

Minutes

Village Board of Trustees

February 12, 2009

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 6:00 p.m.
Present were:

Village Board and Staff:

Deputy Mayor Ronald Swartz	Fire Chief Arthur Sullivan
Trustee Walter Herbst	DPW Chris Lawrick
Trustee George Koliwasky	Clerk-Treasurer Sharron Cunningham
Village Manager Marc Whitney	Parks Dir. Nate Nagle
Village Attorney John Groff	CSO Bob Young
Police Chief Mike Barton	Planning Bd. Member Mike Stenpeck

Others:

Kevin Sullivan, HFD

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 22, 2009 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Deputy Mayor Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

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

General -	\$173,866.12
Water -	\$ 33,267.29
Trust & Agency -	\$ 2,997.09

AND BE IT FURTHER RESOLVED, that \$7,134.96 be appropriated from the Capital Reserve Fund for the Village Hall renovation study conducted by MRB Associates.

Trustee Herbst asked if we have received all the documents we were supposed to from MRB. Village Manager Whitney stated that we have received most of it.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes from the Planning Board Meeting of January 27th, and the Traffic Commission Meeting of January 20th be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads and other potentially responsible parties entered into an 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 has approved past assessments as the Village's share of a Group fund for administration of the project as follows:

- | | | |
|---|----------------------|----------|
| - | February 8, 2007 - | \$11,000 |
| - | September 13, 2007 - | \$11,000 |
| - | February 14, 2008 | \$11,000 |
| - | July 10, 2008 | \$22,000 |
| - | August 28, 2008 | \$22,000 |

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 recently approve the assessment of a *sixth* contribution from all members of the Group in the amount of \$22,000 each to be used for project costs and

administration.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby approve a sixth assessment of \$22,000 to be contributed to the Koppers Pond Potentially Responsible Parties operating account when such funds are in hand.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Village Atty. Groff reported that there has been no real response from the EPA yet as far as efforts to identify and add other potentially responsible parties, although the Group's Consultant has been pushing. There are five other entities involved at the present time as potentially responsible parties. So far about \$500,000 has been spent. Lastly, the Group has made a number of submissions to the EPA, they are presently under review by EPA and we expect responses soon.

Intermunicipal Agreement for Grader - DPW Chris Lawrick stated that he made a request to New York State to purchase a new grader. The Town of Horseheads backed out and so we went to Chemung County and they were happy to take over that spot. The Town has since changed their mind and are now part of the deal with us and the County. The grader is to be delivered in April. Total cost is \$250,000.00 County will be primary user and kept at the County and stored in the County facility. Village cost will be \$31,000.

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads, Town of Horseheads and Chemung County have maintained an ongoing dialogue regarding an inter-municipal cooperation relating to the joint acquisition and use of a grader, and

WHEREAS, the dialogue has resulted in a definitive plan for same, and

WHEREAS, the parties have exchanged an inter-municipal cooperation agreement regarding same which is currently undergoing modification.

NOW THEREFORE BE IT RESOLVED, that Village Manager Marc Whitney is authorized and directed to execute the agreement, when it is in final form, on behalf of the Village of Horseheads. Further a copy shall be placed on file with the Village Clerk.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the Mayor, Deputy Mayor, Trustee Herbst, and Village Manager Whitney

are hereby authorized to attend the NYCOM Winter Legislative Meeting, February 22-24, 2009 in Albany, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointments of Justin Drinkwine, and Michael Kartchak, both of Horseheads, NY, to the Village of Horseheads Fire Department.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Motion by Trustee Herbst, seconded by Trustee Koliwasky, that an item regarding Dedication of Electric Parkway be added to the agenda.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

WHEREAS, a certain tract of land commonly known as Electric Parkway adjacent to and northerly of New York State Electric and Gas Corporation (Tax Map #58.15-1-1.1) and Hardy Investment Associates, LTD (Tax Map #58.15-1-1.2) has or is expected to be offered for dedication to the Village of Horseheads for highway purposes by New York State Electric and Gas Corporation, the owner of said lands as shown on a plan prepared by Fagan Engineers dated September 29, 2008, Project #2006-055E, NYSEG Plat 1 and 84 Lumber Plat 2, and

WHEREAS, Director of Public Works Chris Lawrick has recommended acceptance of said parcel for dedication for highway purposes upon completion of reconstruction of said roadway in accordance with plans and specifications he had approved, and

WHEREAS, DPW Chris Lawrick has reviewed the reconstruction of the roadway and has determined same to meet or exceed said specifications, and

WHEREAS, a condition of said acceptance was the establishment of an agreement between the Village of Horseheads and County of Chemung for snow and ice control and grass care on and

along the roadway, and

WHEREAS, the Village has prepared a proposed agreement and has or will be submitting same to the County for its review and approval, and

WHEREAS, New York State Electric and Gas Corporation has submitted a proposed deed and Abstract of Title relative to this dedication which are under review by Village Attorney John Groff.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that upon notification from Village Attorney John Groff that the title to the parcel has been approved and that the agreement between the Village and the County has been executed, the Village Board agrees to accept the deed of dedication of said roadway to be known as Electric Parkway, and directs Village Manager Marc Whitney to execute any and all documents necessary to effectuate the Village's agreement and to record the deed in the Chemung County Clerk's Office, such recording to be at the expense of the offeror.

Roll Call Vote:

Deputy Mayor Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Village Manager Whitney reported on the following items:

- Julie Chevalier from Community Progress has scheduled a public meeting on February 19th for business owners to learn about possible grants.
- STEG has another application from a Village business for CDBG Funds.
- Code Enforcement moving forward regarding software, we also purchased a vehicle for him.

Village Attorney Groff reported on the following items:

- Angela Robbins, Weller Ave. - deck without a permit - area variance was denied and they left the deck there. We requested removal of it. Resolved by owner deciding to remove a portion of deck. They have applied for a permit.
- Electric Parkway - drafted agreement for snow removal to be sent to others for approval.
- Grader agreement still in draft form.
- Appleridge - they recently made payment to the Village for their PILOT, and the understanding is they will continue to make annual pilot payments for the next five years. They are behind in paying the school and propose to make installments to the school.
- PBA improper practice charge - essentially resolved by stipulation.

- Schlumberger project - we anticipate submission of plans on the project.
- Need to adopt a policy for vehicle use - i.e. personal use of municipal vehicle. The Manager and I are working on a draft.
- Reviewing and updating the policy on benefits for non-union employees.
- Chris Robbins, regarding unemployment benefits - benefits were wrongfully paid - finally received Decision and if not appealed again Robbins will be required to repay the \$7,000 to the Department of Labor. Unlikely there will be another appeal.
- Working with Sharron and Marc on updating purchasing policy and will be submitted to the Board for review and approval.

Trustee Walt Herbst - excellent software presentations for code enforcement. Should have a recommendation by the next meeting.

Chris Lawrick stated that he talked with Schumaker Engineering regarding the Route 13 access road, and requirements to address salt runoff near the wells.

Atty. Groff asked if the design would address spills, etc. Chris said that it would.

Chris Lawrick reported on the state of the Grand Central Avenue Project - I contacted Albany and Hornell DOT Office - the Committee has made recommendations, however the Governors Office is asking for additional projects. Once Stimulus is finalized we should know something in few weeks.

Chief Barton - Received an Improper Practice Charge from the PBA regarding Tom Stickler doing work here. We received Thermal Imaging Unit equipment. Sgt. West has been doing training on it. Will be glad to do a demo for the Board.

Deputy Mayor Swartz said it would be nice to have a demo on tasers which was done at the Kiwanis meeting.

Chief Sullivan - working on paperwork for burning Sherman Property on Broad St.

Kevin Sullivan, Hhds. Fire Department, came forward and read a letter from a firefighter's wife. Copies are also provided in the Board's packets. The letter concerns sacrifices made by spouses and families of firefighters. He stated that it really opens people eyes regarding volunteers and their wives.

Village Manager Whitney stated that he met with Tom Santobianco of Bethany, and will keep the Village apprised of their progress.

As there was nothing further to bring before the Board, the meeting was adjourned at 6:50 p.m.

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