

Minutes

Village Board of Trustees

February 9, 2012

A meeting of the Village of Horse heads 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 Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Recreation Dir. Nate Nagle
DPW Matt Mustico
Fire Chief Arthur Sullivan
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer

Absent

Trustee Suzanne Peters

Others Present

Wayne Brubaker, Gardner Rd.
Dot Gebhart, Biltmore Dr.
Louise McIntosh, Renwick La.
Elton Shaw, Liberty St.

Mike Swasta, Watkins Rd.
Jean Quinn, Gardner Rd.
Glenn Hostetler, W. Broad St.
Ira Nickerson, Ithaca Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 26, 2012 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 Clark: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

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

General	140,875.75
Water	36,498.99
T/A	937.14

Trustee Clark - when we contracted with Wendell there was a \$15,000 payment up front. I was talking with Sharron about this. I thought water meter analysis was all part of initial audit.

Manager Herbst - the exception is analysis due to NYSERDA rules. They came back with that info after their presentation.

Roll Call Vote:

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

Financial Report

Manager Herbst - In summary, our revenue is up about \$45,000 over this time last year. Our expenses this year are running about \$271,000 less than last year. Very pleased about that. Water revenue is up about \$25,000, although water expenses also up \$59,000 because of testing and equipment due to Well 5 and a valve failure with Well 2.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby acknowledges receipt of Proposed Local Law #1 of 2012, a Local Law to Override the Tax Levy Limit Established in GML Section 3-c, and be it further

RESOLVED, that a public hearing regarding same is hereby scheduled for Thursday, February 23rd, 2012 at 7:05 p.m.

Manager Herbst - one of the provisions of this law is that in each budget year the municipality must pass authorizatio to exceed the tax cap in advance of the final budget. The Village may or may not seek to override eventually.

Trustee Koliwasky - are there other municipalities that are going to override just to cover themselves.

Manager Herbst- yes.

Mayor Zeigler - interesting thing is that an increase in assessments doesn't mean home assessments have gone up necessarily - its due to additional properties being added.

Roll Call Vote:

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

Discussion on Peddlers Applications

Trustee Clark - I've made 2-3 calls to our most recent applicant - Herbert Kinney. I have not had a response. I suggest we table again, and decline if we don't hear something by next meeting. Atty. Groff is currently working on amending the law.

Trustee Koliwasy - I make motion to withdraw this application entirely.

Trustee Swartz seconded the motion.

Atty. Groff recommended that the motion be to deny the application of Herbert Kinney for a Peddlers Permit based on insufficient information, and no contact from him.

Trustee Koliwasky moved to amend his motion as stated.
Trustee Swartz seconded.

Roll Call Vote on Amending the Motion:

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

Roll Call Vote on Entire Resolution as Amended:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that Mayor Zeigler, Trustee Clark, and Manager Herbst are hereby authorized to attend NYCOM's Winter Legislative Meeting, February 26-28, 2012, in Albany, NY with all expenses paid as are allowed under Section 77-B of the General Municipal Law.

Roll Call Vote:

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

Motion by Trustee Clark, seconded by Trustee Swartz, that the following items be added to the agenda:

- Appointment to Planning Board
- Rescission of Surplus Declaration - Fire Truck

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

BE IT RESOLVED, that Scott Shaw has recently resigned his membership on the Village Planning Board, creating a vacancy on said Board.

NOW THEREFORE BE IT RESOLVED that Lori Spallone, Planning Board Alternate, is hereby appointed to the Planning Board to fill said vacancy and Mr. Shaw's unexpired term. Said appointment to expire the first Monday in December, 2012.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Abstain - Ms. Spallone is my sister
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, on November 28, 2010 this Board declared certain vehicles utilized by the Village Fire Department as surplus on the basis that this Board had been informed that the vehicles were no longer critical to and necessary for the operation of the Fire Department, and

WHEREAS, this Board has recently been requested by Fire Chief Arthur Sullivan and other members of the Village Fire Department to reconsider the declaration of the 1995 E-One "TeleSquirt" Fire Truck (VIN #.....1004668) as surplus on the basis that the vehicle still has operational value and would enhance the operation of the Department in multiple ways, including be not limited to: response time, functionality, versatility, deployment of firefighters and emergency response personnel, and

WHEREAS, the redeployment and utilization of this vehicle would not materially or adversely effect the budget for the operation of the Fire Department.

NOW THEREFORE BE IT RESOLVED, that the resolution noted above of November 28, 2010 is hereby rescinded effective immediately to the extent that it declared the 1995 E-One TeleSquirt as surplus equipment.

Roll Call Vote:

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

Nate Nagle, Recreation Director - would like to schedule another workshop for the Board to discuss phase 2 of pool project.

After brief discussion it was decided to schedule a workshop for Wednesday, February 22nd, at 4:00 p.m.

Trustee Koliwasky - The Fire Department responded to a recent incident on ramp going onto 86 from Route 14 - garbage truck fire. Do we know what contents are in these trucks. They drive through community everyday.

Chief Sullivan - they can only haul a certain kind of garbage. No hazardous materials, etc.

Trustee Swartz - there was a train blocking Chemung St., or got close enough to make arms go down. Then the engineer left the train.

Manager Herbst - We also learned that this same kind of incident happened last September. What we think is that the engineer didn't know he was close enough to trip the gates.

Manager Herbst:

- We are continuing with development of total electronic management practices with our IT people.
- Louise McIntosh to chair 175 anniv committee.

Atty. Groff- updating law on peddlers permits, workplace violence policy, the property registration law, and permitting process for excavation of Village roads, sidewalks, etc.

Mr. Hostettler, 902 W. Broad St. - trucks turning from Westinghouse Rd., southbound, onto W. Broad, westbound, when they turn they touch the phone pole and tear up my yard. (distributed pictures). Weight limit is 5 ton. Sign that says 5 ton weight limit was hit by a car years ago and never replaced. When traffic is stopped on Broad due to the light, even when a school bus tries to make the turn, they barely make it.

Mayor Zeigler - that is NYS right of way. We will contact them.

Jack Nickerson, 161 Old Ithaca Rd. - nothing changed at the Center at Horseheads. Still a dust bowl. They cleaned for a couple months, now road hasn't been cleaned and is caked with mud. Mud and sand coming out of holding point, building up on road.

Mayor Zeigler - new plan to move sand companies over to other side of Holding Point. They won't be loading rail cars or unloading them they way they are now. Supposed to eliminate that system.

Manager Herbst - a new building will be going up. Difference in technology is that sand will drop into a closed conveyor - all sealed. No more external loading. We havent yet rec'd the plans yet. The Center actually went into bankruptcy, then into Receivorship, now there are new owners - investors, intending to invest \$5 Million in the Center upgrading everything. Connector road is absolutelly critical. These investors have negotiated to get that connector road moving. We are optimistic.

Trustee Swartz - we should send a letter to Andy Avery to sweep that street regularly.

Matt Mustico - sweepers have water, if its cold it will freeze up- thats part of the problem.

Mike Swasta, 411 Watkins Rd. - in view of what has been regarding sand facility, as a result of ongoing problem, I would expect new project to undergo complete site plan review and SEQR review.

Dot Gephart, Biltmore Dr. - what is happening with noise and light issues up there.

Manager Herbst - I received an engineering report late today. I can send it to you. I haven't had a chance to review it.

Ms. Gephart - they are not being good neighbors.

Motion by Trustee Clark, seconded by Trustee Swartz, that this Board move into Executive Session, along with the Village Manager, to discuss possible real estate transactions.

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

At 7:50 p.m. the Board and Village Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:25 p.m. the Board reconvened back to the regularly scheduled meeting of this date.

As there was nothing further to come before the Board, the meeting was closed at 9:25 p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

February 9, 2012

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:50 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, and Larry Clark, and Village Attorney Manager Walt Herbst at which time they discussed possible real estate transactions involving the Village. No action was taken.

At 9:24 p.m., a motion was made by Trustee Clark, seconded by Trustee Swartz, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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