

Minutes
Village Board of Trustees
November 12, 2020

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Virtually and in Village Hall.

Present were:

<u>Village Board and Staff</u>	
Mayor Rob Maloney Trustee Pat Gross Trustee Bill Goodwin Trustee Mike Skroszknik- absent Trustee Mark Cronin	Village Manager Nate Nagle Clerk-Treas. Donna Dawson Manager's Asst. Jessica Molter Attorney John Groff Tom Stickler- Police Chief Arthur Sullivan- Fire Chief Elliott Blauvelt- ZBA
<u>Others Present</u>	
Jason Muckey- Precision Home Inspection Jodi Skroszknik Bruce Cagir Michael Nanette Hatch	Josh Baker Ryan Wheeler Ricky Skevey Jeffrey Burger T. Faro

Resolution by Trustee Gross, seconded by Trustee Cronin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of October 22, 2020, be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Maloney: Aye
Trustee Gross: Aye
Trustee Goodwin: Aye
Trustee Cronin: Aye

Public Hearing: Special Use Permit Amendment: 2300 Grand Central Ave.

REGARDING APPLICATION OF: Jason Muckey

RE: Address of Property: 2300 Grand Central Avenue, Horseheads, NY 14845
Tax Map No.: 59.10-1-45
Land Use District: R-3, Multi-Family

The above-referenced appeal is considered pursuant to Village Zoning Law regarding the appeal of the Applicant from a decision of the Code Enforcement Officer regarding:

(X) an extension to a special permit

After turning the meeting over to Village Attorney John Groff for opening of the public hearing, the Mayor entered into the minutes the following:

(X) Affidavit of Publication in official newspaper

(X) Affidavit of Posting

(X) Affidavit of Mailing the notice of the hearing to neighboring property owners

(X) Short EAF filed by the Applicant

(X) Correspondence received from: Gabriel Rossettie of Southern Tier Conservation Enterprise LLC and Burt Cagir

(X) Village of Horseheads Planning Board recommendation

The following persons spoke in favor of the appeal:

Elliott Blauvelt would like to support this, think that's it's the best use of the property and least intrusive that it could be

After closing the public hearing, the Mayor brought up for discussion the environmental impact of the requested appeal.

REGARDING SEQR REVIEW:

The Village Attorney John Groff noted that this was an application for

(X) an extension to a special permit

and therefore an environmental determination was required prior to taking action on the requested application.

Village Attorney Groff reviewed Part 2 of the Short with the Board. The Mayor and Board Members discussed the questions raised in Part 2 in depth and identified the possible adverse impacts.

The Mayor called for the reading of the proposed SEQR Negative Declaration and inquired if the Board members were in agreement with the indicated possible adverse impacts.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations (6 NYCRR Part 617) Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Planning Board hereby makes the following determinations and classifications with respect to the proposed amendment of the special use permit ("Action"):

1. The Action is subject to SEQR
2. The Action does not involve a federal or state agency.
3. The Action is preliminarily classified as an Unlisted Action.

4. The Village Board is and will be the Lead Agency with respect to adoption of, and approval of, the Action.
5. The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.
6. The Board of Trustees, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Following discussion, upon motion duly made by Trustee Goodwin and seconded by Trustee Cronin, the role was called.

ROLL CALL VOTE:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Village Attorney Groff then reviewed the applicable tests for an extension of a special permit. After discussion, considering the evidence, upon motion of Trustee Cronin, seconded by Trustee Goodwin, the Board made the following FINDINGS:

In 1984, the Village of Horseheads granted a special use permit to Donald B. Coyles, Esquire allowing the subject property to be used as professional offices and imposed the following conditions which were to run with the permit.

- A. The property shall be used only for professional offices to be occupied by not more than two attorneys or one attorney and one paralegal and support staff.
- B. The applicant may erect a single professional sign to be installed on the exterior westerly surface of the office structure itself, said sign will comply with all other requirements of the Village Sign Law in all respects and no other signs were permitted.
- C. Installation and maintenance of buffer screening, fencing, etc. on the east and south of the property are temporarily waived. The Village Board reserves the right to require the applicant to install such buffer screening etc. as it may require in the future in its sole discretion to be installed at the applicant's sole cost and expense. It is noted that that southerly property owner has agreed to

this waiver and that the fence near the easterly property line is located on the “Burger” property and may be removed in the future.

- D. In the event that any of these conditions are violated or that the use of the property for professional offices shall cease for a period of 12 consecutive months this special use permit shall automatically terminate.

At the time the special use permit was granted to Attorney Coyles, professional offices were permitted in R-3 zones under the then current Village Zoning Law. That law has since been changed and professional offices are no longer permitted in an R-3 zone.

The Zoning Board of Appeals recently considered a similar request for property known as 217 Steuben Street, Horseheads, NY. That parcel is also located in an R-3 zone and was converted from residential to professional office (dental) use on the basis of a special use permit. On November 13, 2019 the Zoning Board of Appeals granted a use variance permitting the former dental office to be used for a hair salon and dog grooming business. The Zoning Board of Appeals found that the owner has established unnecessary hardship and thus was eligible for a use variance.

Given that the professional office use was established on the basis of a special permit which was lawful at the time of issuance, extension or amendment to a special permit is an alternative to a use variance.

The applicant states that the property will be utilized for a business which performs home inspection services, frequently used in the process of purchasing homes. The applicant further indicates that he would like to use the property for other small office uses. He further reports that the property is no longer improved with a full kitchen nor a full bathroom and thus is not amenable to use for residential purposes.

DETERMINATION OF BOARD OF TRUSTEES BASED ON THE ABOVE FACTORS:

The Board of Trustees, after reviewing the above proofs, finds:

The applicant has proven that use of the property as a home inspection service is consistent with the former professional office (law office) use of the former owner/occupant and the Board of Trustees finds that a business which performs home inspection services is a professional use and does hereby grant an extension of the special use permit, subject to the following conditions:

1. The property shall be used only for professional offices.
2. The applicant may erect a single professional sign to be installed on the exterior westerly surface of the office structure itself, said sign will comply with all other requirements of the Village Sign Law in all respects and no other signs were permitted.
3. Installation and maintenance of buffer screening, fencing, etc. on the east and south of the property are temporarily waived. The Village Board reserves the right to require the applicant to install such buffer screening etc. as it may require in the future in its sole discretion to be installed at the applicant’s sole cost and expense.
4. In the event that any of these conditions are violated or that the use of the property for professional offices shall cease for a period of 12 consecutive months this special use permit shall automatically terminate.

ROLL CALL VOTE:

Mayor Maloney: Aye
 Trustee Gross: Aye
 Trustee Goodwin: Aye
 Trustee Cronin: Aye

Financial Report

Under budget on most lines: General at 37% of Budgeted Expense, 71% Revenue (reflecting taxes)

General: Spent \$1,752,000 out of \$4,775,000 budgeted. Revenue is: \$3,150,000 out of \$4,459,000 giving a positive growth in fund balance of \$1,397,000 reflective of collecting taxes early in the year. General should be at 42% normally this time of year.

Water at 29%, \$354,000 spent out of \$1,194,000 budget (in line), revenue received in \$263,000 out of 1,084,000.

Expense side of water at 30% as opposed to 42% budgeted, savings of \$146,000 resulting in \$90,889 net loss should make up with bills that went out

Property taxes have been re-levied and ~\$84K sent to county (county will pay us back in March)

Sales Tax: Better than budgeted, \$528,000 YTD, making it 53% (not far off from last year on sales tax)

Cemetery: A lot of business (burials and sales of lots) \$20,300 recv'd YTD on sale of lots (budgeted \$18,000 sale of lots) \$35,000 for services budget and YTD at \$32,000

Trustee Gross: How are we with delinquent water bills?

Delinquent water bills (\$40,100 delinquent and usually hover about \$35,000) will have the information for contact in the bill that just went out to make arrangements

Will see one time payments, but everything is in line where we should be this time of year.

Surplus Property Resolution: Shotguns

Village Manager Nagle: Police Department has shotguns we would like to surplus and upon acceptance of the resolution we will determine the best way to surplus them: disposing, bids, auction, or negotiating sale.

Chief Stickler: Gone to less use of the shotguns and are maintaining three of them and would like to surplus the rest of them.

Resolution by Trustee Gross, seconded by Trustee Cronin

WHEREAS, Village Manager Nathan Nagle has identified certain Village property as being surplus to the needs of the Village and has determined it to be in the public interest to offer same for sale.

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

1. The following described property is declared to be of low value and surplus to the needs of the Village: 3 Remington Model 1187 12-gauge shotguns and 1 Ithaca DS Police 12-gauge shotgun.

2. The estimated collective value of the items to be surplused is less than \$2,000.
3. The Village Manager shall have the discretion to determine the method of disposal being mindful of the items value, including, but not limited to: public auction, solicitation of bids, negotiated sale to one or more buyers, transfer to another agency of government or such other method as the Village Manager shall deem reasonable.

Roll Call Vote:

Mayor Maloney: Aye
 Trustee Gross: Aye
 Trustee Goodwin: Aye
 Trustee Cronin: Aye

Surplus of Property Resolution: Computers, monitors, and servers

Village Manager Nagle: This is computer equipment that is now surplused because of replacement. We have determined that none of the equipment has a value and will simply be salvaged.

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, Village Manager Nathan Nagle has identified certain Village property as being surplus to the needs of the Village and has determined the condition of same be such that it has no economic value.

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

1. The following described property is declared to be of low value and surplus to the needs of the Village:
 - a. Computers with the following service tags: 3FP1S22; H4T7H02; 3FP0S22; 37LG7V1; BR94CX1; H62KXQ1; BR85CX1; 7Y0FMS1; BR86CX1 and 97QSDQ1
 - b. Computer monitors with the following serial numbers: CNK025108Y; CN-0DY840-74261-83M-68GS; CN-0CN084-46633-76M-643U; CN-0M39MD-74445-21D-649L and CN-0NDMRP-74261-311-2RRUT
 - c. Servers as follows: Sensus linux server (2-2012); Sensus SQL server (2-2012); and Old Tracs Server
2. The estimated collective value of the items to be surplused is: \$0.00
3. The items have deteriorated to the point that they are beyond salvage and may be destroyed and disposed of as waste.

Roll Call Vote:

Mayor Maloney: Aye
 Trustee Gross: Aye
 Trustee Goodwin: Aye

Trustee Cronin: Aye

Pedestrian Safety Action Plan Resolution

Village Manager Nagle: Formalizes that we are working with the county for the Pedestrian Safety Action Plan and is a resolution that the County needs for their files so they are able to keep us in the program as they go out to bid for the project.

Attorney Groff: Should note that some of the original 17 locations have been modified because the Village has gone forward with safety measures already. The value is being transferred to other sites throughout the Village.

Village Manager Nagle: Added some signage at Gardner Road school, ADA curbing at Lee and Marshall and Sayre & Throne Street. The work we've already done has been credited and allowed us to add some other areas in the Village to the plan.

Resolution by Trustee Cronin, seconded by Trustee Gross

WHEREAS, the Chemung County Department of Public Works sponsored a multi-municipality application under the New York State DOT Pedestrian Safety Action Plan to improve safety of pedestrians through infrastructure improvements and other means. The application covering the Elmira Urbanized Area, including the Village of Horseheads, and

WHEREAS, the application was developed in coordination with the Elmira-Chemung Transportation Council, and

WHEREAS, the application is 100% funded by Federal and State government agencies with Chemung County providing the initial funding and with no in-kind requirement, and

WHEREAS, the application initially identified seventeen locations in the Village of Horseheads, including South Main Street, Grand Central Avenue, Hanover Square and Horseheads Senior High School areas providing for crosswalk safety and enhancements, and

WHEREAS, the Village initiated installation of pedestrian safety measures in some of the identified locations prior to approval of the application which has allowed for modification of the seventeen locations to include additional crosswalk locations as alternatives, and

WHEREAS, the Village has been informed that the application has been approved anticipating that the strategic plan for crosswalk safety, as it relates to the Village of Horseheads, consists of installation of and improvements to ADA corner ramps, signage, crosswalk painting, et cetera.

NOW THEREFORE BE IT RESOLVED, that upon completion of the installation of the various pedestrian safety improvements comprising the Plan as it relates to the Village, the Village of Horseheads shall accept ownership of same and shall assume responsibility for the future maintenance and repair of the identified improvements.

Trustee Gross: Shared sincere appreciation for the new signs and this program.

ROLL CALL VOTE:

Mayor Maloney Aye

Trustee Gross Aye

Trustee Goodwin Aye

Trustee Cronin Aye

Discussion and Possible Action Regarding Contracting an Emergency Water System Operator

Village Manager Nagle: Have recognized that should we have positive COVID result in water department, our water department will basically be eliminated for the timeframe they are out. This allows Manager Nagle to enter into an agreement with a private contractor to cover if needed. This is just another avenue if necessary and is the 3rd or 4th option for coverage. To cover for the day-to-day responsibilities if necessary.

Mayor Maloney: Called for a resolution

Attorney Groff offered a resolution as follows:

Resolution by Trustee Gross, seconded by Trustee Goodwin

WHEREAS, the Village of Horseheads Water Department would be in need of essential services from an independent contractor in the event of a mass inability of the Village Water Department staff to perform their usual and customary duties due to the Coronavirus, and WHEREAS, the system requires daily monitoring of the functionality of same such as water tests, samples et cetera, and

WHEREAS, an independent contractor who possesses a Class 2B Water Systems Operator license is available to provide the essential services to the Village on an as needed on call basis. NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized to enter into an agreement with the independent contractor, Dean Wenzel, to perform such services. BE IT FURTHER RESOLVED, that the contract should provide for training, to be paid for on an hourly basis not to exceed \$25.00 an hour and, in the event his services are required for water samples, testing, meter monitoring, et cetera, those services will be paid for at the rate of \$50.00 an hour.

ROLL CALL VOTE:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Audience Participation:

Elliott Blauvelt: With all of the COVID-19 restrictions, has the Board considered contact with local small businesses to see what we can do to help with keeping their doors open and continue in operation? Can Board members make calls to see if there are minor things we can work on to keep them open?

Mayor Maloney: Keeping them up to date is the most important thing right now, wish there was more that we can do.

Jodi Skroskznik: 3rd time asking question, Village streets lined with plastic bags filled with leaves (problem with the environment) takes up space in landfill etc. Asking to quickly consider use bio safe bags. Buy 5-pack for \$2.99 they are paper and compost easily. Can purchase at the Do-It Center and Tractor Supply.

Mayor Maloney: For next year, we can put it in Newsletter, put in on FD sign, website etc. as a suggestion.

Trustee Goodwin: When haul to Blostein they make people empty out the bags, what happens when DPW picks them up?

Manager Nagle: We take them to Blostein and have to open the bags and the dispose of the bags in regular trash.

Open up for the Fire Department to speak regarding the breathing apparatus:

Mayor Maloney: The current equipment is 15 years old, beginning of the year can no longer be used.

Chief Arthur Sullivan: Essential for the Fire Department for life and safety to enter smoke filled buildings, have to use the equipment they have a 15 year life expectancy and they need to be replaced and we need enough for the unit and a backup if necessary to protect them at fires.

Trustee Cronin: Is the number still okay as it has been that for 1.5 years or should we add a buffer

Nagle: Based on quotes comfortable. If needed will increase the resolution to \$190K for an additional safeguard.

Everyone agreed to increase the resolution to be not to exceed \$190,000

Self-Contained Breathing Apparatus Purchase Resolution

Motion made by Mayor Maloney, seconded by Trustee Cronin to add the Self-contained Breathing Apparatus Purchase to the agenda.

ROLL CALL VOTE:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Resolution by Trustee Cronin, seconded by Trustee Goodwin

WHEREAS, self-contained breathing apparatus is critical to the safety of firefighters in responding to fires and other calamities, and

WHEREAS, the apparatus currently used by the Village of Horseheads Fire Department will no longer be certified for use in the near future due to expiration of its certification, and

WHEREAS, Village Manager Nathan Nagle, Fire Chief Arthur Sullivan and others have aggressively

pursued grants to finance the acquisition of the necessary apparatus and such grants have not been approved, and

WHEREAS, due to the lack of grant funding the Village will have to pursue alternate forms of financing, such as bonding, use of general funds, budgetary changes et cetera, and

WHEREAS, Chief Sullivan and Village Manager Nagle have secured quotes from various vendors for supply of the replacement apparatus and such quotes provide for supply of the apparatus on the basis of bids secured by the NYS Office of General Services, with volume discounting, and

WHEREAS, Village Manager Nagle has received a quote from Municipal Emergency Services and has recommended the acceptance of such quote subject to his continuing efforts to negotiate further discounts and cost savings, and

WHEREAS, it is necessary to move expeditiously on the acquisition of the apparatus due to delivery delays and the upcoming expiration of certification for use of the existing apparatus.

NOW THEREFORE BE IT RESOLVED, that Village Manager Nathan Nagle is authorized and directed to enter into an agreement for the purchase or lease of not more than 26 self-contained breathing apparatus and ancillary and related items based upon OGS Contract #PC69026, award #23173 with discount off of the bid price on the basis of the volume of apparatus to be acquired, with the full purchase price not to exceed \$190,000.00 or a lease price to be determined.

BE IT FURTHER RESOLVED, that Village Manager Nagle shall explore alternate forms of financing this purchase/acquisition and advise the Board of his recommendation as soon as is practical

ROLL CALL VOTE:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Chief Arthur Sullivan: Would like the Board to know that the officers really stepped up to look into these airpicks, had demonstrations, had the entire department involved. Will be a great addition and make the department more efficient.

Mayor Maloney: Thanked Chief Sullivan and the department for the work they put in finding the equipment as well as the Village Manager.

Manager's Report

Veterans Day Yesterday- thanked all those that formerly served and that are currently serving on behalf of the Village.

COVID-19: Village staff has had 16 situations regarding COVID, 14 resulted in testing, all have been negative. We remain in orange. To move from orange to yellow need the 7 day rolling average below 3% **and** declining positive cases. More than likely in orange for a period of time

2nd meeting in November- traditionally cancelled. Is this something we will do?

All agreed to cancel that and the 2nd meeting in November and December

Attorney Groff presented a resolution to cancel:

Motion by Trustee Gross, seconded by Trustee Goodwin

BE IT RESOLVED, that the Board of Trustees meetings for November 26, 2020 and December 24, 2020 are hereby cancelled.

ROLL CALL VOTE:

Mayor Maloney	Aye
Trustee Gross	Aye
Trustee Goodwin	Aye
Trustee Cronin	Aye

Leaf Pickup- realize they are piling up and will be picking up. Was taking advantage of the nice weather to fix potholes, etc. Need to be on curbside. Clear bags or recyclable bags. Won't pick-up leaves in dark bags, as they are not always just leaves.

Police reform: Committee meet every other Tuesday morning, please complete the survey (on County website and Village's website)

Wednesday 11/18 will be the first public meeting, virtually. Scheduled from 6-7:30 once get link will post on website.

Chief Stickler: Couple sub-committees: youth, mental health, keeping the peace, etc. Zoom meeting with more info will come out. Only a certain amount allowed. Panel by Chiefs and Sheriffs and overseen by Randy Reid. Would like to have 2 or 3 more prior to April 1, 2021 deadline to have in place for the state requirements. Chief is on the mental health committee. Extensive background and was certified mental health instructor at the police academy previously.

Pandemic Operations Plan: Plan coming together and is being reviewed by Attorney and Dept heads and should have in format to present to trustees in mid-December or earlier

Halloween: Thanks for all volunteers, Town, Town and Country fire, West Elmira, Horseheads Kiwanis. Had a little over 400 people. Thanks to those driving through has well

Empire Access Update: Not seen much activity lately. Reached out today. Reconciling permits with NYSEG/Empire access and there are permits that are missing.

Norfolk Southern: Worked on tie replacements and blacktop, will continue to work next week.

Ross Hamilton passed away, small service Monday, November 16th at Maple Grove. Worked for the Village, primarily at the cemetery for 27 years.

Mayor Maloney: Considering changing meeting night from Thursday to Monday. Won't be done this month, probably in December and then takes time to go into effect. Just wanted to make people aware.

Trustee Goodwin: Nothing this evening

Trustee Cronin: Jodi's statement about biodegradable bags, Trustees and Village Manager are into the idea of going Green, he thinks this is a good idea. Congrats to Mike and Bill on election victory. Sergeant

Zawko is retiring (congrats). Signage on streets look fantastic. Village office staff- will see an uptick in a variety of things appreciate them. FD- thank you for all the work and attending tonight's meeting. Stay safe.

Trustee Gross: Congrats Bill and Mike on reelection. Congrats to Nate on the trunk-or-treat. Keep safe and socially-distanced. Have a Happy Thanksgiving

Mayor Maloney: Congrats Mike and Bill. Congrats to Zawko on his retirement. Thank the Veterans and Village employees. Thank the FD and the partners for their help with the pit fire.

As there was nothing further to come before the Board, Motion to close by Trustee Gross, seconded by Trustee Cronin.

Meeting adjourned at 8:23pm