

Minutes

Village Board of Trustees

July 10, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.
Present were:

Village Staff:

Mayor Donald Zeigler	Police Chief Mike Barton
Trustee Ronald Swartz	DPW Chris Lawrick
Trustee Howard Miller	Recreation Dir. Nate Nagle
Trustee George Koliwasky	Clerk-Treasurer Sharron Cunningham
Village Manager Marc Whitney	Planning Bd. - Mike Stenpeck
Village Attorney John Groff	Manager's Assistant Rachel Baer

Others:

Chip Klugo, Klugo Enterprises	Marilyn Towne, 11 Clark St.
Mike Manzari, Pyramid Brokerage	Suzanne Peters, 104 W. Mill St.
Laura Peck, 670 Middle Road	News Media
Carol Rodabaugh, 233 Leisure Ave.	

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 26, 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 Koliwasky:	Aye

Resolution by Trustee Swartz, 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 -	\$219,633.07
Water -	\$ 26,442.84
Trust and Agency	\$ 1,193.23

and be it further

RESOLVED, that \$44,954.00 be transferred from the Capital Reserve Fund for two new police vehicles (\$43,904) with graphics (\$1,050.00).

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Planning Board Meeting of June 24, 2008, and the minutes of the Zoning Board of Appeals Meeting of June 18, 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 Koliwasky: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the Village Justice Fiscal Year Report for 2007-2008 is hereby received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

At this time Atty. Groff declared open a Public Hearing on the Rezoning of 901 South Avenue to P.U.D. He stated that there is a draft plan under review and consideration. The applicant's attorney has made comments to our draft, which we just received today, so they have not yet been reviewed.

As nobody came forward to speak, Atty. Groff closed the hearing.

Atty. Groff recommended tabling the next item, SEQR Review of the rezoning application for South Avenue. If you were to fill this out now it would be on the plan submitted as opposed to the plan with proposed modifications. Should table SEQR until next meeting at which time so we can have an opportunity to review the plan. Next meeting is July 24th.

Motion by Trustee Swartz, seconded by Trustee Miller, that the SEQR Review on the rezoning of 901 South Avenue be tabled until the next Board Meeting.

Roll Call Vote:

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

Police Dispatching

Village Manager Whitney stated that the Village is currently resolving issues with county 911 regarding moving our dispatching. Atty. Groff is developing the contract. I ask the Board's permission to give us authorization to finalize the agreement after due diligence.

Trustee Koliwasky - are we staying within the parameters presented in our first meeting.

Village Manager Whitney - all costs will be absorbed through surcharges from phone bills. Additional costs absorbed by County. Only cost to us would be radio upgrades. Migration of databases is the time determining factor. Need agreement signed before they can start migration. Could be 2-4 months. Want to start using their services as fast as possible. Additional costs of our dispatching without sufficient personnel is costing us money. The State Police will also be using their services for dispatching within the next year.

Trustee Miller - will we still have someone on the desk?

Village Manager Whitney - yes, probably between 7am and 9pm. To answer need for walk up service will have a phone outside to directly connected to 911 to have officer respond back.

Atty. Groff noted that any personnel who mans the office is not going to be dispatching. Dispatch will be solely by 911 facility.

Trustee Swartz - have you discussed this with the PBA

Village Manager Whitney - yes we have.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads and County of Chemung have engaged in dialogue regarding police dispatching functions for the Village of Horseheads Police Department, and

WHEREAS, the County and Village Manager have engaged in dialogue regarding parameters for that dispatching function to be assumed and performed by personnel of Chemung County at the County Communications Center, and

WHEREAS, the parties entered into preliminary negotiations for an agreement to embody the understanding for the County and the Village regarding dispatching functions and the migration of existing data from the Village's computer software to the County so as to maintain utility of same going forward, and

WHEREAS, all due diligence has yet to be completed, but will be completed in the near future.

NOW THEREFORE BE IT RESOLVED, that Village Manager Marc Whitney is authorized to enter into an agreement with the County of Chemung to perform police dispatching functions for the Village of Horseheads when the County and Village have an agreement in form that is satisfactory to the Village Manager and Village Attorney.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, Horseheads Family Day is an event sponsored by the Village of Horseheads Recreation Department, and

WHEREAS, this event will take place in Thorne Street Park on July 12, 2008, and

WHEREAS, the Recreation Department has requested to sponsor a fireworks display in the evening at Thorne Street Park as part of the event.

NOW THEREFORE BE IT RESOLVED, that 1) the Recreation Department is authorized to apply for a Permit for Public Display of Fireworks, and 2) Village Manager Marc Whitney and other Village personnel are authorized to execute the Permit and an agreement with Young Explosives Corp. providing for a fireworks display in Thorne Street Park on July 12, 2008.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Tanino Little Wine Store, Ltd. is a tenant of premises known as 4 Ithaca Street, Horseheads, NY, and has represented to this Board its intention to renew its liquor license, and

WHEREAS, Tanino Little Wine Store, Ltd. has asked this Board to waive the 30-day waiting period required under NYS ABC Law Section 64.2(A),

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to submit a letter to the NYS Liquor Authority advising that the Village requests waiver of the statutory 30 day notice and waiting period.

Trustee Koliwasky - I talked to other restaurants about this. The liquor authority gives them weeks to get this in. This is at least the second time we've done this for them.

Village Manager Whitney - you could approve it and tell them this better not happen again. We can't continue to bail them out.

Everyone agreed.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads and other potentially responsible parties entered into a Administrative Settlement Agreement and Order on Consent (AOC), which provided in part for a Remedial Investigation and Feasibility Study (RI/FS) of an area generally known as Koppers Pond, southerly of Blostein Blvd., and

WHEREAS, in accordance with and to comply with the AOC, the potentially responsible parties entered into an agreement with Leo Brausch as Environmental Consultant to facilitate the goals and objectives of the RI/FS, and

WHEREAS, it is anticipated that the Village of Horseheads and others will be called upon from time to time to fund the RI/FS and to enter into various agreements for the implementation of the RI/FS, and

WHEREAS, this Board approved an initial \$11,000 assessment on February 8, 2007 as the Village's share of a Group fund for the administration of the project; on September 13, 2007 it approved a second \$11,000 assessment for such fund, and on February 14, 2008 it approved a third assessment for \$11,000, and

WHEREAS, those funds together with funds of other members of the Group have been largely expended on project administration, and

WHEREAS, members of the Group did approve by email the assessment of a *fourth* contribution from all members of the Group in the amount of \$11,000 each to be used for project costs and administration.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby approve a *fourth* assessment of \$11,000 to be contributed to the Koppers Pond Potentially Responsible Parties operating account when such funds are in hand.

Roll Call Vote:

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

Cameron Manufacturing

Atty. Groff reported that we have come to terms with prospective purchaser and their attorney on that 50 ft. strip of land. If you wish you can consider putting it on the agenda for action to authorize the Manager to execute deeds and other instruments of conveyance. Otherwise it will be on the next agenda.

After brief discussion, it was agreed to add it to this meeting.

Motion by Trustee Miller, seconded by Trustee Swartz, than an item regarding Sale of Land to Cameron Manufacturing be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Laviola, Ltd. and the Village of Horseheads has engaged in discussions regarding the sale of lands by the Village to Laviola, Ltd. in the vicinity of the former landfill on Blostein Blvd., and

WHEREAS, the parties have examined a deed and found same to be in order.

NOW THEREFORE BE IT RESOLVED, that Village Manager Whitney is authorized to execute the deed and any and all other documents to effectuate the transfer contingent upon the Village's receipt of the purchase price.

Roll Call Vote:

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

At this time, several members of the Horseheads Garden Club made a presentation to the Village Board regarding getting water to the flower beds on Grand Central Avenue. A lengthy discussion ensued, the summary of which is as follows:

- No easy way of getting water to the flower beds in the medians.
- Village DPW staff is short two workers, others very busy on paving and other work. Can't use them to water flowers on GCA and in the Square.
- Water could be accessed from the new line being installed once the school is finished with their construction work.
- Could be as long as a month before construction is over and water is available.
- Problem is still getting water up to the other medians. Soaker hoses would be the best idea, but have to consider traffic.
- Small water tank on wheels good idea, but don't hold enough water to make a difference.

- Village will not know until December of this year if we get the grant for Grand Central improvement project.
- If we get the grant, there is \$10,000 built in for landscape design, etc. Which would include irrigation plans.
- Village doesn't want to invest a great deal of money down there for a temporary fix, then have to rip it all out next year if we get this grant.
- Will set up a meeting in the next couple of weeks to discuss further.

Trustee Koliwasky asked the status of the vacant parcel on N. Main Street.

Village Manager Whitney said that Art Ambrose was trying to appraise this for us. It does not have a tax map number, and is actually part of the road. At this point we are unable to determine who exactly owns it.

As there was nothing further to come before the Board, the meeting was adjourned at 8:00 p.m.

/rmb