

## Minutes

### Village Board of Trustees

March 8, 2007

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 Walter Herbst, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, Fire Chief Artie Sullivan, Police Officer Jamie Burgess, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer. Also present were: Donald Zeigler, 535 Watkins Road, George Kastenhuber, 519 John St.; and the news media.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 8, 2007 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 Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

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

-	General:	\$150,579.50
-	Water:	\$ 29,175.65
-	Trust & Agency:	\$ 839.70

and be it further

RESOLVED, that \$13,728.88 be appropriated from the Capital Reserve Fund for police equipment and fire repairs.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for February 2007 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 Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of February 27, 2007 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 Herbst:	Aye

At this time Atty. Groff declared open a Public Hearing on Wilke Baker Dental Center Special Sign Permit application. As nobody came forward, he declared the public hearing closed.

At this time the Board reviewed Part 2 of the short from SEQR Review. After which they entered a negative declaration.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Wilke & Baker LLP is the owner of real property located at 2735 Westinghouse Road, Horseheads, NY identified as Tax Map Parcel #58.12-1-14, and operates a dental practice at said location, and

WHEREAS, said property is situate in an R-1A Residential District in the Village, and also in the Professional Office Overlay Zone, and

WHEREAS, said applicant seeks approval of the installation of an exterior sign approximately 28 sq. ft. exceeding the permitted size for such signs, thus requiring application for and approval of the issuance of a Special Sign Permit, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action, pursuant to 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 March 8, 2007 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 reviewed by the Chemung County Planning Board which deferred to local determination, and

WHEREAS, the Village Planning Board has recommended the denial of the application for a Special Sign Permit on the basis of their observations of signage in the vicinity of the location resulting in a determination that the requested signage would be atypical, that the approval of the application would create excessive and unwarranted signage at the location, and that there were a number of alternatives to the signage applied for which would be in keeping with the existing signage, in keeping with signage in the vicinity of the location, and the general character of the neighborhood, and

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

NOW THEREFORE BE IT RESOLVED, that a public hearing on the environmental aspects of this action is waived; and the application of Wilke Baker Dental Center for a Special Sign Permit at 2735 Westinghouse Road be and the same hereby is denied on the basis that the requested signage would be atypical, that the approval of the application would create excessive and unwarranted signage at the location, and that there were a number of alternatives to the signage applied for which would be in keeping with the existing signage, in keeping with signage in the vicinity of the location, and the general character of the neighborhood.

Atty. Groff noted that the Village Planning Board felt there were a number of alternatives. A smaller dimension sign placed underneath existing sign, utilizing the same structure. The applicant did not attend the second meeting of Planning Board. Rachel did speak with the applicant this afternoon. They said they would consider alternatives. They are not here tonight either. So you need to act on the application as submitted.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Barrington Associates, a partnership, is the owner and developer of a subdivision in the Town of Horseheads commonly known as Barrington West, said development being constructed

in phases or sections, and

WHEREAS, Barrington Associates has requested that the Village of Horseheads enter into an agreement whereby the Village of Horseheads is to supply water to the development for public consumption and fire protection and the developer is to transfer ownership of the water mains installed throughout the project to the Village subject to terms and conditions of the agreement, and

WHEREAS, the water mains, etc. designated to provide water service to Phases 1A, 1B, 2A, 2B and 2C (Lots 1-45, 58-61, and 65-68) as shown on Fagan Engineers Overall Subdivision Plan for Barrington West, Project #2000.130, Sheet #2 last dated January 5, 2005 have been installed, and

WHEREAS, the water mains, etc. have been tested, inspected and disinfected as required, and

WHEREAS, Director of Public Works Chris Lawrick has recommended the acceptance of Barrington Associates' offer of dedication of such water system and easement on the basis that same were constructed/installed in accordance with the Village's specifications, and

WHEREAS, Village Attorney John Groff has reviewed and approved the Abstract of Title and has found the improvements to be owned by Barrington Associates and to be free and clear of liens and encumbrances, and

WHEREAS, Barrington Associates and the Town of Horseheads have entered into or are expected to enter into a Permissive Water Service Agreement dated contemporaneously relative to the water distribution system into the project as well as in the above-noted sections or phases, and

WHEREAS, Barrington Associates has requested that the Village accept dedication of said water distribution system.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby: 1) authorize the Mayor, in lieu of the Village Manager, to execute the Permissive Water Service Agreement on behalf of the Village; 2) accepts from Barrington Associates the offer of dedication/conveyance of the Water System Facilities and for the above-noted portions of Barrington West following the execution of the Agreement by all parties; 3) authorizes the Mayor to execute same confirming such acceptance; and 4) directs that the instrument of conveyance be recorded in the Chemung County Clerks Office at the expense of the developer.

Roll Call Vote:

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

Quarry Creek Subdivision - Atty. Groff noted that this is a proposed 80 unit subdivision in the Town of Horseheads, northeast of Hunters Run. Hunters run is serviced for water from Town of Big Flats. The Village has water mains in the vicinity of this project. Town of Big Flats might not have any interest to serve water to it. That is about the only impact to the Village.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Doane Builders has applied to the Town of Horseheads for a major subdivision to be located north of Hickory Grove Road and adjacent to the Hunters Run subdivision, and

WHEREAS, the Town of Horseheads Planning Board has notified the Village of Horseheads of its intent to act as Lead Agency with respect to the SEQR review of the project, and

WHEREAS, the major concerns of the Village and its residents would be the impact of surface water runoff from this project, and

WHEREAS, such runoff also would effect the residents of the Town of Horseheads; accordingly it is expected that the impacts on both the Village and Town residents will be taken into consideration by the Town of Horseheads in its review of this project, and

WHEREAS, the predominant impacts of this project are on the Town of Horseheads.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads has no objection to the Town of Horseheads Planning Board acting as Lead Agency and otherwise defers to the Town of Horseheads for the reasons noted above.

Roll Call Vote:

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

Koppers Pond - Atty. Groff said that the Town and the Village of Horseheads operated a landfill in the vicinity of the site investigation area, on land owned by the Village. For that reason the Town and Village are named as potentially responsible parties. Fagan Engineers has been utilized to examine the closed landfill in the past, and also been involved as subcontractor for the previous environmental review that was associated with this project. The Kentucky Ave. Wellfield environmental review recently was partially completed. It was felt by myself and John Mustico, attorney for the Town, that since the Village and Town have common interests in this matter, it might be beneficial if you were to retain Fagan Engineers as a consultant because they have expertise in landfills and environmental issues. We have met with Dennis Fagan on a number of occasions already. He was asked to give us a proposal for what his fees might be as a consultant to analyze data from the study. They are agreeable. Projected fees between \$5,000-\$10,000. This resolution would be to authorize engaging their consulting services and authorize paying their fee shared equally with Town.

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads and Town of Horseheads have been identified as potentially responsible parties in reference to an EPA mandated review/investigation of Koppers Pond, Kentucky Avenue Wellfield Site, operable unit for Horseheads, New York, and

WHEREAS, the basis for such identification is the Village and Town's ownership/operation of a landfill on Blostein Blvd., and

WHEREAS, Village Attorney John Groff and Town Attorney John Mustico have recommended to their respective clients that the services of Fagan Engineers be retained on a joint basis for technical and expert review and analysis of materials, documents, records and studies generated in response and the EPA mandated remedial investigation feasibility study of Koppers Pond, and

WHEREAS, Fagan Engineers has submitted a proposal for its work in reference to this project noting a range of professional service fees between \$5,000 - \$10,000, and

WHEREAS, this expense would be shared equally between the Town and Village.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads accepts the proposal of Fagan Engineers as noted above dated February 8, 2007, and Mayor Gross is authorized and directed to accept the proposal and to execute same on behalf of the Village of Horseheads.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Herbst

WHEREAS, Chapter 102 of the Village Code, Building Construction and Fire Prevention, provides in pertinent part at Section 102-12 for the establishment of fees by resolution of the Board of Trustees, and

WHEREAS, a review of the current fee structure associated with building permits and other matters related thereto has been reviewed by Tom Skebey, Code Enforcement Officer for the Village of Horseheads, and

WHEREAS, such Code Enforcement Officer has recommended a restructuring of the fee schedule, in general increasing fees to compensate for the increased cost of operation of plan reviews and code compliance matters in general, and

WHEREAS, this Board finds that it is in the best interest of the residents of the Village of Horseheads that those individuals using code enforcement services should be responsible for paying, to the fullest extent possible, the full cost and expense of such user's projects, etc.

NOW THEREFORE BE IT RESOLVED, that the proposed Village of Horseheads Fee Schedule 2007 as attached be and the same hereby is approved and adopted, said fees shall become effective immediately for all matters and applications received or occurring after March 8, 2007.

Roll Call Vote:

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

PBA Labor Management Issues - Atty. Groff said that he and the Mayor attended a labor management meeting with the PBA. There were several issues:

- Status of final agreement. This has since been disposed of.
- Out of title work. There were three sergeants, one was provisionally promoted to Chief. Now only have two Sergeants. There is a senior officer supervising other officers on an extended basis. They feel that since there is a senior officer providing supervision services they are seeking to have that recognized, receive out of title compensation.
- Filling of Sergeant' position. No current sgts. list exists from which to make an appt. So a Sergeant's exam is scheduled by Civil Service, then a list will be created and action can be taken at that point.
- Filling another officer position. Their concern is that they feel they are presently understaffed and staffing demands result in a lot of overtime generated. They are anticipating that as weather improves, people taking vacations, it will become problematic for them to keep up overtime. They would like for you to consider hiring another officer. If you did that you would have to take that into consideration in development of the budget.
- Lastly they wanted you to consider negotiation of GML Section 207-c benefit policy. There is a provision in the contract for this. It concerns officers injured in line of duty. GML 207-c allows them to continue to receive full wages and benefits, insurance, etc. while they are off duty as a result of the injury that they sustained. In that regard I have consulted with City and County on coordinating our efforts with them. Administering 207-c benefits by County staff. Tawny Schill is their expert in this area. She is also doing this service for City of Elmira. They are willing to extend that same service to the Village. Trying to get all of the municipalities to develop a 207-c policy and procedure. Might be beneficial if we all were to consolidate efforts and work toward developing a uniform protocol since the person administering is likely to be the same person for all 3 agencies.

Trustee Herbst - will we have to reopen the contract for these issues.

Atty. Groff - out of title work is in already in there. 207-c is already in there. Sgt. list is in the contract. It states that we must maintain a current list. As far as staffing is concerned the creation of another position, that is not in the contract, but in the past the police dept. did have more officers. One of the things that you've done is taken one officer and created the School Resource Officer. That person is assigned during the school year to the school. It is a fully reimbursed position.

Mayor Gross - that officer attends workshop over the summer.

Atty. Groff - that is a new utilization of his time because it was already stated he was supposed to support our Police Department. They are seeking to have you consider this change of condition.

Trustee Herbst - one of the effects of adding an officer would cut down on overtime, but isn't a big part of the overtime the court security.

Atty. Groff - that is certainly one area where there is traditionally overtime used. This would be an excellent tool to open up discussions if you were to consider expansion of your PD, how those services could be efficiently utilized.

Motion by Trustee Miller, seconded by Trustee Swartz, that an item regarding GML 207-c Benefits be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, police officers injured in the line of duty are eligible under certain circumstances to wage and benefit continuation pursuant to GML Section 207-c, and

WHEREAS, this benefit may be in addition to or in lieu of Workers' Compensation benefits, and

WHEREAS, the review and processing of 207-c claims is a highly specialized procedure, and

WHEREAS, Chemung County Department of Civil Service administers its own 207-c claims as well as those of the City of Elmira, and

WHEREAS, Chemung County has graciously offered the services of Tawny Schill, Workers' Compensation liaison, to the Village of Horseheads for processing and administration of the Village's 207-c claims in the spirit of municipal shared services, and

WHEREAS, the County has agreed to provide these services initially without compensation from the Village due to the limited volume of Village 207-c incidents, and

WHEREAS, in the future it is anticipated that the County, City and Village will have uniform 207-c administration procedures arrived at through collective bargaining with their respective law enforcement unions, and

WHEREAS, Village Attorney John Groff and Village Clerk-Treasurer Sharron Cunningham have consulted with Ms. Schill regarding her requirements for and procedures for administration of these claims.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees accepts the offer of Chemung County to utilize the specialized skills of the Department of Civil Service for administration of Village of Horseheads GML 207-c claims as provided above with gratitude, and be it further

RESOLVED, that such Village employees and officials as are involved with these claims are authorized and directed to cooperate with Chemung County personnel administering and overseeing the administration of such claims and related matters including but not limited to the provision of claim forms, accident/injury reports, histories, etc.

Roll Call Vote:

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

Trustee Herbst - I spent some time in the justice court. There are two things I'd like to explore with your approval. First is policies or procedures regarding issuance of tickets. Specifically what I'd like to do is a detailed analysis of when local laws are used as opposed to state. Tickets issued under V&T and fine was \$100. The fine actually would be \$155 with the mandated surcharge, which sends back \$15 to us. If under local law that same fine would be retained by the Village in full. What I'd like to do is take a look and see how we might be able to better utilize our own local laws. Second thing is safety and security of Village Hall. Right now people are buzzed through, free to wander building. If they are irate or something, the Court people and Rachel are alone back there. Seemed to me that there are some things we might be able to do. Take a look at some possibilities, come up with recommendations.

All agreed he should look into these matters.

Trustee Catlin - impressed with way budget is being prepared, especially without a Village Manager. Sharron is doing a wonderful job. We are very fortunate to have the staff we have. Sharron knows that budget inside and out. She is a very good asset to the village. Hard to measure the value of people like that. It is wonderful to have people like ours working for us.

Trustee Miller - On Route 64 going east, there is no Village sign, no speed limit sign coming from Consumer Square.

Chris - that is County and State roads. I can talk to them about it.

Trustee Miller - spoke to Al Edwards yesterday. We are at an impasse on the new position. Al wants competitive testing, Mike Edwards doesn't.

Mayor Gross - we will have to negotiate that.

Trustee Swartz - On the tree analysis grant, Eileen Patocka had 2 people from UCP house to attend seminar on inventory of trees. Next step is for a meeting at UCP house. I'll be talking to Mike Hastrich on this. On the farmers market, we have a meeting scheduled with Mike Hastrich on

Monday at 5pm. Mike said he did have someone interested in running the farmers market for us. Mike asked if the person would be paid.

Mayor Gross - I think so.

Trustee Swartz - person would have to be there at the site when people arrive, put in right spots, keep things running, etc.

Chris Lawrick - Regarding shared services for a road grader. I talked to Town of Horseheads about this, gave them copies of the letter. Talked to George Winner's office and said we would send letter - letter went out today.

Mayor Gross - cost of the grader is 180K. It would be shared between Village and Town. We are requesting monies for ½ of the cost.

Chief Sullivan - this Sunday is St. Patricks parade. The following Saturday is the St. Patrick's dinner at fire station. Fire Dept. has been extremely busy lately. Had to ask for some help at times using other agencies.

Don Zeigler, 535 Watkins Rd. - success of Valentines Day goes to our highway dept. 15 inches of snow. I've heard stories from all over the state, where businesses were cut 50% because of snow. That is a lot of money. We didn't suffer that because our roads were very accessible. Elmira had to shut off deliveries at noon because trucks couldn't get through. I commend the DPW department on taking care of roads.

Mayor Gross noted that this Board has received recommendations for names for the access roads at the I86 bypass. They are:

easterly - Fairport Lane  
westerly - Brickyard Lane

Everyone agreed on these names.

Motion by Trustee Herbst, seconded by Trustee Miller

WHEREAS, NYSDOT is in the process of completing construction of a section of I86 through the Village of Horseheads comprised of two feeder roads parallel to I86, and

WHEREAS, the Village is required to provide names for such roads to NYSDOT for appropriate signage prior to the dedication.

NOW THEREFORE BE IT RESOLVED, that the Village hereby recommends to NYSDOT that the eastbound feeder road be named Fairport Lane, and the westbound feeder road be named Brickyard Lane.

Roll Call Vote:

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

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

/rmb

Village of Horseheads Fee Schedule 2007	
Type	2007
1 & 2 family new residential construction	.10 square foot \$1.00 per thousand of construction cost
1 & 2 family minimum fee including solid fuel heating devices	\$30.00
1 & 2 family residential remodel	\$40.00
Detached residential supplemental buildings	.08 square foot \$30.00 minimum
Open decks	\$40.00 under 500 square foot \$50.00 over 500 square foot
Multi family new construction	.10 per square foot \$2.00 per thousand of construction cost
Commercial and industrial	.10 per square foot \$2.00 per thousand of construction costs
Identification of buildings using truss type construction in commercial and industrial buildings as required in 19 NYCRR Chapter XXXIII Subchapter C Part 1264	\$50.00
Multi family, commercial and industrial remodeling	.02 per square foot 2.00 per thousand \$50.00 minimum
Fuel tank dispensing island with canopy	\$50.00
Fuel tank installation	\$30.00
Fuel tank removal	\$30.00

Village of Horseheads Fee Schedule 2007	
Type	2007
Building permit renewal- 1 and 2 family construction	1 <sup>st</sup> renewal \$25.00 Each renewal after \$50.00
Building Permit renewal- all others	.10 square foot
Swimming pools	\$30.00
Mobile home installation	\$50.00
Signs	\$25.00
Temporary signs	\$10.00
Demolition	\$25.00 residential \$50.00 commercial
Timber harvesting	\$30.00
Operating permits as required in 19NYCRR Chapter XXXII Part 1203	\$50.00
Home Occupation	\$25.00 \$10.00 renewal
Driveway permit	\$10.00
Road right of way permit	\$10.00
Floodplain development permit	\$25.00
Peddling	\$25.00 Plus \$10.00 each additional person
Site plan review fee	\$50.00 minor projects \$100.00 major projects
Final Plat fee	\$50.00
Recreation fee for subdivision lots	\$100.00 per lot
Special use permits	\$50.00
Variance requests	\$50.00
Public hearing notices for variances, planning board actions, planned unit developments, rezoning, zoning ordinance change and no parking requests	applicant pays
Mobile home park	\$25.00 per lot \$25.00 transfer fee
Building without first obtaining a permit	\$50.00 plus building permit fee

Fire Inspection Fees Commercial Buildings Based on initial visit and one followup visit		
Square foot of floor space	Base fee	Each visit over base fee
up to 3,000 sq. ft.	\$50.00	\$25.00
3,000 to 10,000 sq. ft.	\$100.00	\$30.00
10,001 to 50,000 sq. ft.	\$150.00	\$40.00
50,001 to 100,000 sq. ft.	\$200.00	\$50.00
100,001 sq. ft. and over	\$500.00	\$100.00

In multi occupant building each tenant will be charged a separate fee.

**Operational Permits:**

Assembly- yearly will be included with base inspection fee

Commercial- every three years will be included in base inspection fee

Single Event- Pyrotechnics, outdoor events and all others \$100.00

**Residential:**

1 & 2 Family                      exempt  
 Apartments                      \$15.00 each