

**Minutes**

**Village Board of Trustees**

**October 28, 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 Ron Swartz  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Trustee Larry Clark  
Village Attorney John Groff  
Village Manager Walter Herbst

Clerk-Treasurer Sharron Cunningham  
Fire Chief Arthur Sullivan  
Police Chief Mike Barton  
Code Enf. Officer Bob Young  
Deputy Clerk Donna Hartsock  
Manager's Assistant Rachel Baer

**Others**

Dave Padgett, W. Franklin St.  
Howard Miller, Sunset Dr.  
Dave Radin, S. Main St.  
Elliott Blauvelt, Jr.

Mike Swasta, Watkins Rd.  
Jean Quinn, Gardner Rd.  
News Media

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the October 14, 2010 Board of Trustees Meeting 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 Peters:       Aye  
Trustee Clark:        Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting, and Zoning Board of Appeals Meeting, both of October 12, 2010 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Peters

BE IT RESOLVED, that a presentation by Fagan Engineers regarding the proposed Colonial Manor Apartments is hereby scheduled for Thursday, November 18th, 2010 at 7:05 p.m., and be it further

RESOLVED, that immediately following the presentation, the Village Board will conduct a public hearing regarding the application for a PUD Amendment for establishment of the Colonial Manor Apartments, to be located at the corner of Broad St. and Sing Sing Road.

Manager Herbst - I have received a lot of questions. Thought it would be productive to have a presentation before the public hearing.

Roll Call Vote:

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

At this time, Attorney Groff declared open a Public Hearing regarding the application of St. Matthew's Church on S. Main St. for a Special Sign Permit.

Dave Radin, S. Main St. - I live diagonal to the church. I don't want my comments to be construed as anti-religion. They do fabulous job. Very historic. But the zoning laws are clear on signs. Its residential on that side. If you count the sign on the parish building, they already have 5 signs that are visible from S. Main. They are applying for another sign. There shouldn't be a sign there at all. Large sign they have already measured in total 7 x 7. Plus it has duplicate information. If they wish to use a sign for announcements, they could use the sign they already have. I saw a rendition of the proposed sign. If that is really what they want it to look like, it won't do anything for the Village. I'm here regarding what our Comprehensive Plan calls for. S. Main is main venue for the Village. I don't think all these signs are necessary.

John Wilson, Jr., member of St. Matthews. One sign is for the food pantry - not part of our church. Other one is required by church, lists times of services. There is one little one that is on the actual church that goes back to 1890 on what was part of original building. Info on that one is not what you can even see. What we are looking at for a sign is not serving the church as much as the community. We have a lot of activities in our parish hall for the community, i.e. blood drives. Word didn't get out that we had a blood drive going. We have three community dinners a year. Need way to make announcements to community. What about Gardner Road Auto - it's a junk yard. You want to talk about an eye sore.

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

At this time, the Board completed Part 2 of the Short Environmental Assessment Form regarding this application.

C1 - No.

C2 - *Aesthetic, community or neighborhood character.* Yes - Residential area on that side, trying to maintain look according to Comprehensive Plan.

C3 - No.

C4 - *A community's plans or goals as officially adopted.* Yes - our Comprehensive Plan was recently adopted - need to be more uniform. Signs like that take away from character of area.

C5 - *Growth, subsequent development, or related activities.* Yes - If we make an exception, other people could come forward with same request.

Atty. Groff - you've identified certain areas with adverse impacts. On that basis it would be appropriate to issue a determination that the project would have material and significant adverse environmental impacts.

Trustee Clark - three yes's is substantial?

Atty. Groff - not just the number, it's the significance of the impacts.

Trustee Peters - I wish there was something we could do. I appreciate what they do for community. But I do believe this sign is wrong for S. Main St. Because of our Comprehensive Plan. We got a lot of comments about signs.

Trustee Swartz - You already have a sign, perhaps that could be altered to have advertising on existing sign.

Mr. Wilson - we tried that. We had a portable sign last summer, and had good turn out for stuff. But, it was vandalized. Within 3 months we lost 50% of our letters. So we gave it away. We did see a difference this year, we hung sign below existing sign for blood drive, and had a horrible turn out. Unless someone is walking down the street they don't see it. That is why we wanted to build this new sign with plexi glass front so it won't be vandalized. Plywood in back, and drop insert inside. Letters would be stenciled in and painted on wood.

Trustee Clark - being ex member of the Zoning Board of Appeals, one of the biggest things is precedent. Some people are grandfathered in, but people don't want to hear that. Setting a precedent is my biggest problem. It is specifically mentioned in the Comprehensive Plan this is not what we want. This church is a great institution, do great things, just the wrong approach.

Trustee Swartz - you could make part of existing sign, and make informational part bigger, and downsize the existing part.

Mr. Wilson - haven't even considered that.

Discussion ensued. Mayor Zeigler stated that he would like to find a reasonable solution. We shouldn't vote until then.

Motion by Trustee Peters, seconded by Trustee Swartz, that this matter be tabled until the next meeting of the Board.

Roll Call Vote:

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

Mayor Zeigler said that between now and then everyone should go down and visit the site.

At this time Atty. Groff declared open public hearing regarding the proposed local law on Professional Services Reimbursement. This is regarding hiring outside professionals for land use applications, chargeback to applicants.

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

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, the Village is considering a local law Pertaining to Professional Services Reimbursement, and

WHEREAS, this proposed law was presented to this Board on October 8, 2010 and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on October 28, 2010, and

WHEREAS, the Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Proposed Local Law Pertaining to Professional Services Reimbursement is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that due to the Veterans Day and Thanksgiving holidays, the regularly scheduled Village Board Meetings of 11/11/10 and 11/25/10 are hereby cancelled, and in their place will be a Village Board Meeting held on Thursday, November 18th at 7:00 p.m.

Roll Call Vote:

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

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

- Authorize Easement – LRC Property Encroachment

Roll Call Vote:

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

Resolution by Trustee Peters, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads is the owner of lands located at 901 South Avenue, Horseheads, NY, formerly known as the Thomas and Betts Corp./LRC facility, and

WHEREAS, it has come to the attention of this Board that a structure improving 920 South Main Street, Horseheads, NY (estate of Helen M. Towner) encroaches upon the lands of the Village of Horseheads described above, and

WHEREAS, the encroachments do not presently interfere with the Village's use of its property, and

WHEREAS, the Village is not aware of its future use of its land which are encroached upon, and therefore is unwilling to convey the encroached upon lands to the Towner estate so as to alleviate such encroachment, and

WHEREAS, the encroachment has existed for an indeterminate but lengthy period of time, and

WHEREAS, the actual structural encroachment is a triangle approximately 7 ft. wide on the north,

and

WHEREAS, the estate of Towner is willing to accept the grant of a temporary easement which would provide for the abatement of the encroachment upon the destruction, demolition or serious deterioration of the encroaching structure.

NOW THEREFORE BE IT RESOLVED THAT, this Board does hereby authorize Village Manager Walter Herbst to execute a temporary easement permitting the encroachment to remain until such time as provided above and upon such other terms as recommended by the Village Attorney, and be it further

RESOLVED, that he is also authorized to execute any and all other documents as may be necessary to effectuate the intent of this resolution.

Atty. Groff explained that this is unutilized land on LRC property. Residential structure encroached for many years. This would allow pending sale of property to occur. When that structure is no longer usable, the easement would terminate.

Roll Call Vote:

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

Motion by Trustee Koliwasky to accept the bid received from Savino for work on the Village garage, in an amount not to exceed \$6,000. Seconded by Trustee Swartz.

Manager Herbst - this is a result of having acquired an 18' door from the former LRC bldg. Will enable us to widen garage door at our garages so that we can park our truck with the snow plow in the garage, and be able to plow and salt at same time. Cost is quite reasonable. Will get done soon.

Atty. Groff noted that we followed the Purchasing Policy. Only received one estimate.

Roll Call Vote:

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

Trustee Swartz - Mr. Wilson gave me this opportunity to bring up the Gardner Road Auto situation. I have brought this up many times before. I want to ask the Manager, Code Enforcement Officer, and Village Attorney to actively pursue this. In my opinion there are at least 5 RV's there, boats, cars that are unlicensed. I don't think this is grandfathered.

Manager Herbst - we will be happy to pursue that.

Trustee Koliwasky - any follow up on opening the pit on Sundays.

Village Manager - yes, would be subject to double overtime. Quite expensive, and we do have curbside leaf pickup.

Manager Herbst reported on the following items:

- Distributed copies of energy savings proposal - free audit.
- Distributed letter from resident about Colonial Manor apts. Please review in prep for 11/18 public hearing.

Atty. Groff reported on the following items:

- Agreement with Town of Elmira moving forward. Sometime next week we can wrap it up.
- Electric pkwy, still undedicated easement, communications are still occurring between DDR, County, Village, NYSEG, hopefully done soon.

Mayor Zeigler - what is status of Winchester Optical building on Franklin St. They have a demolition permit.

Bob Young - they have one year to use it. I have left messages, they have not called me back.

Mayor Zeigler - what about house behind Gardner Rd. Auto.

Bob Young - we are researching this. I'm hearing it was rezoned and it wasn't supposed to be, etc. Will to talk to Groff about this.

Chief Sullivan - new gear from FEMA grant was distributed. Still waiting for boots. New truck will be in service by next Tuesday. Other trucks will be declared surplus at next meeting.

#### Audience Participation:

Elliott Blauvelt, Fletcher St. - parking lot across from Village Hall, there is only one one-way sign for directional travel. Tonight I was inside next to Village Vacuum, and one of the cars was backing out the wrong way. Has happened before because cars come in the wrong way. I have requested that the one-way signs be installed back in again. Don't know what the hold up is. On court nights you have no idea how bad it is over there.

Trustee Swartz - should paint arrows too.

Mike Swasta, Watkins Road - On the presentation for Colonial Manor, will there be revised materials available to review prior to the meeting.

Mayor Zeigler - as far as presentation, people can ask questions, etc.

Manager Herbst - then we would do the SEQR, and potential for decision would be at the following meeting.

Mr. Swasta - masonry work at garage - a licensed professional engineer is supposed to design the lintel over the door.

As there was nothing further to come before the Board, the meeting was closed at 8:01 p.m.

/rmb