

**Minutes**

**Village Board of Trustees**

**July 12, 2007**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller and Walter Herbst, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Donna Hartsock, Fire Chief Arthur Sullivan, Police Chief Mike Barton, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, Police Dispatcher Beth Grannis and her family, and Manager's Assistant Rachel Baer.

At this time, Chief Barton came forward to make a presentation to Beth Grannis. He stated that sometime ago he advised the Mayor of Beth's performance on the job. Very grateful for all the things she has done, especially things I haven't had to ask her to do. Things that aren't necessarily part of her job description. Newsletter, audits for reports, helps officers a lot as well as the PBA. She makes sure job gets done, and gets it done extremely well. It is important that we recognize these efforts and give her a token of our appreciation.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of June 25<sup>th</sup> and June 28<sup>th</sup> 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

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

General Fund	\$266,982.01
Water Fund	\$ 26,599.57
T&A	\$ 869.34

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for June 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of June 27, 2007 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the regularly scheduled Board of Trustees Meetings of July 26<sup>th</sup> and August 23<sup>rd</sup> are hereby cancelled.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Seismic Work - Atty. Groff reported that this request is from a Canadian company which has a location here in Horseheads. They perform seismic testing for oil and gas exploration. Done with large trucks that go around streets and apply concussion to create shock which goes through the ground. From that they have computers that create geology report to figure out if there are gas or oil pockets. They are asking to do it in the Village and Town. It would be along Broad St. and Franklin St., and out to Moss Hill Road area. Take them approximately a week, no more than two weeks to lay cable. Actual thumping takes 3 hours. Then have to pick up all cables. There would be some disruption to traffic. A concern exists regarding the effect of thumping process on waterlines, gas lines, foundations, etc. Some of the testing in more rural areas is done with chargers like dynamite. They have agreed to provide insurance coverage and an indemnification

agreement. Would like to start within next 2-3 weeks.

Trustee Miller asked what the advantages are to the Village. Atty. Groff stated that if they did find gas and you're the owner of the streets that are in the unit, then you would be receiving royalties. Wouldn't apply to user roads, just deeded roads.

Trustee Herbst asked about the risk to our infrastructure. Atty. Groff said that the vibration could damage pipes I guess. Pipe might start to leak. Chris has someone coming in this fall to do leak detection for the Village. If this were to occur we would find it.

Mayor Gross asked about risk of explosion. Atty. Groff said that if they can establish that they did it, their insurance and indemnification would become very relevant. NYSEG would have to establish that the vibration was the cause. Indemnity is indefinite.

Atty. Groff added that this activity has been occurring throughout this area for a long time. No noise above ambient levels.

DPW Chris Lawrick said that he thinks it's a bad idea to let them do this on our streets.

Deputy Clerk Hartssock read the proposed resolution:

WHEREAS, Conquest Seismic Services, Inc. of Horseheads, NY has requested permission of the Village of Horseheads for the temporary use of certain roads through the Village for purposes of conducting a non-invasive seismic survey, and

WHEREAS, Conquest has described its survey as using a vibroseis method using truck mounted vibrators with pads and geophones, and

WHEREAS, Conquest has represented that the survey including its equipment and personnel will not adversely effect persons or municipal or private property interests, and

WHEREAS, it also has been represented that the survey will not result in unwarranted or excessive interference with vehicular and pedestrian traffic, and

WHEREAS, the proposed route for the survey through the Village of Horseheads has been reviewed by DPW Chris Lawrick, and

WHEREAS, Conquest has provided DPW Lawrick with the dates and times of the proposed survey; such dates and times being deemed to be the least intrusive of all alternatives.

NOW THEREFORE BE IT RESOLVED, by the Village of Horseheads Board of Trustees that it hereby grants permission to Conquest Seismic Services, Inc. to conduct a seismic survey as noted above through the Village of Horseheads on July 12, 2007 between the hours of 7:30 a.m. and 6:30 p.m. through July 27, 2007, subject to the condition that Conquest shall be solely responsible for any and all damage or injury to persons or property resulting directly or indirectly from the conduct of such survey, and be it further

RESOLVED, that Conquest shall provide to the Village of Horseheads an Indemnity Agreement in a form approved by the Village Attorney, and shall name the Village of Horseheads, its officials and

staff, as additional insured on a general public liability insurance policy with limits of coverage not less than \$1,000,000 per occurrence.

Trustee Swartz made the motion, nobody seconded. Resolution is rejected.

Motion by Trustee Herbst, seconded by Trustee Miller that the following items be added to the agenda:

- D&A: Agreement with STEG to Administer CDBG Funds
- Transfer of Funds: Village Manager Position - Advertising Costs
- Travel Reimbursement for Recreation Director Applicants

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads is a recipient of a Community Development Block Grant through the US Department of Housing and Urban Development, and

WHEREAS, that grant was for purposes including elimination of slum and blight, economic development, etc. providing direct benefit to low/moderate income persons and had as its defined target area the general environs of Hanover Square, and

WHEREAS, since its inception, the grant program has been administered by Village staff and personnel including the review, approval and monitoring of various loans, and

WHEREAS, Southern Tier Economic Growth, Inc. (STEG) is trained and has experience in administration of grants including Community Development Block Grants, and

WHEREAS, the Village and STEG have discussed the merit and feasibility of STEG's administration of the grant and in particular the revolving loan program, and

WHEREAS, STEG has submitted a proposal to this Board relative to administration of the revolving loan program component of the above grant, and

WHEREAS, this Board has been provided with a copy of STEG's proposal and endorses the proposal in concept.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized to enter into an agreement with Southern Tier Economic Growth, Inc. for administration of the revolving loan program component of the grant when the agreement is in a form recommended for approval by the Village Attorney.

Roll Call Vote:

Mayor Gross: Aye  
Trustee Catlin: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye

Mayor Gross asked everyone to get back to John by Tuesday morning regarding having STEG do this.

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the following funds:

<u>Amount</u>	<u>From</u>	<u>To</u>	<u>Description</u>
\$3,000	1230.102	1230.440	Village Manager Position - Advertising

Roll Call Vote:

Mayor Gross: Aye  
Trustee Catlin: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the Clerk-Treasurer is hereby authorized to reimburse applicants for the Recreation Director Position for necessary travel costs, and be it further

RESOLVED, that said travel reimbursement costs, background investigation costs, and any other related costs and expenses for such position are to be shared equally with the Town of Horseheads.

Roll Call Vote:

Mayor Gross: Aye  
Trustee Catlin: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye

Atty. Groff reported on the following items:

- LaBerge proposed agreement for comprehensive plan, after discussing some of this with Dave Radin, we have a question on whether it is a fixed fee or an hourly contract. We need to contact them and clarify that.

- Pending Grievance from the PBA. Trustee Herbst has been designated to review on behalf of Village.
- Correspondence from NYS Assoc. Of Chief of Police - re: Chief Barton. Incoming police chief received wages and benefits of outgoing police chief. Room for discussion. These are opinions from comptroller. Not case law, not court decisions. They are persuasive opinions though. This issue is one that came up previously with Chief Kole. He was paid a salary that was less than his out-going chief. I will be researching this and open up dialogue with writer of letter of NYS Assoc. of Chiefs.
- Prob. Term for Chief Barton - really don't need discuss. Because his appt. was based on promotional exam, the prob. period is 12 weeks. No flexibility there.
- CSEA Negotiations this week. Could go into Exec. Session to discuss.

Trustee Miller noted that he and Trustee Herbst conducted two telephone interviews for Recreation Director. One applicant coming in tomorrow for an on-site interview.

Mayor Gross - should live within town limits. That should be emphasized.

Trustee Swartz reported that we have a new manager for farmers market - Debbie Gessick. Has 8 or 10 vendors already lined up. She asked if there is any money for advertising. I know we sent money to Coop. Ext. That was put in a pool to do advertising for all markets. She is asking for \$80-\$100 for our own ad in shopper.

Discussion ensued.....everyone agreed.

Clerk-Treasurer Cunningham said that we have \$1,800 in celebrations line.

Motion by Trustee Swartz, seconded by Trustee Miller, that the Clerk-Treasurer is authorized to pay this expenditure for farmers market advertising, and that Mayor Gross is authorized to determine the form, places, and frequency of advertising.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Trustee Swartz noted that we received a fabric sample for the new banners for Hanover Square.

Mayor Gross said she liked material, but feels we may be overdoing uses horses heads. They are already on 186, on the front of Village Hall, etc.. Should we consider another design.

Discussion ensued. Mayor Gross suggested that we look at other designs they may have.

Mayor Gross asked Chris to start edging the flower beds on Grand Central. They are taking tiger lillies out this week. Rather tall, had some complaints. Taking bulbs to zim house.

Chris said he had a discussion with Jay Schissell regarding the work on Grand Central. Just have to keep after him on it. I've said that this board should pass a resolution making the same statement I said in letter. Chris to make copy and give for August meeting.

Mayor Gross reported that she and Chris looked at the brick work in Hanover Square.

Chief Barton - Officer Murray back to work. Started rewards program for kids who wear bike helmets properly. They are giving out Friendlys coupons. Complaints are coming in about construction on Gardner Road subdivision - noise, etc.. We checked into. They are in compliance so far.

Chief Sullivan that we have 4 additions in junior program, cadets. Now they put applications in to be firefighters..

Chris reported that he is meeting with Dalrymple on Monday regarding the paving they did on South Ave.

Motion by Trustee Herbst that this Board, and Atty. Groff move into an Executive Session to discuss the salary and discipline of a particular person. Seconded by Trustee Miller

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

At 8:05p.m., the Board and Atty. Groff entered into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:00 p.m., the Board reconvened back into the regular meeting of this date.

As there was nothing further to bring before the Board, the meeting was adjourned.

/rmb

**Village Board of Trustees**

**EXECUTIVE SESSION**

**July 12, 2007**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:07 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Walter Herbst, and Village Attorney John G. Groff, at which time they discussed the employment history of and discipline of a particular person.

A lengthy discussion ensued between individuals present. No action was taken.

At 9:00 p.m., upon motion by Trustee Miller, seconded by Trustee Swartz, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst	Aye

/rmb