

Minutes

Village Board of Trustees

February 12, 2015

A meeting 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 George Koliwasky
Trustee Mike Skroskznik (arrived late)
Trustee Brad Lytle
Village Manager Walt Herbst
Clerk-Treasurer Sharron Cunningham

Village Atty. John Groff
Water Dept. Don Gaylord
Fire Chief Arthur Sullivan
Parks Dir. Nate Nagle

Absent

Trustee Ron Swartz

Others

Dave Padgett, W. Franklin St.
Charles Rawcliffe, Hulett St.
Rob, Kelley Maloney, Westlake St.
Michael Maloney, Westlake St.
Wayne Brubaker, Gardner Rd.
Dave Radin, S. Main St.
Joe Atkinson, Bradley Ct.

Jamie Gensel, Fagan Engineers
Tom Dobrydney, Fagan Engineers
Mike Stenpeck, Grand Central Ae.
Belynda Morse, W. Franklin St.
Jolynn Morgan, W. Franklin St.
Pat Gross. W. Broad St.

At this time, Mayor Zeigler made a few comments regarding the passing of former Deputy Mayor and Trustee Earle Catlin.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 22, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Audience Participation

Joe Atkinson, 112 Bradley Ct. - Here tonight representing S.C.O.P.E. - Shooters Committee of Political Education. SCOPE is in the middle of a statewide campaign to repeal the SAFE Act. We present a resolution to you tonight to support several bills that are being introduced in both the Senate and Assembly to repeal all or part of the SAFE Act. Schuyler County Legislature passed a resolution, and I'm currently working with Chemung Co. Legislature and it will be on the agendas for committees this month. Last night the Town of Horseheads told us it will also be on their agenda next month. We'd like the Village to please consider this campaign. There are parts of the SAFE Act that are good. I ask that you please consider this on your agenda for next months. We are trying to get as many towns in the County to do this.

Manager Herbst - Trustee Lytle did provide a copy of this information this afternoon. It is in your package tonight.

Mayor Zeigler - are there any new items that the Governor is considering that would bolster up the SAFE Act that are time driven.

Mr. Atkinson - they've held off on the data base because they can't get it working. There are bills coming up for micro stamping and some other things to try to restrict gun ownership.

Dave Padgett, W. Franklin St. - last night I got on Facebook and read stories about Village Board. People are saying you're trying to get rid of our police department. Are you?

Village Manager Herbst - we are not. The Board cannot dissolve the Police Department. It would be subject to a permissive referendum where all of the residents eligible to vote would make that decision.

Mr. Padgett - are you going to add any officers to the department.

Manager Herbst - cannot answer that right now.

Mr. Padgett - this Village is really growing. It could use more officers.

Financial Report - distributed these to you earlier. Looking at General Fund revenue is up 65K, expenses down 272K. Again due to the staff holding the line on expenses. This doesn't happen by accident. On the water side, revenue is up about 7200, but you'll notice expenses are also up about 56K. Two reasons - pro rata share of the new Bobcat. The other is moving one of the DPW workers into the Water Dept. Did that at the end of the last fiscal year, and the full expenses of that is showing. We are doing that as a succession plan. As our older DPW personnel reach retirement age, Chris Anderson will then be experienced and licensed.

(Trustee Skroskznik entered the meeting at this time - 7:15 pm).

Request to Harbor Chickens, 913-915 Hulett St. - Tabled from 1/22/15

Manager Herbst - we are proposing to the Rawcliffes that they reduce the number of chickens to 6. This is due to what we have approved in the past, and another criteria we considered would be each chicken have at least 4 sq. ft. of space within the coop. And 10 sq. ft. minimum of open area for each chicken.

Trustee Koliwasky - we've had these applications before. One was for 16 chickens. I had a problem with that. I know some are for children for learning. I don't have a problem with 6 chickens. I agree there are people with 3 or 4 dogs that don't maintain their property. I don't think we have received a complaint from neighbors near places where we have approved this.

Mayor Zeigler - I agree. There are some communities that require a certain amount of acreage for this. But I trust our staff and Code Enforcement that they have done due diligence on this.

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, Village Code Article 80 provides in pertinent part that no person shall keep poultry within the Village without permission of the Village Board of Trustees which permission, if granted, is revocable on the basis of objectionable or offensive, noise, smell, health, safety or other cause, and

WHEREAS, Charles and Lisa Rawcliffe have requested approval from the Board of Trustees to keep or harbor 16 chickens at 913 Hulett Street in the Village of Horseheads, and have submitted materials identifying the proposed location of a chicken house (coop), and

WHEREAS, this Board has heretofore approved, subject to conditions, the keeping and harboring of poultry within the Village, and

WHEREAS, the applicants have been informed and understand that approval, if granted, is revocable.

NOW THEREFORE BE IT RESOLVED, that the application of Charles and Lisa Rawcliffe to keep and harbor six (6) egg laying chickens at 913 Hulett Street, Horseheads, NY between the months of November and March each year is approved, subject to the following conditions:

1. No roosters shall be harbored or kept at this location.
2. The chicken house will be placed near the applicant's east property line between a garage and playhouse currently improving the premises. Further the chicken house shall be of sufficient size, construction and design that each chicken shall have at least 4 sq. ft. of space allocated to it for its individualized habitat.
3. The applicants shall also provide and maintain an outdoor pen or run for the chickens which shall be not less than 10 sq. ft. nor more than 15 sq. ft. per chicken. The chickens shall not be permitted to run at large.
4. At no time shall there be more than 6 chickens (adult and chicks) kept or harbored at this location.
5. Manure shall be cleaned from and removed from the site at least bi-weekly.

- 6. The enterprise shall not be operated as a commercial venture.
- 7. This approval is subject to review by this Board from time to time and is further subject to revocation.

Trustee Lytle - where did the 4 ft. come from.

Manager Herbst - an urban chicken habitat source that I found.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

BE IT RESOLVED, that an application by Barrington Associates for rezoning of parcels on Lynhurst Avenue from R1 Residential to Planned Unit Development is hereby received, and same is to be forwarded to the Village Planning Board and Chemung County Planning Board for their review and comment.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

SEQR Review - Newtown Creek Stabilization

At this time the Board read and completed Part 2 of the SEQR from regarding the Newtown Creek Stabilization Project, finding there to negative environmental impacts from same.

Resolution by Trustee Lytle, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads (Applicant) is the owner of lands in the Town of Horseheads east of the intersection of Old Ithaca Road and Ridge Road which are improved with Well #5 and a filtration plant which are components of the Village water system, and

WHEREAS, said lands are adjacent to or impacted by Newtown Creek, and

WHEREAS, the Applicant, with the assistance of the Chemung County Stormwater Coalition, applied for and was awarded a grant for the construction of a stream bank stabilization project which would serve to protect Village property, and

WHEREAS, the project 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, and

WHEREAS, the Board of Trustees has conducted a thorough review of the application, the environmental assessment form, and all of the environmental consequences thereof.

NOW THEREFORE BE IT RESOLVED, as follows:

Pursuant to NYS Environmental Quality Review Regulations, the Village Board hereby makes the following determinations relative to the application:

1. The action is subject to SEQR.
2. The action does not involve a federal agency and does not involve other agencies.
3. The Village Board makes a preliminary classification that the action is an Unlisted Action.
4. The Village Board hereby finds and determines that it is and will be the Lead Agency with respect to adoption and approval or disapproval of the action.
5. The Village Board, as Lead Agency, hereby finds and determines:
 - a) it has considered the action, reviewed the environmental assessment form, thoroughly analyzed the relevant areas of potential environmental concern and has duly considered all of the potential project environmental impacts and their magnitude in connection with the proposed action;
 - b) the project will not result in any large and important environmental impacts and therefore is one which will not have a significant impact on the environment.

BE IT FURTHER RESOLVED, that Village Manager Walter Herbst is authorized and directed to sign a Negative Declaration of Non Significance with respect to the action.

BE IT FURTHER RESOLVED, that copies of said Negative Declaration Determination of Non Significance shall be filed with all appropriate state and local departments and agencies.

Trustee Koliwasky - do we have a start up date for the project yet.

Manager Herbst - the process requires that this be filed with DEC. Once they receive and approve, then they give us the next steps. Then we can start purchasing the material and get reimbursed through the grant. We're hoping late spring or early summer.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye

submitting their own.

Trustee Lytle - 200 towns and villages have passed resolutions. Before it was asking for the condemnation of it. Now its asking for its repeal.

Trustee Skroskznik - I agree we should speak out and not let this go unnoticed Counties, towns and villages are opposing this. I would ask our Village Attorney to come up with a resolution for this.

Atty. Groff - you were provided with a sample resolution which was provided to other municipalities as well. Personally I've not had an opportunity to read it before the Board acts on it. But if you want to act on it now that's your choice.

Trustee Koliwasky - I think we should table it so I can read it also. And put it on the agenda for the next meeting.

Mayor Zeigler - the Governor wants to propose things in this that are very restrictive, and very expensive. But I'd like to have John look at this.

Motion by Trustee Koliwasky that this item be tabled and put on the agenda for the next meeting. Motion seconded by Trustee Lytle.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Trustee Skroskznik apologized for his tardiness.

Trustee Koliwasky commented about the late Earle Catlin. He gave a lot to his country and a lot to this Village. He will be missed.

Trustee Lytle - enjoyed the Horseheads Fire Dept. awards banquet. Great event, we are very fortunate to have these people who devote so much time and effort keeping us safe. I also had the opportunity to do a ride along with our police dept. Gave me a new perspective, very educational. Very impressed with the professionalism and dedication these officers have. Also how the different agencies in the County work together through 911.

Manager Herbst - had the privilege of knowing Earle for many years, even worked in the same building. He was always upbeat and positive. He spent 28 years on this Village Board, most of those as Deputy Mayor. I have a lot of respect for what Earle did for this community.

Manager Herbst reported on the following items:

- Four of our new firefighters are graduating tonight as Firefighter 1.
- Last meeting I was asked about accidents near I86. Raw numbers are 32 accidents at or in the vicinity of Grand Central Ave. and the highway. A lot of them at Express Mart, etc., as opposed to the question asked regarding Fairview and Center, Brickyard and Center. At Brickyard Lane there were no accidents, at the three intersections.

- Nate Nagle is at a Parks conference, he wanted everyone to know that the winter activities are ending. That is Youth Basketball and Super Saturday.

Atty. Groff reported on the following items:

- Schlumberger stormwater management agreement, moving forward on its finalization. Will result in an easement being given to the Village for oversight of the maintenance of the stormwater management system.

- Also working on the streetlight agreement with NYSEG.

- Assoc. of Towns have formed an energy purchasing cooperative, they collectively purchase energy resources. I'm giving information on this to the Manager.

Mayor Zeigler - regarding the intersection of Grand Central and the overpass, cars can't see the traffic light as they go under the bridge. There is another red light off to the right, but it sits back pretty far. Perhaps NYS can move it closer to traffic. Needs to be out by the edge so it can be seen.

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

/rmb