Works Chris Lawrick has inspected the lighting facilities and determined same to be complete, energized and fully operational, and has recommended that this Board accept the duty to maintain, repair and energize same, and

WHEREAS, this Board has been informed that the estimated annual cost of operation of the lighting facilities is \$4,800.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees does hereby assume liability for energy costs for the above lighting facilities, as well as the maintenance and repair thereof, and further authorizes appropriate Village officials to make arrangements with NYSEG or other Village energy supplier for the transfer of the energy account for such facilities .

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 Herbst

BE IT RESOLVED, that this Board hereby receives an application for a Special Sign Permit for Pennies from Heaven, 206 W. Franklin St., and that same be forwarded to the Village Planning Board and Village Traffic Commission for their review and comment, and be it further

RESOLVED, that a public hearing regarding said application is hereby scheduled for Thursday, September 11, 2008 at 7:05 p.m.

Roll Call Vote:

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

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

- Acceptance of Legislative Item Grant for Road Grader
- Surplus Vehicle

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 Koliwasky

WHEREAS, the Village recently was advised by NYSDOT that it was awarded a \$50,000 SFY 2008/2008 Legislative Initiative Grant to assist with the purchase of a road grader to be shared with the County of Chemung.

NOW THEREFORE BE IT RESOLVED, that the Village Manager is hereby authorized and directed to enter into an agreement with the NYS Department of Transportation regarding this Legislative Initiative Grant, and is further authorized to execute all related documentation.

Roll Call Vote:

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

Trustee Swartz - the Town was in this initially. Now it's the Town, us, and the County?

Chris Lawrick - Town is not listed because Town pulled out. Not necessary to list them, it will really be the County and us sharing the grader. The Town just told us they now want to share. They will be charged accordingly.

Atty. Groff - You can have a joint share agreement later for the equipment use. This is just to get a portion of the money.

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby declares the following as surplus equipment:

- 2001 Ford Crown Victoria - Police Vehicle
(VIN#.....187094)

and further authorizes the Village Manager to dispose of same either by sale or as scrap if same has no value.

Roll Call Vote:

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

Audience Participation

Mary Brown, 514 Chambers Road - I had a problem with some charges for the cemetery. Then my daughter passed away. I was refunded money and told the law would be changed. It was a problem with disinterment. I asked them when they amended the rule, if they would name new law Nance's Law in her memory. I sent letter to Kevin Sullivan. Village Manager Azzarelli said it would all be taken care of. Still haven't heard anything.

Mayor Zeigler asked her to make an appointment to talk with the new manager.

Ms. Brown - law was already amended. It was supposed to be named Nance's law.

Charlie Short, 2249 Grand Central Av. - do we have our own code officer now.

Village Manager Whitney - Bob Young is now full time CSO with focus on property maintenance.

Chief Barton - CSO will do Village Code and property maintenance. Anything on the building code still has to be done by Town.

Trustee Koliwasky - I would like to see more workshops scheduled on the comprehensive plan and other issues. He added that he would like to see the designated parking spot lines be painted again around the Village.

Chris Lawrick - wasn't planning on putting them back. But I can do that anytime.

Mayor Zeigler - Went to a R.A.M.S. meeting. They are looking into having 2 or 3 assessing units for the whole county.

Motion by Trustee Herbst, seconded by Trustee Miller, that this Board and the Village Manager and Village Attorney move into an Executive Session to discuss recent labor negotiations.

Roll Call Vote:

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

At 8:15pm, the Board, Village Manager and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:35pm the Board reconvened back into its regular meeting of this date.

As there was nothing further to bring before the Board, the meeting was adjourned.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

August 28, 2008

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:15 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George Koliwasky, Village Manager Marc Whitney and Village Attorney John G. Groff, at which time they discussed the status of labor negotiations.

At 8:35 p.m., upon motion by Trustee Herbst, seconded by Trustee Miller, the Executive Session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

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