

Minutes

Village Board of Trustees

July 11, 2013

A regular 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 Ronald Swartz
Trustee George Koliwasky
Trustee Larry Clark
Trustee Mike Skroskznik
Village Manager Walt Herbst
Village Atty. John Groff

Sharron Cunningham Clerk-Treasurer
Donna Hartsock, Deputy Clerk
Rachel Baer, Manager's Asst.
Matt Mustico, DPW
Bob Young, Code Enf.
Erica Lawes, College Intern

Others Present

Elton Shaw, Liberty St.
Wayne Brubaker, Gardner Rd.
Lois Murray, Lee Ave.
Rob Maloney, Westlake St.
Michael Maloney, Westlake St.
Brad Lytle, Grand Central Ave.
Stacey Gunderman, W. Broad St.
Georgia Reynolds, Hibbard Ave.
Andrew Stamp, VanNorden St.

Eric Pratt, S. Main St.
Tom Rupp, Tift Ave.
Barb Skorczewski, W. Franklin St.
Pat Gross, W. Broad St.
Susan Multer, Watkins Rd.
Jodi Skroskznik, Center St.
Charles Short, Grand Central Ave.
News Media

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 27th, 2013 be dispensed with and the same stand approved as entered by the Clerk.

Trustee Skroskznik - there was an important topic last week, not on the agenda, about moving a Board meeting to during the day. I was not asked about this or asked to give my input. I will not accept the minutes to this meeting, so I vote no.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	No
Mayor Zeigler	Aye

Audience Participation:

Pat Gross, W. Broad St. - concern about bearing weapons in this building. This would also effect future Boards members. Maybe you should have a police officer in these meetings. Anybody can come into this building and shoot someone who works here. I request that you not do this, that you revoke this. There is no need for it.

Charles Short - must be something wrong if you need to be armed. As far as meeting being changed, your keeping a Trustee and some citizens in the dark. We expect everyone to be able to participate. People can make these changes with voting. I would like to commend DPW for drainage work on Fletcher and Grand Central.

Susan Multer, Watkins Rd. - I heard about change in one of the monthly meetings. I would like to request someone on the Board to report how many phone calls, or emails, etc. did you receive from people wanting this change. I've heard that it would help people working nights, but how many of those people have asked you to change this. If you don't have this documentation, then you are giving the impression to us voters that you don't want to be accessible and open and visible. And we will remember that next year.

Tom Rupp, Tifft Ave. - I hope if your carrying weapons that you have permits. Also, last meeting you said you had mutual aid agmt. with the Heights. It works both ways. We have to answer calls for assistance to the Heights, which could leave us with no coverage. Two officers that left for Elmira, you should recoup the training money for at least one of them.

End of audience participation.

Resolution by Trustee Clark, 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 - \$212,959.98
Water - \$29,788.14
Trust/Agency - \$1,027.44

BE IT FURTHER RESOLVED, that \$746.30 be transferred from the Capital Reserve Fund for equipment for the pool.

Roll Call Vote:

Trustee Swartz Aye
Trustee Clark Aye
Trustee Koliwasky Aye
Trustee Skroskznik Aye
Mayor Zeigler Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes from the Traffic Commission Mtg. of June 20th, and of the Planning Board Mtg. of June 25th, be received and placed on file in the Village Clerk’s Office.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Mayor Zeigler	Aye

Atty. Groff declared open a Public Hearing regarding the application of Colonial Manor Apartments for a PUD Amendment for New Signs.

Trustee Skroskznik - are these temporary signs?

Bob Young - those are the actual signs. They have been left in place due to all the Boards that had to review and see the site. They are only temporarily attached at this time.

Mr. Hoftstetter, W. Broad St. - signs should be allowed to stay there.

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

Financial Report - General Fund revenue is up, expenses down so far. Matt and Don were able to bring the blacktop for S. Main in well under budget due to piggy backing on Big Flats bid. In Water you’ll see that receipts aren’t much diff than last report. We continue to receive water payments. Today was shut off day. 3 were shut off, two of those were vacant. Its early in the year. Expense Control Report is also in your packet as well as your overall fund summary reports.

At this time, the Board Members completed Part 2 of the SEQR review regarding Colonial Manor Apartments PUD Amendment for new signs, finding there to be no significant negative environmental impacts, and directing Mayor Zeigler to sign a Negative Declaration for same.

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, Broad Street Apartments, LLC (“Applicant”) is the owner of lands at the corner of Broad Street and Sing Sing Road commonly known as Colonial Manor Apartments, 1073 Sing Sing Road in the Village of Horseheads (Tax Map Parcel No. 59.11-1-48.1), and located in a Planned Unit Development zone, and

WHEREAS, Applicant has applied to the Village of Horseheads for an amendment to their existing P.U.D. to install two unilluminated ground signs on said parcel - one on Broad St. approx. 5.5’ x 11’ and one on Sing Sing Road approx 3’ x 5’, and

WHEREAS, a public hearing was held on the application before the Village Board of Trustees on July 11, 2013 at which time all involved or interested parties were afforded an opportunity to

comment, and

WHEREAS, the application has been reviewed by the Planning Boards of the Village of Horseheads, Town of Horseheads and Chemung County, all recommending approval of the application or returned for local determination, and

WHEREAS, the application has also been reviewed by the Village of Horseheads Traffic Commission, said Commission finding no traffic or safety issues and recommending approval of the application, and

WHEREAS, said application is subject to SEQR and has been classified as an Unlisted Action pursuant to SEQR regulations, and

WHEREAS, the Village Board is informed and believes that it is the only involved agency relative to SEQR, and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form; Part 2 of said form having been reviewed by this Board, and this Board has found that there are no significant adverse environmental impacts of the proposed application.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is hereby authorized and directed to execute the SEQR form for this project determining that the action will not have any significant adverse environmental impacts, and be it further

RESOLVED, that the application of Broad Street Apartments, LLC as owner of Colonial Manor Apartments for an amendment to their existing P.U.D. at 1073 Sing Sing Road to install two unilluminated ground signs on said parcel - one on Broad St. approx. 5.5' x 11' and one on Sing Sing Road approx 3' x 5' - per the application, specifications, and site plan submitted be and hereby is approved.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Mayor Zeigler	Aye

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, NYS General Municipal Law Section 50-e has been recently amended to allow for service of a Notice of Claim on the Secretary of State as agent for the Village and other public corporations, and

WHEREAS, the amendment and regulations promulgated thereunder permit the Village, by resolution, to designate the particulars regarding the officer upon whom such Notice of Claim shall be served by the Secretary of State, and

WHEREAS, the Secretary of State has established a website and form whereby this designation can be filed electronically and subsequently amended.

NOW THEREFORE BE IT RESOLVED, that pursuant to and in accordance with General Municipal Law Sections 50-e and 53 this Board does hereby designate the Village Clerk-Treasurer as the officer upon whom the Secretary of State shall serve Notices of Claim upon the Village of Horseheads. The post office address for such service is: 202 S. Main Street, Horseheads, New York 14845, and the email address is: clerk@horseheads.org. This resolution shall take effect immediately and shall continue in force and effect until amended or revoked, and be it further

RESOLVED, that the action of Clerk-Treasurer Sharron Cunningham of filing a Certificate of Designation of Notice of Claim electronically with the Secretary of State at the website so established for that purpose, on or before July 15, 2013, is ratified and approved; further, the Clerk-Treasurer is authorized to amend same from time to time as is warranted.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Mayor Zeigler	Aye

Resolution by Trustee Clark, seconded by Trustee Skroskznik

BE IT RESOLVED, that the Justice Reports for June 2013 are hereby received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Mayor Zeigler	Aye

Trustee Skroskznik - At the meeting on June 20th we were supposed to just receive the audit report, but they also passed a resolution allowing the Board and Manager to carry weapons, concealed or not concealed, on Village premises.

Trustee Clark stated that we already had discussion on this matter and asked for a Point of Order.

Atty. Groff noted that the Mayor did ask for comments from Board members.

Trustee Skroskznik - Would our insurance premium increase due to this? Is there an imminent threat of public safety? If so, why did we abolish a police officer? Are you going to get trained, ammo, etc. Under the Open Meetings Law, there was a lack of an emergency on this. It could have been delayed to another meeting. It was not on the website. This motion was in violation of the open meetings law. The Court can invalidate our Code of Conduct Policy, but I don't want to use taxpayers money, so I make a Motion to change the Code of Conduct Policy back to its original state.

Nobody seconded the motion.

Motion dies for lack of a second.

Trustee Skroskznik asked Atty. Groff if he had any information regarding the Public Officers Law, emergency meetings, etc.

Atty. Groff stated that he can look into it further.

Manager Herbst reported on the following items:

- Well 5 filtration bid opening is July 17. May be extended to July 23. Made a few small changes. If that happens we will have a Special Meeting early on the 25th in order to award the bid. Also the 90 day letter is going out. State law requires that we send out status every 90 days until filtration plant is completed.
- roof work, air cond. units put in on the Village Hall building too.
- next issue of newsletter is coming up.

Atty. Groff - I've submitted to you a draft social media policy. I have comments from some, if there are any others I need to receive them soon. Please let me know by Monday. Also you were provided with an Identity Theft Policy. We need to move forward on that. We are required to adopt that policy. Also updating a local law that has been in place for a long time regarding the obligation of property owners to maintain grass - that is in draft stage. In your packets a local law redlined, has to do with the duties and responsibilities of the Village Manager, just to clarify different items.

Matt Mustico - Gardner Road getting repaved but we are waiting for Seneca Pipeline to come through. Supposed to start July 22 - 25. Once they are done we will be milling the road. Town will do their section down to Hickory Grove. Then the last week of August it will be paved. Hopefully by the end of this month NYSEG will be done with Lynhurst. Then we can repave that too. They will keep one lane open on Gardner when they do their work.

As there was nothing further to come before the Board, the meeting was adjourned at 7:43pm.

/rmb