

Minutes

Village Board of Trustees

December 7, 2009

An **Organizational Meeting** of the Village Board of Trustees was held on the above date at 7:00 p.m. Present were:

Village Board and Staff:

Mayor Donald Zeigler
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Suzanne Peters
Village Manager Walt Herbst

Village Atty. John Groff
Clerk-Treasurer Sharron Cunningham
Fire Chief Arthur Sullivan
Police Chief Mike Barton
DPW Chris Lawrick
Code Enf. Bob Young
Manager's Asst. Rachel Baer

Others:

Tess Banfield, Catalpa Dr.
Barb Skorczewski, Franklin St.
Justin Anderson, Gardner Rd.

Ken Miller, Old Ithaca Rd.
Jean Quinn, Gardner Rd.

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, the members of the Board of Trustees have each been provided with a copy of the proposed resolutions to be considered for adoption at this meeting, and

WHEREAS, each of the Trustees has reviewed each of the proposed resolutions, and

WHEREAS, it has been suggested that the reading of the resolutions may be waived since each of the Trustees have reviewed each of the proposed resolutions in advance.

NOW THEREFORE BE IT RESOLVED, that the reading of the resolutions for agenda items 'a' through 'k' is waived, and the same are approved and set forth herein below:

- a) BE IT RESOLVED, that pursuant to Village Law, the regular monthly meetings of the Village of Horseheads Board of Trustees shall be held on the second and fourth Thursday of each month beginning at 7:00 p.m. at the Village Hall, 202 S. Main St., Horseheads, New York. Special meetings may be called as provided in the Village of Horseheads Board of Trustees Rules of Procedures for Meetings. Nothing to the contrary withstanding there shall be no regular meeting of the Board on the fourth Thursdays for the months of July and August.

- b) BE IT RESOLVED, that the Clerk's Office of the Village of Horseheads will be open to the general public between the hours of 8:00 a.m. through 4:00 p.m. Monday through Friday excepting for such holidays as are established by the Village of Horseheads

Board of Trustees and such other times and periods as such Board may determine from time to time.

- c) BE IT RESOLVED, that the Village Clerk's Office and Village Manager's Office shall be closed on the following legal holidays:

Christmas Day	Labor Day
New Years Day	Columbus Day
Martin Luther King Day	Veterans Day
Presidents Day	Thanksgiving Day
Good Friday	Day After Thanksgiving Day
Memorial Day	
Independence Day	

- d) BE IT RESOLVED, that the Elmira Star-Gazette, 201 Baldwin Street, Elmira, NY be and hereby is designated the official newspaper of the Village of Horseheads, and be it further

RESOLVED, that all official proceedings, notices, resolutions, ordinances, and acts of the Trustees shall be published in the aforementioned newspaper or as otherwise directed by the Board of Trustees.

- e) BE IT RESOLVED, that HSBC Bank USA, and Chemung Canal Trust Company, both of Horseheads, New York, The JP Morgan Chase Bank of Elmira, New York, and Five Star Bank, of Bath, NY hereinafter referred to collectively as "Banks" be and hereby are designated a depository or official bank of this corporation for the official year commencing **December 7, 2009** and are authorized to receive for deposit, at any such office or offices, to the credit of this corporation, or for the collection for the account of this corporation, monies, checks, drafts, notes or other instruments for the payment of money (including electronic fund transfers and wire transfers), whether belonging to this corporation or otherwise, which may now be or hereafter come into their possession, and be it further

RESOLVED, that any two of the following three officials or officers of the Village of Horseheads - Mayor, Deputy Mayor or Clerk-Treasurer - be and they hereby are authorized to make, sign, draw, accept, indorse, execute and deliver any and all checks, drafts, notes, acceptances, evidences of indebtedness, or other instruments for the payment (including electronic fund transfers and wire transfers) of money of this corporation on deposit with the said Banks; and the said Banks be and they hereby are authorized to make payment from funds of this corporation on deposit with them upon and according to the terms of any such instrument when signed as above provided over the official title of such signer, and to receive the same to the credit of or in payment from the payee or any other holder, when so signed, without inquiry as to the circumstance of their issue or the disposition of their proceeds, whether drawn to the individual order of or tendered in payment of the individual obligations of any persons signing the same or of any other officer, agent or signatory of this corporation or otherwise, excepting that withdrawals from savings must be signed by one authorized signature of either the

Mayor, Deputy Mayor or Clerk Treasurer, and be it further

RESOLVED, that any check herein authorized to be drawn in the name of this corporation may be signed with the facsimile signature of Mayor Donald Zeigler and the said Banks shall be entitled to charge any such check to this corporation's account regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto if such signature corresponds with the facsimile specimen duly certified to and filed with the said Banks by the Clerk-Treasurer of this corporation, and be it further

RESOLVED, that the Mayor, Deputy Mayor, and Clerk-Treasurer be and hereby are appointed agents of the said corporation, and that any two of such agents shall have access to the safe or safes including safety deposit boxes, in the vaults of the said Banks, and be it further

RESOLVED, that the Clerk-Treasurer of this corporation be and she hereby is authorized and directed to certify to the said Banks the names of all officers of this corporation and other persons authorized to sign for it as herein provided and the offices respectively held by them together with specimens of their signatures, whether facsimile or otherwise, and from time to time thereafter to certify such changes as may be made, and be it further

RESOLVED, that any and all prior resolutions adopted by this corporation authorizing access to safe or safes, or safety deposit box(es), and designating its official Banks and the parties who may draw against and or withdraw its funds are revoked and canceled the effective date hereof, and be it further

RESOLVED, that the foregoing powers and authority shall continue until written notice of the revocation thereof has been received by said Banks, and be it further

RESOLVED, that the Clerk-Treasurer is hereby authorized, pursuant to Article II of the General Municipal Law, to temporarily invest during the official year **ending the first Monday in December, 2010** monies not required for the immediate expenditures under conditions and with the limitations specifically set forth herein.

- f) WHEREAS, the Village of Horseheads Board of Trustees has adopted a Purchasing Policy governing the acquisition of goods and services and

and WHEREAS, such policy is to be reviewed annually and was last revised in July 2006,

WHEREAS, this Board has reviewed same and found that no amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Purchasing Policy, as revised in July 2006, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- g) WHEREAS, the Village of Horseheads Board of Trustees has adopted Rules of Procedure governing the conduct of its various board and committee meetings, and

WHEREAS, such policy is to be reviewed annually, and was last revised in April 2003, and

WHEREAS, this Board has reviewed same and found that no amendments are necessary at this time.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Rules of Procedure, last revised on April 1, 2003, be adopted. A copy of the policy shall be placed on file with the Village Clerk-Treasurer.

- h) WHEREAS, the Village of Horseheads owns and operates a cemetery known as Maple Grove Cemetery which is regulated by Article 15 of the Village Law and Chapter 113 of the Village Code, and

WHEREAS, the operation of the cemetery is vested in the Board of Cemetery Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Trustees of the Village of Horseheads shall automatically be Cemetery Commissioners for the duration of their respective terms as said Trustees. The Mayor shall be the Chairperson of the Board of Cemetery Commissioners. Meetings of the Board of Cemetery Commissioners may be held as part of and during regular and special meetings of the Board

- i) WHEREAS, the Village of Horseheads owns and operates a Fire Department generally known as the Horseheads Fire Department, and

WHEREAS, Article 10 of the Village Law provides for a Board of Fire Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Fire Commissioners vested with all of the powers and duties of such Board as provided in Article 10 of the Village Law. The members of the Fire Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Fire Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Fire Commissioners shall be the Mayor of the Village. Meetings of the Board of Fire Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

- j) WHEREAS, the Village of Horseheads owns and operates a Water Department, and

WHEREAS, Article 11 of the Village Law provides for a Board of Water Commissioners and establishes their powers and duties.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby establish a Board of Water Commissioners vested with all of the powers and duties of such Board as provided in Article 11 of the Village Law. The members of the Water Commission shall be the members of the Board of Trustees. The Trustees shall automatically be Water Commissioners for the duration of their respective terms as said Trustees. The Chairperson of the Board of Water Commissioners shall be the Mayor of the Village. Meetings of the Board of Water Commissioners may be held as part of and during regular and special meetings of the Board of Trustees.

- k) WHEREAS, the Village of Horseheads has entered into an intermunicipal cooperation agreement with the Town of Horseheads for the latter to provide Dog Control services, and

WHEREAS, the Town of Horseheads has employed Frank Rosplock, and may hereafter from time to time employ others in the capacity of Dog Control Officer, and

WHEREAS, it is the desire of this Board that the Dog Control Officer of the Town of Horseheads be authorized and empowered to enforce Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads and to, among other things, issue appearance tickets in regard thereto.

NOW THEREFORE BE IT RESOLVED, that such individuals as are employed by the Town of Horseheads as Dog Control Officers and assigned, pursuant to the above-noted agreement, to enforcement of Chapter 80 of the Village Code and such other animal control laws, rules, regulations and ordinances as may be enacted from time to time within the Village of Horseheads be and they hereby are designated Dog Control Officers within the Village of Horseheads and are empowered with all of the duties and responsibilities of such position including the power to issue appearance tickets, etc. Pursuant to Village Law Section 3-300 the Dog Control Officer may, in lieu of residing in the Village of Horseheads, reside within Chemung County.

Roll Call Vote:

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

Communication from Mayor Zeigler to the Board of Trustees:

I hereby appoint **Ronald Swartz** as **Deputy Mayor** for a term which will expire on the first Monday of December, **2010**.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that **Thomas Mailey**, 312 S. Main St., be appointed as a **Member of the Village Planning Board** for a term which will expire on the first Monday in December, **2014**, and

BE IT RESOLVED, that **Denis Kingsley**, 208 Steuben St., be appointed as an **Alternate Member of the Village Planning Board** for a term which will expire the first Monday in December **2011**, and be it further

RESOLVED, that **John Breese**, 340 West Ave., be appointed as a **Member of the Zoning Board of Appeals** for a term which will expire on the first Monday in December **2014**,

and be it further

RESOLVED, that **Louise McIntosh**, 121 Renwick Lane, be appointed as an **Alternate Member of the Zoning Board of Appeals** for a term which will expire the first Monday in December **2011**.

Roll Call Vote:

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

Communication from Village Manager Walter Herbst to the Board of Trustees:

I hereby make the following appointments:

Arthur Sullivan, Miller Street, Horseheads, as **Master Mechanic** of the Horseheads Fire Department;
Robert Young, Mathew Circle, Horseheads as **Fire Inspector**;
John Groff, Esq., 53 Silver Oak Drive, Horseheads as **Village Attorney**;
Walter Herbst, S. Main Street, Horseheads as **Budget Officer**;
Donna Hartsock, Greenridge Drive, Horseheads, as Deputy Clerk; and
Michele Accavallo, Easterbrook Drive, Horseheads, as Deputy Treasurer

each for terms which will expire on the first Monday in December, **2010**.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the regularly scheduled Village Board Meeting of Thursday, December 10th, 2009 be rescheduled to Thursday, December 17th, 2009 at 7:00 p.m., and be it further

RESOLVED, that the regularly scheduled Village Board Meeting of Thursday, December 24th, 2009 is hereby cancelled.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye

Trustee Koliwasky: Aye
Trustee Peters: Aye

Special Sign Permit - Lighthouse Baptist Church

Atty. Groff read the questions from Part2 of the short form SEQR. Based upon the responses, it is appropriate to issue a Negative Declaration finding no significant adverse environmental impacts with this application.

Lengthy discussion ensued among the Board Members and Mr. Ken Miller who represents the church. Major points of discussion were:

- Residential zone requires 30' front setback. Applicant wants approx. 10'.
- Church building is over 50' from the property line. More than enough space to keep sign within required setback.
- This is a residential neighborhood. Other signs may be closer to the road, but they are in commercial zones.
- Village Traffic Commission agreed not a hazard.
- Not necessarily setting a precedent. Each item that comes before us is different. Each case is taken individually.
- Letter from Village Manager stated that as far as lighting goes, 5am might be too early for lighting. Should be consistent with hours set for noise law, dusk until 10pm, and dawn until 7:30 a.m.
- Should avoid "visual pollution. When you drive down a road you should consider proximity of sign closest to the road, takes eyes off your driving.

Mr. Miller, from Lighthouse Baptist Church, stated that there wouldn't be a problem adjusting the lighting. He stated that if the sign was put back any farther it would be difficult for cars to see.

After further discussion, the Board Members agreed to compromise, and allow the sign to be 15' from the property lines.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, Lighthouse Baptist Church has made application for a Special Sign Permit for a sign to be placed at 209 Gardner Road, and

WHEREAS, said application requested approval for a sign to be constructed inside the required 30' setback for an R1 Zone, and

WHEREAS, this application was referred to the Village Planning Board and Village Traffic

Commission for their review and comment, the same having been received and considered by this Board, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action under SEQR regulations, and

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

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

WHEREAS, this Board of Trustees has conducted a thorough review of the application, the Short 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 November 12, 2009 regarding the application for the Special Sign Permit at which time all interested or affected parties were afforded an opportunity to present their views regarding the application, and

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

NOW THEREFORE BE IT RESOLVED, that the application of Lighthouse Baptist Church for a Special Sign Permit at 209 Gardner Road permitting the placement of a sign no less than 15 ft. from the property line (westerly edge of Gardner Road right-of-way) with hours of illumination limited to dusk to 10:00 p.m. and from dawn until 7:30 a.m. is hereby *approved* and a Special Sign Permit shall be issued in accordance with the terms of this resolution.

Roll Call Vote:

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

Trustee Swartz noted that the Gardner Road Auto location has many unlicensed vehicles, and other equipment and junk. I get phone calls on this. I would suggest to that the Manager look into this. Everyone agreed.

Trustee Koliwasky - met with the Town on the recreation programs. Will have another meeting soon. Hope to get resolved soon before budget process.

Atty. Groff - lot of time and effort spent on Schlumberger Article 78 proceeding. I've been collaborating with attorney from SLB in development of papers, etc. oppositional to petition. They have submitted their paperwork today. Rachel and I developed our paperwork on behalf of the Village. Also supplied 6,000 page record to judge. SLB Attorney is very please with Rachel's work in putting record in order, and work this Board did in preliminary analysis. Judge may ask for witnesses, or will make decision based on papers submitted. How long it takes is

quite variable.

Atty. Groff - conference call on Koppers Pond. They are essentially at a fork in the road. Two ideas on human risk factor analysis and ecological risk factor analysis that experts are reviewing. Question is whether additional studies should be done to explain to EPA or DEC why dredging of pond is unnecessary. One side says more studies should be done. Other side says DEC is only interested in their own, etc., additional cost of studies is \$5,000 per Potentially Responsible Party. Of all the Group members, three are in favor of not doing additional studies. Those members are Beezer, Chemung County, and Hardinge. Three are in favor of doing studies and spending more money - CBS, Town of Horseheads, Toshiba. Only entity that hasn't expressed a view is the Village. The end result of conference call today was efforts of going back to reexamine views, etc. If any board members have any views on this, let me know. I would lean toward spending money if it could save us potentially large amounts later.

Village Manager Herbst - I agree. It's a wise expenditures now.

Atty. Groff - The recommendation of our group consultant is to pursue with additional testing.

The Board agreed to put on agenda for next meeting on 12/17.

Village Manager Herbst reported on the following items:

- labor management with PBA underway
 - appt. with School Supt. on SRO Agreement.
 - Holly Days went well
 - Court looking at adjusting court hours
 - looking into code modification to allow us to charge back engineering fees to large projects
 - next meeting I will offer information on property registration
 - TVGA working on brownfield grant, no charge for this
 - question on monetary settlement in lieu of company vehicle for an employee. I put note in packets on that.
 - Connector Road public meeting is 12/15
 - Community Progress recommending income guideline changes for CDBG grants. She feels it could increase utilization.
 - Purchasing Policy, \$250 limit, not clear if that was put into place. We said if we want to spend over that, and it wasn't planned, should it get approved by board.
- Trustee Peters - if its not planned, out of the ordinary. Could just be Manager approval.
- had a staff meeting today. Some staff raised concerns about shared highway services.
 - Calamar rep came in today. Wants to be on next agenda.

Tess Banfield, Catalpa Dr. - commended Walt Herbst on being Village Manager. Wants to know who next Trustee will be.

After brief discussion, the Board agreed to have a workshop on the Comprehensive Plan on Thursday, December 10th at 7:00 p.m.

As there was nothing further to come before the Board, the meeting was closed at 8:16 p.m.

/rmb