

**Minutes**

**Village Board of Trustees**

**April 12, 2012**

A meeting of the Village of Horse heads 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 Suzanne Peters  
Village Attorney John Groff  
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Donna Hartsock  
Code Enf. Officer Bob Young  
Manager's Asst. Rachel Baer

**Others Present**

Wayne Brubaker, Gardner Rd.  
Elton Shaw, Liberty St.  
Howard Miller, Sunset Dr.  
Matty Princiotto, Sunset Dr.  
Dave Padgett, W. Franklin St.  
Micki and Norm Stull, Marshall St.  
Barry Sawester, Marshall St.  
Dot Gebhart, Biltmore Dr.

Jim Sands, South Ave.  
Elliott Blauvelt, Jr., Fletcher St.  
Glenn & Susan Hostettler, W. Broad St.  
Ruth Young, Sayre St.  
Tess Banfield, Catalpa Dr.  
Jean Quinn, Gardner Rd.  
News Media

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of March 22<sup>nd</sup>, April 3<sup>rd</sup>, and April 5<sup>th</sup>, 2012 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
Trustee Peters:	Aye

Resolution by Trustee Clark, 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 -	\$ 177,439.54
Water -	\$ 36,252.55
T/A -	\$ 819.42

AND BE IT FURTHER RESOLVED, that \$4,174.26 be transferred from the Capital Reserve Fund for computers for the police vehicles.

Trustee Clark - we don't have computers in police cars?

Manager Herbst - replacing ones that are 6 yrs. old.

Roll Call Vote:

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

#### Financial Report

Manager Herbst - YTD receipts are \$61,000 over this time last year. Expenses are down, reduction of \$301,000. On the Water - see a little gain. Our receipts over last year are up 24K, expenses in Water are up a bit primarily because of well #5 occurrences, and equipment we've had to replace. So overall we are doing very well.

Trustee Koliwasky - on Water, is that part of the increased water usage, or because of rate increase.

Manager Herbst - mostly because of rates. You may recall that Wendell Energy will be coming in with meter replacement program.

7:05 p.m. - Public Hearing: Proposed Uniform Fire Prevention and Building Code Law

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

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, the Village is considering a local law to amend Chapter 102 of the Village Code providing for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code, and

WHEREAS, this proposed local law was presented to this Board on March 14, 2012, and notice of

a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on April 12, 2012, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Amending Chapter 102 of the Village Code providing for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that this Board is in receipt of a proposed law establishing rules and regulations for Rental Housing in the Village of Horseheads.

NOW THEREFORE BE IT RESOLVED, that a public hearing regarding said proposed law is hereby scheduled for Thursday, April 26<sup>th</sup>, 2012 at 7:10 p.m.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that this Board is in receipt of a proposed law amending Chapter 23 of the Village Code, establishing a Code of Ethics.

NOW THEREFORE BE IT RESOLVED, that a public hearing regarding said proposed law is hereby scheduled for Thursday, April 26<sup>th</sup>, 2012 at 7:20 p.m.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Clark

WHEREAS, at a General Convention of the Village of Horseheads Fire Department on April 3, 2012, the members of same held an election at which time the following individuals received the most votes for nomination for appointment to the respective offices:

<u>Office</u>	<u>Nominee for Appointment</u>
CHIEF	Arthur F. Sullivan
FIRST DEPUTY CHIEF	Thomas Margeson
SECOND DEPUTY CHIEF	Bill Pratt
THIRD DEPUTY CHIEF	Robert Young

and WHEREAS, the by-laws of the Department empower the Board of Fire Commissioners to consider the nominations and appoint such persons to the offices to which they are nominated, and

WHEREAS, this Board has considered the nominees and the offices they are nominated to fill.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Fire Commissioners of the Horseheads Fire Department does hereby appoint the above-mentioned individuals as officers of the Department to hold the office noted for a term of one year or until a successor is appointed or a vacancy otherwise occurs in such office.

Roll Call Vote:

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

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

10. Receive Minutes of Planning Board Meeting of 3/27/12
11. Set Public Hearing Re: Miracle Inn, LLC, Rezoning of 2671 Corning Road
12. Approval of Surplus Equipment - New Holland Tractor

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the minutes of the Planning Board Meeting of March 27, 2012 are hereby received, and same to be filed in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Clark

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, April 26, 2012 at 7:30 p.m. regarding the application of Miracle Inn, LLC for Rezoning of property located at 2671 Corning Road (former Landmark Inn) from M1 Manufacturing to C3 Highway Commercial.

Roll Call Vote:

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

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that a 1998 New Holland Tractor (Model 4835) is hereby declared as surplus equipment, and the Village Manager is authorized to dispose of same by sale or as scrap, if same has no value.

Trustee Koliwasky - why are we surplusizing this.

Manager Herbst - want to auction it with a minimum bid. We don't get much use out of it. If we get a good enough bid, we could get a more usable piece of equipment.

Trustee Koliwasky - how would we take care of the mowing we use this tractor for.

Manager Herbst - will be meeting with Town Supervisors - we are actively looking at these kind of agreements, but we aren't going to just settle for any price.

Roll Call Vote:

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

At this time, Manager Herbst made a brief PowerPoint presentation regarding the proposed 2012-2013 Village budget.

Mayor Zeigler thanked the entire staff for their hard work on this budget.

7:20 p.m. - Public Hearing: Tentative 2012-2013 Village Budget

At this time, Atty. Groff declared open a public hearing on the Tentative 2012-2013 Village Budget. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

Trustee Koliwasky thanked Walt and Sharron for work on the budget. I think its a good budget. Also, the governor said funding will be available for flood damages. Will this effect us for well #5.

Manager Herbst - yes, we are on the list for that.

Manager Herbst - the graph I showed on increase of fund balance - as I've said to the Mayor, its very rewarding, but doesn't happen without dedicated and professional staff. We've come a long way.

Code Enf. Officer Bob Young - finally received the decibel meter today. Will be using it up at the Holding Point.

Public Participation

Elliott Blauvelt, Jr. - invite everyone to Masonic Lodge for breakfast this Sunday.

Ruth Young, Sayre St. - submitted a photo of what neighbors are looking at at the Holding Point- at night. Incredible loud noise after 1am. They were repairing something. Then the noise continued. They also filled silos at night, twice. This resident has asked for repeated help. If any of you lived under these conditions, things would change.

Barry Sawester, Marshall St. - how come water rates went up.

Manager Herbst said he would discuss this with him after the meeting.

Motion by Trustee Koliwasky that this Board, the Manager, and the Village Attorney move into an Executive Sessions to discuss labor issues, real estate transaction, and pending litigation. Seconded by Trustee Clark.

Roll Call Vote:

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

At this time, the Board, Manager and Atty. moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:23 p.m., the Board reconvened back into its regular meeting.

Motion by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads operates Maple Grove Cemetery and

WHEREAS, from time to time adjacent parcels of real property become available for the future expansion of the cemetery, one of such parcels being 657 W. Broad St., owned by Margaret C. Berger, and

WHEREAS, this Board has reviewed the recommendation of Village Manager Walt Herbst that this parcel be acquired by the Village for further expansion of the cemetery if available on commercially reasonable terms, and

WHEREAS, this Board has determined that such recommendation is meritorious.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees acting as Cemetery Commissioners hereby authorized Village Manger Herbst to negotiate for the purchase of the aforesaid real property at a purchase price not to exceed \$87,000.00 together with customary and reasonable closing costs as per local practice, and be it further

RESOLVED, that Village Attorney John Groff shall participate in the negotiations and drafting of a purchase contract and thereafter represent the Village in the customary title reviews and closing.

Roll Call Vote:

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

As there was nothing further to come before the Board, the meeting was closed at 8:30 p.m.  
/rmb

**Village Board of Trustees**

**EXECUTIVE SESSION**

**April 12, 2012**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Suzanne Peters, and Larry Clark, Village Manager Walt Herbst and Village Attorney John G. Groff, at which time they discussed labor issues, a possible real estate transaction, and pending litigation. No action was taken.

At 8:23 p.m., a motion was made by Trustee Peters, seconded by Trustee Swartz, that the executive session be adjourned, and that the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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