

Minutes

Village Board of Trustees

February 10, 2011

A meeting of the Village of Horseheads 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 Larry Clark
Trustee George Koliwasky
Village Attorney John Groff
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham
Police Chief Mike Barton
Parks Dir. Nate Nagle
DPW Dir. Matt Mustico
Code Officer Bob Young
Fire Chief Arthur Sullivan
Deputy Clerk Donna Hartsock
Manager's Assistant Rachel Baer

Absent: Trustee Peters

Others

Mark Watts, Soil & Water Dist.
Susan Multer, Watkins Rd.
J. Nickerson, Ithaca Rd.
Barb Skorcowzaki, Franklin St.
Jean Quinn, Gardner Rd.
Mike Swasta, Watkins Road.

Glen Harvey, Bergmann Associates
Wendy Marsh, Hancock & Estabrook LLP
News Media

Trustee Peters was absent, but was listening on speakerphone.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of January 18th and January 27th, 2011 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 Koliwasky, seconded by Trustee Clark

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

General	\$300,344.93
Water	\$51,850.27
T/A	\$1,503.95

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds indicated on the attached sheet.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the minutes of the January 14th and 24th, 2011 Zoning Board of Appeals Meetings, and the January 25th, 2011 Planning Board Meeting be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Trustee Clark: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, Village Code Chapter 245 (Zoning) Article XIX establishes procedures for special use and site plan approval, and

WHEREAS, Schlumberger Technology Corp. (Schlumberger) previously applied to the Village of Horseheads Board of Trustees for a Special Use Permit and Site Plan Approval, and after a review of the environmental impacts of the special use/site plan, received site plan approval on October 15, 2009, and

WHEREAS, on January 6, 2011 Schlumberger applied to the Village of Horseheads for amendment of the Special Use Permit/Site Plan approved on October 15, 2009, and

WHEREAS, inasmuch as Article XIX does not provide a procedure for amendment of special use permit/site plans once approved, this Board shall follow the procedures of Article XIX in its review of the site plan amendment application. Further this Board shall rely upon materials previously received by the Village and reviewed by this Board and others in connection with the initial special use and site plan application which resulted in the October 15, 2009 approval, as well as new materials and information supplied by the applicant and other interested parties regarding the amendment, and

WHEREAS, the application was referred to the Village of Horseheads Planning Board, Town of Horseheads Planning Board, and Chemung County Planning Board for their reviews and comments, same having been received recommending approval of the application or leaving it to local determination, and

WHEREAS, a public hearing was held before this Board on this application on January 27, 2011 at which time all interested parties were afforded an opportunity to be heard and written comments have been received and considered, and

WHEREAS, the required publication of Notice of Public Hearing and mailing to those residing or owning property within 200 ft. of the project area have been had, and

WHEREAS, the Village of Horseheads Board of Trustees is empowered to approve, approve with conditions, or deny site plan applications, and

WHEREAS, the nature of the amendments to the approved site plan is such that no approvals of same from other involved agencies are required or necessary, and

WHEREAS, this Board acted as Lead Agency in an environmental review of the impacts of the approved site plan pursuant to the State Environmental Quality Review Act and regulations promulgated thereunder, which review culminated in the issuance of a Negative Declaration, and

WHEREAS, the applicant has requested that the materials it has submitted be treated as an application for both preliminary and final special use/site plan for approval.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees as

follows:

The Board is in receipt of a complete application for amended site plan approval. Same consists of among other things a letter from Bergmann Associates outlining the proposed amendments to the site plan October 15, 2009, a color map depicting said site plan with proposed changes, and the letter from Code Enf. Officer Robert Young. Relying upon both the materials submitted in conjunction with the applicant's original application for special use and site plan approval and the newly submitted materials and comments/materials of other interested parties, this Board finds as follows:

- a. Certified or notarized economic analysis – no change from approved site plan.
- b. Documented evidence of applicant's financial ability to undertake and successfully complete the proposed project – no change from approved site plan.
- c. Map showing applicant's entire holdings – no change from approved site plan.
- d. Topographical map showing contour intervals – no change from approved site plan.
- e. Preliminary site plan showing required information is complete showing all required details including but not limited to approved site plan with overlay depicting site plan details as amended, if amendment approved.
- f. evidence how applicant's proposal meets existing community needs – no change from approved site plan.
- g. evidence of compatibility with comprehensive plan – no change from approved site plan.
- h. development staging – no change from approved site plan.

BE IT FURTHER RESOLVED, that this Board has considered the foregoing together with the resolution of the Village Planning Board relative to the site plan amendment, and such Board's findings which are as follows:

- a. Adequacy and arrangement of vehicular traffic access and circulation – amendment would have no material adverse effect, possible improvements.
- b. Adequacy and arrangement of pedestrian traffic access and circulation – amendment would have no material adverse effect, possible improvements.
- c. Location, arrangement, appearance and sufficiency of off-street parking and loading - amendment would have no material adverse effect, possible improvements.
- d. Location, arrangement, size and design of buildings, lighting and signs – amendment would result in improvements to same.

- e. Relationship of various uses to one another and scale – amendment would have no material change.
- f. Adequacy, type, and arrangements of trees, shrubs and other landscaping – amendment would result in no material adverse change.
- g. Adequacy of storm water and sanitary waste disposal – amendment would result in no material adverse change, possible improvements.
- h. Other matters possibly effecting health, welfare and safety of community – amendment would result in no material adverse change.

BE IT FURTHER RESOLVED, that this Board has reviewed the environmental impacts of the proposed amendments to the approved site plan, and finds, pursuant to 6NYCRR 617.7(e), that the amendments to the approved site plan constitute changes in circumstances related to the project, that same were not previously considered and, as Lead Agency, finds that no significant adverse environmental impacts will occur from such amendments. Accordingly the Negative Declaration issued October 13, 2009 regarding this project is hereby amended to incorporate a review of environmental impacts, if any, which would result from the proposed amendment, and

BE IT FURTHER RESOLVED, that this Board has applied the performance standards of Article XX, sound, smoke and particulate matter, noise, vibration, radioactivity, odor, toxic or noxious matter, glare , heat, dust and fly ash, and light to the proposed site plan amendments and finds that such amendments would not result in any material adverse effects which were not considered in the review of the original site plan, and

BE IT FURTHER RESOLVED, that this Board does hereby approve the application of Schlumberger Technology Corporation dated January 14, 2010 (nee January 14, 2011) for amendment of the site plan for the project originally approved October 15, 2009. The final site plan, as amended, is more specifically depicted on drawings of Bergmann Associates entitled “Schlumberger OFS Facility – Horseheads, NY, January, 2011” and entitled “Schlumberger OFS Facility at Horseheads – Site Alternative – Overall Site Plan Exhibit – EX-C100 issued January 14, 2011”, copies of which shall be placed on file with the Village Clerk-Treasurer, and

BE IT FURTHER RESOLVED, that the conditions of the site plan approved October 15, 2009 are continued, to the extent that such conditions have not been heretofore satisfied, as conditions to the amended site plan.

Manager Herbst - We have received written comments, they were forwarded to the Trustees and to the applicant so they have had an opportunity to review all of that material.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the Mayor, a Trustee and the Village Manager are hereby authorized to attend the NYCOM Winter Legislative Meeting, February 27th through March 1st, 2011, in Albany, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, representative of Chemung County, City of Elmira, Town of Elmira, Town of Horseheads, Village of Elmira Heights, and Village of Horseheads have met on numerous occasions over the last several years to discuss the sharing of municipal services and the promotion of efficiency and cost savings, particularly with highway services, and

WHEREAS, the area comprising these municipalities has been generally referred to as the Consolidated Urban Highway Service Area (CUHSA), and

WHEREAS, the various municipalities wish to formalize their intent to continue collaborative discussions regarding sharing of services, and

WHEREAS, this Board and the Village of Horseheads has a long history of developing and utilizing opportunity for sharing municipal services including highway services and continues to support the concept where it will benefit the taxpayers and residents of the Village of Horseheads.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walter Herbst is authorized and directed to enter into the CUHSA Shared Services Agreement on behalf of the Village of Horseheads, and a copy of said agreement shall be placed on file with the Village Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, the Village of Horseheads, Town of Horseheads, Town of Elmira, and Town of Southport have a history of intermunicipal cooperation and sharing of municipal services, and

WHEREAS, said municipalities have determined that they each have use, on occasion, for a vehicle described as a "Bucket Truck", but that such usage does not warrant full ownership of such a vehicle, and

WHEREAS, representatives of the said municipalities have explored the merit of joint acquisition and shared usage of such a vehicle, and determined same to be mutually beneficial, and an efficient use of municipal funds, equipment and services, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board that it the Village join in the purchase of said vehicle with the other municipalities on the basis of 25% ownership thereof.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is authorized to enter into a municipal cooperation agreement on behalf of the Village of Horseheads with the Towns of Horseheads, Elmira, and Southport for 25% ownership of the vehicle and the joint usage of same by such municipalities. A copy of said agreement to be placed on file with the Village Clerk.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, Police Chief Michael Barton has investigated the feasibility of using a third party vendor to provide accident reports to the general public, and

WHEREAS, a tentative agreement between PoliceReports.US, LLC has been reviewed by Village Attorney John Groff, and

WHEREAS, Village Manager Walter Herbst has recommended to this Board that the Village of Horseheads enter into the agreement and that same will contribute enhanced efficiencies of operations for the Police Department, and also produce modest revenue for the Village of Horseheads.

NOW THEREFORE BE IT RESOLVED, that Manager Herbst is authorized to enter into an agreement with PoliceReports.US, LLC for the provision of accident reports to the general public, a copy of said agreement shall be placed on file with the Village Clerk.

Trustee Swartz- I've talked to the Manager about this. Great thing for the Village to do.

Chief Barton - This is another way to offer accident reports to people as well as their insurance companies so they don't have to come to the station. They can get on the website and have our agency's specific information. Then we receive a check from "police reports.us" for whatever reports were sold. We receive a convenience fee. Cuts down on handling of monies, requests, etc.

Manager Herbst - another service from this company is processing parking tickets. We are investigating that.

Roll Call Vote:

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

Motion by Trustee Koliwasky, seconded by Trustee Swartz, that the following item be added to the agenda:

- Presentation by Mark Watts – Soil & Water Conservation District – Regarding Newtown Creek Work for Connector Road

Roll Call Vote:

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

Mark Watts, Soil & Water Conservation District came forward and made a brief presentation regarding the state of the levee on Old Ithaca Road, and its relation to the possible connector road between Route 13 and 14. The summary of his presentation was:

- Levee was constructed in 40's to protect holding point.
- It located on west side of Newtown Creek and protects the area along Old Ithaca Road from flooding.
- In late 2009 we were contacted and asked to try to rehab the levee for the new connector road. Coordinated removal of trees and debris.
- After tree removal, a site assessment was completed - became apparent that more work was needed. Have a list of five things that need to be done:
 1. Remove stumps and roots according to NYSDEC guidelines
 2. Inspect and repair interior drainage systems and flap gates
 3. Repair section of levee damaged during flood event
 4. Stop ATV use that is occurring.
 5. Repair a 330 ft. section of Newtown Creek that is close to the levee system.
- By accomplishing the above, will be able to more forward with the Connector Road and the levee accreditation.

- Total cost of \$40,000, want to split 4 ways: County, Town, Village and Soil & Water District. District and Town have already committed to \$10K each.
- JJ Carl doing feasibility study and cost breakdown on the above work plus all costs to get levee accredited.

Trustee Koliwasky - on the south side of Franklin St., are you going to look at that at all. If that breaches, Well #2 would be in that line.

Mark Watts - we can take a look at that for you.

Manager Herbst - all of this is prep to get levee accredited before connector road can go in.

After brief discussion, the Board agreed to discuss this at their next meeting.

Trustee Clark - Walt, Nate and I met with some people from the Heights, still pursuing ideas for merchants and economic development. Might be pooling resources. Very productive meeting. Tentatively set to come up with a survey where we talk to merchants before we move any further. Need coordinator to do events for Horseheads and the Heights.

Trustee Koliwasky - what happens if not a good response.

Trustee Clark - depends on amount of response we get. We've got some ideas to maybe enhance response. Both entities want to show merchants that we're behind them in what they are doing.

Trustee Koliwasky - would like to commend our merchants on cleaning the areas between sidewalk and street. Problem now is getting piles cleaned up. DPW might come in and close down streets one part at a time, in order to clear it out. Also, I received a memo from Chief Barton about our K9 program. If its agreeable, I would like to schedule a workshop to discuss this. All agreed to have workshop on 2/17 at 3:30pm.

Manager Herbst reported on the following items:

- Agreement with Code Enforcement person, Bud Kibbe, just need to complete the contract. Targeted property maintenance enforcement.
- Talked to City about property registration program. Got great ideas.
- At our next meeting I will be proposing changes in fees and permits, and a decision on funding for levee work.

Audience Participation:

Jack Nickerson, Ithaca Road - levee does need work. Connector road, that is important. Gotta have that. Bring businesses in.

Jean Quinn, Gardner Rd. - I would like to know the purpose of a public hearing. We asked questions and concerns about a lot of things. Haven't heard a word on the solutions. Maybe we need a workshop with Schlumberger to get answers.

Atty. Groff - A public hearing is only for you to make comments, it is not question and answer session. Your concerns are noted and taken into consideration in terms of how they process the subject matter. Sometimes your comments are incorporated into review process, sometimes they respond directly, and sometimes your comments are not responded to specifically.

Susan Multer, Watkins Rd. - in July 2009 when Schlumberger and Bergmann had info mtg. it was long and detailed and thorough. We were allowed to ask questions. Last week when we came here for their presentation and public hearing, presentation was very short and when some of us tried to ask questions of them we were forbidden. Then you had the hearing, and you cant ask questions. I feel strongly that the public wasn't served last week. And I submitted a list of 18 questions that I respectfully requested you ask Bergmann tonight before you voted. You chose not to do that. A few of the topics are # of rail cars, how many whole trains per week, will they come in and out at night and on holidays, how long will diesel engine emits exhaust. Diesel exhaust contributes to health problems. How loud will noise of trains be. Have any of you seen a video of how the dust is going to be handled in this new system we heard about. How tall are the silos. What impact will this increased noise, dust, traffic, stopping of traffic due to trains. What will impact be on real estate. I'm disappointed that you didn't choose to let us ask questions of Bergmann, and didn't choose to bring up any of my questions tonight before you voted.

Mayor Zeigler - so many of these questions have been gone over. We hare having more meetings with Norfolk Southern so it won't interfere with emergency vehicles. All of your concerns were passed on to the applicant.

Barb Sckorzewski, Franklin St. - why aren't we hearing any of the discussions. What about the people who live out there. Truck traffic, etc. We expect you to do research, but then nothing is taken into consideration. I'm missing something.

Trustee Swartz - we did receive letter from Mrs. Multer and from Mr. Swasta, and we received a reply from Bergmann. And so we replied by looking at all the documents together.

Barb Sckorzweski - my point is we aren't hearing the dialogue. We don't know what your saying to one another about the issues.

Atty. Groff - you may not like the way the government works, but we are following the procedures we are supposed to follow. You may not like the process, but that is process state law requires and this Board does follow it.

Mike Swasta, Watkins Rd. - there was no discussion by the Board prior to adopting the resolution tonight. I do have a couple of specific questions. Rail spur and two sidings was that specifically covered by the 2009 approval, it was portrayed as a possible alternative for delivery of product, and my question and I want an answer on, is it spelled out in 2009 site plan approval that this would occur. This amendment calls for a third siding extending from that spur. On the sand facility, is it a new system or process being described. At the last meeting, no specific info was available on that system, the silos, the height of the silos.

Atty. Groff - there has not been any request to extend the height of any structure over there.

Mike Swasta - was there any specific wording in 2009 approval to approve the rail spur and two sidings. If it wasn't, that should be considered under a new SEQR review for that aspect of the project. Also, the Manager commented that the fee structure for permits will be changed, I don't know what your thinking but will Schlumberger pay the now set fees or will they be reduced for the balance of the project.

Atty. Groff - fee structure that is in effect when permit is requested is the one we use.

As there was nothing further to bring before the Board, the meeting was closed at 8:03 p.m.

TRANSFER LIST - 2/10/2011

GENERAL

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$1,000.00	1110.172	1110.160	COURT OVERTIME
\$300.00	1110.172	1110.174	COURT ATTENDANT
\$500.00	1110.440	1110.411	COURT OFFICE SUPPLIES
\$300.00	1111.172	1111.174	COURT ATTENDANT
\$800.00	1111.440	1111.411	COURT OFFICE SUPPLIES
\$6,250.00	1620.416	1620.417	ADP PAYROLL PROGRAM
\$3,000.00	1620.495	1620.440	VILLAGE HALL CONT. SERV.
\$1,300.00	1622.421	1622.427	POOL UTILITIES
\$753.91	1620.495	1623.456	RECREATION NETWORK
\$2,000.00	1623.460	1623.463	POLICE NETWORK
\$2,000.00	1620.495	1623.465	VILLAGE HALL
\$6,000.00	1620.495	1623.467	NETWORK ADMIN
\$1,448.03	5110.440	1640.455	DPW GARAGE MAINT
\$7,924.35	3410.413	3410.202	FEMA GEAR GRANT
\$300.00	3410.410	3410.440	F.D. CONT. SERVICES
\$3,800.00	5110.440	5110.200	DPW EQUIPMENT
\$3,500.00	5110.440	5110.410	DPW MAT/SUPPLIES
\$600.00	5110.440	5110.443	DPW REPAIRS
\$179.68	7110.410	7110.200	PARKS EQUIP
\$66.78	7140.105	7140.160	RECREATION OT

\$25.00	8010.410	8020.100	PLANNING/ZBA BOARD MEMBERS
\$200.00	8810.440	8810.443	CEMETERY REPAIRS
\$20.00	1620.440	8988.212	HANOVER CLOCK
<u>\$10,553.00</u>	1620.495	9010.810	NYS RETIREMENT
\$52,820.75	TOTAL		

TRANSFER LIST - 2/10/2011

WATER

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$1,097.76	8320.440	8320.200	WELL EQUIPMENT
\$3,500.00	8340.107	8340.160	WATER OVERTIME
<u>\$696.88</u>	8340.107	9040.840	WORKERS COMP
\$5,294.64	TOTAL		

/rmb