

**Minutes**

**Village Board of Trustees**

**October 9, 2008**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at **4:00 p.m.**

Present were:

**Village Board and Staff:**

Mayor Donald Zeigler	Police Chief Mike Barton
Deputy Mayor Ronald Swartz	Fire Chief Arthur Sullivan
Trustee Howard Miller	Clerk-Treasurer Sharron Cunningham
Trustee Walter Herbst	Parks Dir. Nate Nagle
Trustee George Koliwasky	Justice Bill Driscoll
Village Manager Marc Whitney	DPW Chris Lawrick
Village Attorney John Groff	Manager's Assistant Rachel Baer

**Others:**

Michael Stenpeck, Planning Board  
News Media

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 25, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

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

General -	\$158,506.37
Water -	\$ 81,398.57
Trust & Agency -	\$ 1,658.95

BE IT FURTHER RESOLVED, that \$1,700.04 be transferred from the Capital Reserve Fund for an engineering study from MRB for Village Hall.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, the Justice Reports for September 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that minutes of the Planning Board Meeting of September 23, 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Miller

WHEREAS, the Village of Horseheads adopted various laws in relation to the Municipal Separate Stormwater Sewer System (MS4), specifically Local Laws 1 and 2 of 2008, and

WHEREAS, such laws designated the Code Enforcement Officer as Stormwater Management Officer, and

WHEREAS, said laws impose duties and responsibilities upon the Stormwater Management Officer including, but not limited to, engaging the services of a registered professional engineer to review plans, etc. (LL#2 of 2008, Section 4), and

WHEREAS, the Chemung County Stormwater Team is comprised of registered professional engineers and others, and

WHEREAS, Tom Skebey, Code Enforcement Officer for the Village of Horseheads, and DPW Chris Lawrick have recommended designation of the Chemung County Stormwater Team as a reviewing agent.

NOW THEREFORE BE IT RESOLVED, that Thomas Skebey, as Stormwater Management Officer for the Village of Horseheads is authorized to designate the Chemung County Stormwater Team as reviewing agent for said plans, and other activities directly relating thereto. This Board reserves the right to amend, modify or rescind this resolution from time to time.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

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

- STOP DWI Contract
- Oil and Gas Lease - Anschutz Exploration
- Appointment of Alternate Deputy Mayor

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, Chemung County has implemented a special traffic operations program known as STOP DWI, and

WHEREAS, the County has offered to reimburse the Village for certain overtime costs associated with police personnel overtime committed to implement the program in an amount not to exceed \$15,000, and

WHEREAS, Village Manager Marc Whitney and Police Chief Mike Barton have recommended that the Village enter into this agreement in order to afford increased DWI enforcement procedures.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to enter into the agreement on behalf of the Village when the agreement and attachments are in a form acceptable by the Chief of Police and Village Attorney. A copy of same shall be filed with the Village Clerk.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Oil and Gas Lease

Atty. Groff reported that this request is where our Well #4 is located. We have considered a non-developmental lease, which means they can't do anything on the surface, but the parcel is in the unit designated for their current well. They have asked that the Village lease the mineral rights for development purposes. I believe Chris does not have a problem since it is a non-surface lease.

Chris Lawrick agreed.

Atty. Groff continued to say that this proposal is for a primary term of 3 years, with \$1,000/acre and royalty of 18.75%. If that is agreeable, you could consider a resolution to authorize the Village Manager to enter into a lease on the Village's behalf.

Trustee Herbst - 18.75% sounds good, is that market rate.

Atty. Groff - it is the highest in this area. They already have the permit. You can lease or be force to be integrated. Then you'd only get 12.5%. No rights on surface of property. Can only extract from underneath without effecting the surface. Can't come onto property to retrieve gas. As far as safety, DEC thinks they've taken all the measures to make oil and gas drilling safe. Well itself is encased. There are also other requirements to protect aquifer. Anschutz is insured, and their subcontractors that do the actual drilling are also insured. They already have the permit from DEC. We can't stop them from drilling. DEC knew our Wells 4 and 5 were nearby and they gave them the permit.

Resolution by Trustee Herbst, seconded by Trustee Swartz

WHEREAS, Anschutz Exploration has offered to enter into a lease with the Village of Horseheads of a non-developmental nature for 3 years relative to Village of Horseheads Well #4, tax map #49.03-2-35, with a payment of \$1,000/acre bonus and a royalty of 18.75%.

NOW THEREFORE BE IT RESOLVED, that Village Manager Marc Whitney is authorized to enter into said lease upon such other and further terms and conditions as he and the Village Attorney feel are necessary.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Communication by Mayor Zeigler:

I hereby temporarily suspend the current Deputy Mayor appointment, and appoint Trustee Howard Miller as Alternate Deputy Mayor effective immediately, to serve until 12:01a.m. on Monday, October 20, 2008.

Other

- Village Manager Whitney reported that he attended a meeting on shared highway services. Town Supervisor Mike Edwards is heading up the process. They requested proposals from engineering companies for consultant services. LaBerge will be the one that gets it.

- Trustee Herbst - with the economy in bad shape, I think we have to be realistic on what we can expect from the State and look at tightening belts, i.e. freeze hiring except for extra Court Clerk at per diem only, fund essential services only, no non-essential spending.

Mayor Zeigler - this should be topic of discussion at our workshop when we get back. Sharron distributed copies of the current budget status. We first need to get educated.

Discussion ensued regarding this issue.....Village Manager Whitney stated that there are no extraordinary new expenditures on the horizon. Working Supervisor position is coming out of the Water Dept. We agreed this was needed. It takes Chris off of the street and puts him in his office where I need him. This new person would be out onsite.

Trustee Herbst stated he still hasn't seen the performance standards for this new position. I also don't agree with this span of supervision.

Village Manager Whitney stated that we have the job description from Civil Service, and the responsibilities are laid out.

Mayor Zeigler stated that Trustee Herbst should come in and discuss this matter with the Manager.

- Village Manager Whitney stated that we will receive the next redline version of the Comprehensive Plan from LaBerge in about two weeks.
- Parks Director Nate Nagle stated that tomorrow night the Millport Fire Dept. will be placing a crashed vehicle in Thorne St. Park for the Fire Prevention Expo on Saturday.

As there was nothing further to come before the Board, it was unanimously agreed to adjourn the meeting at 4:37p.m.

/rmb