

Minutes

Village Board of Trustees

July 30, 2009

A **Special 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 Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters

CSO Robert Young
DPW Chris Lawrick
Village Clerk Sharron Cunningham
Manager's Assistant Rachel Baer

Others:

David Padgett, W. Franklin St.
Mike Swasta, Watkins Road
John & Audrey Dunlap, Matthews Cir.
Louise McIntosh, Renwick Lane
Susan Multer, Watkins Rd.
Barbara Dann, Watkins Rd.
Elizabeth & Joe Danaher, South Ave.
Elly Adam, Horseheads
Bill & Tess Danaher, Steuben St.
Pat Bleir, W. Franklin St.

Bonnie Sampson, Scott Lane
Elliott Blauvelt, Fletcher St.
Jim Sands, South Ave.
Tess Banfield, Catalpa Dr.
Mary Mower, Kinley Place
Helen Slottje, Ithaca
Jean Quinn, Gardner Rd.
Jim Lynch, W. Mill St.
Sherman Moreland, Tifft Ave.
News Media

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 9th, 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
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, the Village Board has been notified by Chemung County and Southern Tier Economic Growth of its desire to apply for a 2009 Community Development Block Grant Economic Development Open Round Application on behalf of a regionally significant project to be located within the Village of Horseheads, and

WHEREAS, the Village Board recognizes that the Village is eligible to apply for up to \$750,000 per annum through the Community Development Block Grant program in addition to the annual grant competition, and

WHEREAS, the Village Board, after due consideration believes that it is in the public's interest to have Chemung County apply on its behalf for a grant not to exceed \$750,000 for the purposes of economic development and job creation, and

WHEREAS, for environmental review purposes, this is a Type II action in accordance with SEQR 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding same.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads, County of Chemung, New York desires to seek financial assistance from the State of New York and the Federal Government, and be it further

RESOLVED, that Mayor Donald Zeigler is authorized and directed to request that Chemung County or its economic development agency submit an application for financial assistance on behalf of the Village of Horseheads under such program and is authorized to execute all other documents necessary for the implementation of this work.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, August 13th, 2009 at 7:05 p.m. regarding expansion of the Target Area for the FY90 Community Development Block Grant Program.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Peters

BE IT RESOLVED, that the minutes of the Traffic Commission Meetings of July 22nd and July 23rd, 2009 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, the Horseheads Historical Society is sponsoring a festival on September 19, 2009 to be located at their facility on Broad St., and

WHEREAS, the Society has requested that a portion of John and Curns Streets be closed during the event, and

WHEREAS, the Horseheads Traffic Commission has reviewed this request, and has recommended its approval.

NOW THEREFORE BE IT RESOLVED, that the following Village streets be closed on September 19, 2009 from 11:00 a.m. - 6:00 p.m. for this event:

- John Street at Legion Lane, and
- Curns St. at John and W. Broad Sts.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, the First Baptist Church of Horseheads is sponsoring a festival on August 1, 2009 to be located at their facility on Grand Central Ave., and

WHEREAS, the Church has requested that a portion of Orchard St. be closed during the event, and

WHEREAS, the Horseheads Traffic Commission has reviewed this request, and has recommended its approval.

NOW THEREFORE BE IT RESOLVED, that the following Village streets be closed on August 1st, 2009 from 8:00 a.m. - 6:00 p.m. for this event:

- Orchard St. between Center St. and Grand Central Ave.

Roll Call Vote:

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

Motion by Trustee Herbst, seconded by Trustee Koliwasky, that the following item be added to the

agenda:

- Probationary Appointments to Fire Department

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Peters

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Patrick Carne, Douglas Seekings, and Daniel Newton, all of Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Trustee Peters suggested that the minutes of the Traffic Commission Meetings be put on the website.

Trustee Herbst summarized a meeting held with TVGA Consultants regarding possible grants. TVGA will be investigating possible grants for the Village for: infrastructure, watermains, energy audits, water pumps at wells, TIP grant for Grand Central Ave., records management, old landfill area, Village Hall renovations, community center, swimming pool renovations, electronic security.

Public Comment:

Helen Slottje, Ithaca - Reviewed documents of Schlumberger. They are proposing to store and use explosives, radioactives and chemicals. There will be an acid dock area, cement plant, perforation equipment bldg. Fracking fluids are extremely hazardous. No discussion has happened on the fracturing chemicals stored there. Laws require that environmental matters be fully considered. Approving it before full completion is done is unlawful. So is resolution for E street renovations. Current temporary use is unlawful. Private sponsor may not commence any physical alterations until SEQR process is completed. Village is not taking hard look.

Mayor Zeigler - the Village has hired an engineer to help with SEQR review. Nothing is going to be rushed. These issues are being addressed.

Trustee Herbst - this is a preliminary proposal. Our engineer hasn't completed review of the project. We had a public info meeting and a formal public hearing. All those comments are being considered. We are very concerned as are most people about the aquifer and protecting it. It is our intent to look after it. We hired the engineer to help us.

Sherman Moreland, 802 Tiff Ave. - Lead Agency for Schlumberger, the Village, has prerogative to require Environmental Impact Statement. You have an obligation to do that. I would like to know if you are going to require this. Schlumberger is asking you to waive this requirement. Also, what has been done in investigating background of what they have done in other areas.

Trustee Peters - our engineer has contacted several cities where Schlumberger already has facilities. We are planning on getting that information.

Mr. Moreland - what is reason for not requiring EIS?

Trustee Peters - we have no intention of waiving anything at this point.

Mayor Zeigler - we have a very good engineer on our side. This is a big project. We are just as concerned as you are.

Ruth Young, 204 Sayre St. - retired chemistry teacher. I am a member of the Cornell Envir. Mgmt. Group. I talked to someone from Midland Texas. In their local paper, the Midland Reporter Telegram, is a story about Schlumberger. Chromium poisoning in Texas, evidence points to oil and gas industry. Hydraulic fracture giant Schlumberger is responsible. She said it was in that paper July 10, 2009. Trucks that have carried this waste will be coming back and then washing it off here. Very scary. When groundwater is gone that is it.

Trustee Herbst - trucks are washed first before they return. Workers wear environmental suits on site and they are left there and reprocessed through a contractor.

Mayor Zeigler - filtration systems are going to be strengthened beyond minimum standards. We're not done with this. This aquifer is very important. Right now there is a proposed gravel mine near one of our wells. We hired an engineer for this also.

Mary Mower, 301 Kinley Place - has the company been questioned on future plans for this site. I know they said they don't drill. But the one in Midland Texas does. Will ours want to drill years down the road?

Trustee Herbst - Schlumberger does have another division that does drill, but the division coming here is solely dedicated to service and equipment within a 300 mile radius. This division does not drill. Not to say another company could ask to come in and drill. That is a whole new process, whole new review.

Mayor Zeigler - Code Enforcement Officer had a meeting with Schlumberger and other companies from the Center at Horseheads regarding signage. They also discussed berms to protect residences on Ithaca Road. Then they will put a fence on top of berm. Also will be a sound barrier.

Trustee Herbst - water will be tested up stream and down stream on a regular basis.

Ruth Young - you should start water testing long before they open. DEC over the last 10-15 yrs has lost staff. They have downsized tremendously. Can't monitor everything. Schlumberger is multi-national. When they say they don't do drilling, other subsidiaries do.

Mary Mower - what about trains.

Mayor Zeigler - already talked to Norfolk Southern - they are upgrading some crossings now. As far as safety, the law says that the train engineer has to get out of train and stand in the middle of the road. They are required by law to stop at the intersections.

Trustee Herbst - we talked to president of Schlumberger. One of their biggest facilities will be here. We asked about rail service. If it comes, it will be in Phase 3. Reason they would use it is to bring a particular kind of sand in. We probably will see train traffic, but it will be a while.

Louise McIntosh, Redwing Lane - I would like to thank Village officials for keeping communication open with residents. Also, about the new sidewalk program. What is timeline for that.

Chris Lawrick - still being worked on by attorney.

Tess Banfield, Catalpa Dr. - I'd like to thank Mayor Zeigler for calling me. Pleasant and very informative conversation. He spoke mostly about getting funding. Also talked about Community Progress helping homeowners.

A resident asked about waste products from the Schlumberger facility - how will they be disposed of - by truck?

Trustee Koliwasky - There won't be waste. Materials used will be used at the well sites - not this facility. They will go someplace else.

Tess Danaher, Steuben St. - is it already a forgone conclusion that they are coming?

Trustee Herbst - no its not foregone conclusion. They have to meet all the requirements. NRC, DEC, etc., and not just the minimum standards. If they fail to do that, then we'll have to be prepared to say no.

Peter Ladley, Town of Elmira - concerned about Schlumberger. You say there is a lot of science, whose science are we talking about? Theirs or ours? There is a difference between an industry bringing in their scientists and providing their assurances. If I'm benefitting in any way, and I'm providing the science, that is not independent science. We deserve better. Radioactive substances discussed in vague terms. They were not named, listed, etc. and unless I'm wrong, their functions were not discussed either. What are those substances, and what chemicals are they servicing the sites with? Critical to know what the names of the chemicals are. You need to facilitate that kind of communication.

Elliott Blauvelt, Fletcher St. - Trucks using Westinghouse Road. I've seen several near misses. This is a main artery for Erway Ambulance. There is a potential for catastrophe. Need a third lane for left turns on Westinghouse Road.

Mayor Zeigler - The County is going to own E street in the Center at Horseheads. I suggested that eventually the Holding Point will wind up with a future owner. Its being sold off in pieces now. Route 14 is a designated truck route. They are considering upgrading road from Center at Horseheads over to Route 14. That is priority. That becomes designated truck route. Could take all trucks off Westinghouse Rd.. So this whole thing is evolving into more.

As there was nothing further to bring before the Board, the meeting was adjourned at 8:40 p.m.

/rmb