

July 8, 2004

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, DPW Supt. Chris Lawrick, Planning Board Chairman Bob Skebey, Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Johnson. Also present were: Larry & JoEllen Clark, 107 Orchard St.; Gennie and Paul Houck, 205 Fairfax St.; Dennis Wieland; Bill and Beverly Bigg, Country Estates Dr.; Ann Marie and Jim Gibson, 210 Fairfax St.; Beverly Stener, 213 Fairfax St.; Mike Stenpeck, 2202 Grand Central Ave.; Charley Short, 2249 Grand Central Ave.; Tess Banfield, 134 Catalpa Dr.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 24, 2004 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds.

General -	\$357,505.07
Water -	\$ 80,058.56
Trust & Agency -	\$ 2,959.10

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for June 2004, and the Police Report for May 2004, be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Planning Board Meeting of June 22, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

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Resolution by Trustee Swartz, seconded by Trustee Catlin

WHEREAS, a Project for the repaving of Fairview Terrace, Lorraine Blvd., and South Carroll St., PIN S4084 (the "Project") is eligible for funding under New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"), and

WHEREAS, the Village of Horseheads desires to advance the Project by making a commitment of advance funding of the non-local share, and funding of the full local share of the costs of the Project, and

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby approves the above-subject project, and it is further

RESOLVED, that the Village Board hereby authorizes the Village to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$30,000.00 has been appropriated and expended from FY2003-2004 Street Department, Contracted Services, and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the costs of the project exceed the amount appropriated above, the Village of Horseheads shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

RESOLVED, that the Village Manager of the Village of Horseheads be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Multi-Modal Program Funding on behalf of the Village of Horseheads with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and all Project costs that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the Project between the Village of Horseheads and the State of New York, and it is further

RESOLVED, that this resolution shall take effect immediately.

Trustee Sullivan - what does 100% of federal and non-federal share mean.

Village Manager Azzarelli - we pay up front and we get reimbursed. Total cost was \$100,000 - we paid \$70,000, they pay \$30,000.

Mayor Gross - Sen. Kuhl told us about this program a few years ago.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Miller, seconded by Trustee Sullivan

WHEREAS, the Village of Horseheads Vehicle and Traffic Law, Chapter 235 of the Village Code, provides in pertinent part that the regulations and schedules adopted by the Board relating to vehicle and traffic matters may be amended and modified from time to time as deemed necessary by the Village Board via local law, resolution or motion, and

WHEREAS, the Vehicle & Traffic Law provides, in Section 235-46, for the designation of on-street handicapped parking spaces, as well as providing in Schedule XXVII for the location of such spaces, and

WHEREAS, the Village Traffic Commission has recommended the relocation of a handicapped parking space, and the establishment of additional handicapped parking spaces, and

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WHEREAS, this Board endorses such recommendation.

NOW THEREFORE BE IT RESOLVED, that Section 235-87, Schedule XXVII: Handicapped Parking Spaces, be amended to read as follows:

In accordance with the provisions of Section 235-46, the following described locations have been designated Handicapped Parking Spaces:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
South Main Street	East	First space southerly of intersection with E. Franklin Street
South Main Street	West	Fourth parking space southerly of intersection of John Street
West Franklin Street	South	Fourth space west of its intersection with Main st.
John Street	North	First two parking spaces west of intersection with S. Main Street

Trustee Swartz - I recommend for a future Traffic Commission that we consider the traffic on S. Main St., there is only 1 remaining spot there. Traffic commission should discuss that at its next meeting.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Miller, seconded by Trustee Sullivan

BE IT RESOLVED, that an item regarding an Oil and Gas Lease be added to the agenda.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Miller

WHEREAS, the Village of Horseheads is the owner of real property situate in the Town of Horseheads comprised of approximately 35 acres referred to as tax map parcel #49.03-2-35, and improved with a well producing water for the Village of Horseheads water system, commonly known as Well #5, and

WHEREAS, East Resources Co., Inc. and other oil and gas exploration and development companies have approached the Village regarding the leasing of oil and gas minerals from such parcel, and

WHEREAS, the Village has explored the various leasing opportunities with the said oil and gas exploration and development companies, and has reviewed various lease proposals from same, and

WHEREAS, East Resources has offered a non-developmental lease so as to be assured that any and all of its activities relative to the premises would not have any adverse effect on Well #5 and the production of potable water for industrial and domestic consumption from the premises, and

WHEREAS, Village Manager Vincent Azzarelli and Village Attorney John Groff have reviewed the various terms and conditions of the lease as well as developing modifications thereto to protect the

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Village's interests, and

WHEREAS, the entering into of this lease has been recommended to this Board as being in furtherance of the interests of the Village and its residents from the possible production of oil and gas minerals.

NOW THEREFORE BE IT RESOLVED, that Vincent Azzarelli is hereby authorized and directed to execute a oil and gas lease with the East Resources Co., Inc. in a form recommended by the Village Attorney. A copy of said lease shall be placed on file with the Village Clerk. Revenues derived from this lease will be credited to the General Fund and appropriated in the future as determined by the Village Board.

Trustee Swartz - I recommend we table for further investigation. Want more info on what happens if there is a contamination, since we are really not obligated to sign it now.

Trustee Sullivan - I agree.

Motion by Trustee Swartz, seconded by Trustee Miller, that this item be tabled for further investigation.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Chris Lawrick - Meeting on shared services taskforce. Report on specifics of shared services for snow and ice removal. Meeting was informative. They will interview all departments and prepare a report with recommendations and suggestions on shared services.

Mike Stenpeck - what kind of money will we make from oil and gas lease.

Village Manager Azzarelli - \$200/acre, plus 1/8 royalty from any gas located on the property.

Joellen Clark - 107 Orchard St. - Still have parking issues. Children are still playing on the street. Dangerous situation particularly today with the concert in the park.

Mayor Gross - weren't we supposed to talk to these people.

Ms. Clark - Police were down there, but kids were eating dinner. 5-8pm is the time they are out there.

Chris Lawrick - have the new sign work scheduled for this street, but haven't gotten to it yet.

Village Manager Azzarelli - we will talk to Police again.

Mr. Little , 213 Fairfax St. - Keefer house is a disaster. Another house down there is a disgrace to the neighborhood, that one is on Catalpa. It's a pink house. I've had to take care of their hedges for 10 years.

James Gibson, 210 Fairfax St. - pink house has been painted twice. Guy is a disabled vet. Does the Village have any kind of program to help him out.

Village Manager Azzarelli - I can talk to the Youth Bureau and some service organizations to see if we can help him out. Also to Youth Court.

Charlie Short - The alley behind our buildings on John St. Major ice problem last winter. Only storm drain is going to fall in. We've gotten a price on redoing it, but we feel the Village has water in there also, so I'd like to get the Village involved.

Chris Lawrick - impossible for water to go up hill. None of our water goes back there. And its not on Village land.

Ms. Bigg - can't figure out whose land this is on. We pay taxes. You receive our sales tax, will you give us any help.

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Atty. Groff - its not Village property. We're in no position to tell you whose it is. It may be an issue for you as a group to research. There is a constitutional prohibition on municipalities expending funds on private property.

Trustee Swartz - we know someone owns that drain. It is a private person.

Ms. Bigg - I called the assessor, but haven't rec'd a call back yet.

Denis Wieland - didn't realize there was still an issue on ownership. It's not on Village property. I know that this drain has been there a long time. The question is, does the Village think a private person put it in with a pipe going to the creek. I find it very difficult to believe a private person did that. Don't know how we can find out who installed it. I'm proposing this - I don't think it was privately installed. It was an extensive project. Its just not a drywell. Maybe it was installed by the Village a long time ago. We are looking for help to investigate this.

Chris Lawrick - we don't really know, it could be a 100 years ago. I have no records that go back that far. A survey is the only thing that will tell you who owns it. I have 40 similar situations like this, in the Village, that connect to our storm sewers. It is connected, but it doesn't mean we paid to put it in. I have many in Presidential, Village Plaza, all connected to our storm sewers, but I don't maintain the inlets on private property. The problem is that its clustered in so many different parcels. Because I don't have any records that go back that far, I have an idea of where it goes, but I can't go in there because its private property.

Mr. Wieland - places like Presidential is one developer. Here you have 11 different properties.

Chris Lawrick - maybe it was just one property owner years ago to fix a problem. Just don't know.

Ms. Bigg - we are just asking if you'd consider helping us out.

Trustee Swartz - can we do this, without having to do it for everybody.

Atty. Groff - not really. You could create a special improvement district in which case all the properties would be taxed for whatever you might do to enhance that property. Its not as though it would benefit them, the Village would be assuming that burden and you'd just be acting as a monitoring body. Then it would be added to the tax bills. If the Village wanted to assume this responsibility, it might not be cost effective for you. We have to bid projects, etc. Our experience is that when you bid them the costs go up.

Ms. Bigg, I think that is acceptable by me. You do it and bill all of us. We are asking for your help. Rather than a \$15,000 for just a couple of people, then its divided equally among us.

Atty. Groff - in order to attempt this project, the procedures are relatively sophisticated, and time consuming, and there is nothing to say that the costs will be any less - it may be greater. Its not as though the Village would absorb any of it. We'd take all the costs and just shift it back to all those other property owners.

Denny Wieland - if we did this on our own, and we found it is plugged under John St., what do we do.

Atty. Groff - I don't know. I've never researched this.

Chris Lawrick - If I have a plugged storm drain, someplace in the Village, in our right of way, I repair it. I don't know if I've done one where there is a private source involved.

Jenny Houck - 205 Fairfax. Neighbor at 207 Fairfax has a pool that has never been covered. Liner is collapsing, water is attracting a lot of mosquitoes.

Mayor Gross - You should contact the Chemung Co. Health Dept.

Charlie Short - can I plow snow from that alley over to one of the Village lots.

Chris Lawrick - I know its tight quarters back there. But when there is a lot of snow, it builds up so much, then I have to truck it away. There are regulations about this.

Mr. Bigg - am I right in figuring that your not going to do anything about the situation in the alley.

Mayor Gross - the Village really cannot, on the advice of our lawyer, if we help one we have to help

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everybody. Its not that we don't understand your problem, but there are constraints that we have.

Mayor Gross asked about the additional street light for Hanover Square. Chris Lawrick - has been ordered.

Mayor Gross thanked the PB and ZBA for the time spent on Route 14 issues. Boards are working very hard on this matter.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb