

**Minutes**

**Village Board of Trustees**

**August 11, 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  
Deputy Mayor Ronald Swartz  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Trustee Larry Clark  
Village Manager Walt Herbst

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

**Others Present:**

Dave Padgett, W. Franklin St.  
Howard Miller, Sunset Dr.  
Mike Dieffenbach, Erin, NY  
David Davie, Erin, NY

Mike Swasta, Watkins Rd.  
Susan Multer, Watkins Rd.  
Barb Skorczewski, Franklin St.  
Tess Banfield, Catalpa Dr.

Draft

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 14, 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 Peters: Aye  
Trustee Clark: Aye

Resolution by Trustee Swartz, seconded by Trustee Peters

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

General - \$ 422,914.63

Water - \$ 74,249.32  
T/A - \$ 2,797.67

AND BE IT FURTHER RESOLVED, that \$4,150.00 be transferred from the Capital Reserve Fund for: Admin. Services for Bond - \$250.00, and Pool Assessment Costs - \$3,900.00.

Trustee Swartz - have we received money from state for LRC?

Manager Herbst - no not yet. So we extended the due date on the bond.

Trustee Clark - 3900 for pool? I thought we had that in budget.

Sharron Cunningham - yes thats included in Capital budget. Still has to be transferred out.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads Board of Trustees adopted Local Law #3 of 2003 providing for regulation of vehicles and traffic in the Village of Horseheads, and

WHEREAS, this law is generally referred to as Chapter 235 of the Village Code, and

WHEREAS, Section 235-2C provides in pertinent part that regulations and schedules adopted in accordance with this law may be amended from time to time as deemed necessary by the Village Board by resolution, and

WHEREAS, Section 235-61 provides for the installation and operation of traffic control devices at the intersections of Sayre Street and Grand Central Avenue, and Westlake Street and Gardner Road, and

WHEREAS, the Village Traffic Commission and Village Manager Herbst have recommended the removal of the traffic control signal at the intersection of Sayre Street and Grand Central Avenue, and a review of the merit of replacement of the traffic control signal at the intersection of Westlake Street and Gardner Road.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby amend Section 235-61 of the Village Code to remove therefrom "Sayre Street and Grand Central Avenue", effective immediately, and be it further

RESOLVED, that Village Manager Herbst is directed to report back to this Board by February 1, 2012 regarding a report as to the replacement or removal of the traffic control signal at Westlake Street and Gardner Road. In the interim, such signal shall be bagged or disabled.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Peters

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 Walter Herbst has 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, and a copy of same shall be filed with the Village Clerk.

Chief Barton - they reimburse us for enhanced patrolling, as well as court costs, or fees incurred. We get 15K with which we can use throughout the year.

Trustee Koliwasky - how do they arrive at that number

Chief Barton - that is what they feel we should get. They've been maintaining that figure for several years. Fairly consistent. May be reduction next year.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, the Village of Horseheads regulates peddling and soliciting in the Village in accordance with Chapter 171 of the Village Code, and

WHEREAS, Edward W. Pronti of Best Construction Co. has applied for a peddler permit for the sale of home improvement services door to door within the Village, and

WHEREAS, the Village of Horseheads conducted investigations for felony and misdemeanor convictions regarding such applicant, and

WHEREAS, said applicant applied for and received a valid Peddlers Permit in 2010.

NOW THEREFORE BE IT RESOLVED, that Village Clerk Treasurer Sharron Cunningham is authorized to issue a license to said individual for peddling of such goods in the Village, said license to expire December 31, 2011.

Trustee Koliwasky - any complaints received against them.

Manager Herbst - only that he didn't realize his permit had expired.

Roll Call Vote:

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

Draft

Discussion: Parking in the Village

Manager Herbst - this item is just for discussion. Some concerns have been raised regarding people parking between sidewalk and road, and also parking during winter months.

Trustee Peters - I thought they could not park on lawn.

Manager Herbst - Yes, that is true, in the front. Need clarification about parking out back. We need your observations, etc. Do we want to consider 2 driveways to a residence. All of these kinds of things.

Trustee Koliwasky - I see cars staying in the Square for 8-10 hrs, etc. We should look at that too.

Trustee Swartz - if we were to do alternate parking, how would that go?

Matt Mustico - only street sweeping we do early is the Square. For snow plowing, I'd rather have no parking on the street in the winter, like we do now.

Trustee Clark - biggest complaint I'm hearing is that if you call PD you won't get ticket. If you don't, it's a fine. I've lived on Sayre St. for 30 yrs. There has always been on-street parking on Hulett and nobody gets a ticket. We need to enforce all the way around. I really don't see problem with parking on the street during warmer months. I drive in Elmira a lot, its alternate side parking down there. I don't see problem with allowing it sometimes during the year.

Chief Barton - problem is parking on Village right of way. Code doesn't prohibit that, they are legally parked. As long as tires aren't on sidewalk and are off the roadway. Need to address this issue in the code. People that do call in, it is problematic.

Trustee Clark - need some kind of accommodation. More people that have kids with cars, etc. and just one driveway. It's a problem for them.

Chief Barton - we also have a lot of rental units. By the code they have to provide 1.5 parking spaces, and some don't.

Manager Herbst - these are good ideas, need to come before Traffic Commission.

It was agreed to schedule a workshop on this matter in two to three weeks.

Trustee Koliwasky - need feedback from residents too.

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

- Receive Application from Horseheads Moose Club for a Special Use Permit
- Declare Surplus Equipment

Roll Call Vote:

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

Resolution by Trustee Peters, seconded by Trustee Koliwasky

WHEREAS, the Horseheads Moose Club #1476 has applied for a Special Use Permit to establish a fraternal organization at property located at 416 W. Franklin St., formerly known as the Horseheads Grange, said property being located in an R-2 Residential District in the Village requiring the application for a Special Use Permit.

NOW THEREFORE BE IT RESOLVED, that said application is hereby received, and same is to be forwarded to the Village Planning Board for its review and comment, and be it further

RESOLVED, that a public hearing regarding said application will be conducted by the Board of Trustees on Thursday, September 8, 2011 at 7:05 p.m.

Trustee Clark - lets say they want a fundraiser there. And they have it in the lawn. What the noise would be in this neighborhood.

Trustee Peters - location not much different than where they are right now.

Chief Barton - would need a noise permit for amplified music.

Larry- what about alcohol outside.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the items listed below are hereby declared as surplus, and the Village Manager is authorized to dispose of same by sale, or as scrap if same have no value:

- 1955 Austin/Western Road Grader (VIN #VDFM39093)
- 1965 Lindsay Compressor, Model #80
- 1985 Cushman front line mower, Model #898805

Roll Call Vote:

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

Trustee Koliwasky - what is status of Winchester bldg. on Franklin St.

Bob Young - he is replacing roof, and shoring up rear end of bldg. He has to rebuild the base.

Manager Herbst - Bob insisted upon and received a structural engineer's certification that the Winchester bldg. is essentially sound once repairs are completed.

Village Manager Herbst reported on the following items:

- Energy audit, will be here Sep 28, 29

- Made a presentation at Sunrise Rotary, talked about Teal Park. Also talked about shared services.
- Div. of Local Government using our shared services experience as a training module.
- Letter to editor regarding flowers - our insurance company said that the line of sight was hindered by height of flowers. They insisted that they be taken down. We had to comply.
- Nate Nagle has volunteers from His Tabernacle church weeding in Linear Park.
- Nate found and is using sprinkler system down there.

### Audience Participation

Susan Multer, Watkins Rd. - Would like the Board to write to DEC and the Governor asking that they please extend public comment period longer than 60 days. This is what is going to make a difference when drilling and fracking come. 60 days isn't long enough to read all this and attend hearings, etc. Town of Horseheads voted to ask for 180 day time period.

Barb Skorcowski - DEC said no drilling in NYC watershed. I don't think our water is filtered either.

Manager Herbst - In this month's issue of Popular Mechanics there is an article about fracking. Very interesting.

Mike Swasta, Watkins Rd. - existing parking, zoning, traffic need to be enforced. Noise late at night coming from Center at Horseheads. Trucks using newly constructed pipe yard at south end of holding point, and speeding down Watkins Road. Parking issues have to do with multi-family uses approved without the required parking provisions being enforced.

As there as nothing further to come before the Board, the meeting was closed at 7:45 p.m.

/rmb