

Minutes

Village Board of Trustees

March 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:

Mayor Donald Zeigler
Trustee Walter Herbst
Trustee George Koliwasky
Trustee Suzanne Peters
Village Manager Marc Whitney
Village Attorney John Groff
Fire Chief Arthur Sullivan

DPW Chris Lawrick
Clerk-Treasurer Sharron Cunningham
Deputy Clerk Donna Hartssock
CSO Bob Young
Manager's Asst. Rachel Baer
Hank Corp, ZBA Member
Louise McIntosh, ZBA Member

Others:

Linda Whitney, Cayuta NY
Pat Gross, 632 W. Broad St.
Carl Lewis, 304 Eisenhart Pl.
Danny Young, 125 Miller St.
Ryan Wheeler, 112 Canal St.
Joe Romanick, 725 Westlake St.
Mark Hagan, Perry & Carroll Insurance
Art Markle, SGM Works

Kevin Gokey, SGM Works
George & Penny Kastenhuber, John St.
Bernie Weigle, 111 Boorum Pl.
Tess Banfield, 134 Catalpa Dr.
Martha Hauser, 407 W. Broad St.
Jean Quinn, 555 Gardner Rd.
Barb Skorczewski, 109 W. Franklin St.
Jeff Foster, 204 Eisenhart Pl.
News Media

Mayor Zeigler opened the meeting with audience participation.

Joe Romanick, 725 Westlake St. - I'd like to discuss what is going on with Chief Barton.

Atty. Groff stated that this is a pending personnel matter and the Board is not going to answer questions, but you can make comments.

Mr. Romanick - many of us know what the charges are. Mike has served this community for a long time. People are here to support him. Everything needs to be reviewed.

Tess Banfield, Catalpa Dr. - I don't appreciate turning on tv and seeing something about the Village that I know nothing about. I did call Village Manager today to find out what I could, he said he couldn't speak about it. I feel that we should know what the charges are, who are they against. Can you answer any of these questions for me.

Atty. Groff - pending personnel matter is private. You're not going to receive comments from this Board. But you can make comments. It is inappropriate for them to respond.

Tess Banfield - Chief Barton has done an excellent job for this community. I hope charges are not something that is just a way of getting rid of somebody like has been done before.

George Kasthuber, 519 John St. - I'd like to inquire about the CDBG program. I see its an add on to tonight's agenda.

Mayor Zeigler - this program will allow the Village to utilize our CDBG monies to enable people to fix up their homes.

Art Markle, SGM Works - We applied for a Use Variance in an M1 district. Understand its up for consideration to rezone to commercial. Our variance process has taken very long and is very difficult. We ask that you consider getting it changed to C1 or C3. We urge you to consider it and move it ahead. Seems to be a lot of interest in having this zoning change.

Village Manager Whitney - we're going to receive this applicant's SEQR appliation tonight. They have been very patient through this process. I would like the Board to consider advancing this rezoning matter. There is a process for this to be done. I can't give a hard timeline. But we will try to advance as rapidly as possible.

Louise McIntosh - Member of Zoning Board of Appeals - Chairman Radin was unable to be here. The ZBA encourages this Board to rezone this area. We think this applicant could be successful in what they want to do. Don't want the Village to turn them away.

Hank Corp - ZBA - I'm for rezoning that area. Lots of room over there for commercial uses. Manufacturing might have been good years ago. The ZBA can't rezone, but we continue to receive many requests for use variances. But they are very serious. We feel strongly this whole area should be rezoned.

Mayor Zeigler noted that our Comprehensive Planning Committee has also recommended this.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 26, 2009 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Resolution by Trustee Koliwasky, 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 -	\$308,466.13
Water -	\$ 59,565.85
Trust and Agency -	\$ 537.12

and be it further

RESOLVED, that \$1,300.00 be transferred from the Capital Reserve Fund for the balance of the costs of the MRB engineering study for Village Hall.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Peters

BE IT RESOLVED, that the minutes from the Zoning Board of Appeals Meetings of February 24th and March 2nd, 2009 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, SGM Works LLC has applied to the Village of Horseheads for a Use Variance relative to premises commonly known as 1015 Kendall St., Horseheads, NY, and

WHEREAS, their application has been subsequently amended to request both a Use and an Area Variance, and

WHEREAS, this matter is an Unlisted Action as defined under SEQR, and its rules and regulations, and

WHEREAS, the Village of Horseheads is the only involved or interested agency, and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form.

NOW THEREFORE BE IT RESOLVED, that the Amended Application is hereby received and referred to the Village Planning Board and Chemung County Planning Board for their review and comment, and be it further

RESOLVED, that the Village Board of Trustees does hereby declare itself as Lead Agency for this Action as it relates to SEQR, and as such will render its determination of the environmental significance or non-significance of the Action; the Lead Agency's review of same shall be held on Thursday, March 26, 2009 at 6:05 p.m., and be it further

RESOLVED, that the Amended Application is hereby referred to the Village of Horseheads Zoning Board of Appeals for its review and determination.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Motion by Trustee Peters, seconded by Trustee Koliwasky that the following item be added to the agenda:

- Agreement with Community Progress Inc. for CDBG

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads received a Community Development Block Grant in 1990, and

WHEREAS, the Village has administered that program and funds continuously following receipt of same, and

WHEREAS, one of the purposes of the program was the provision of financial assistance to qualifying low and moderate income homeowners and investors for elimination of slum and blight, code compliance and housing creation/rehabilitation, and

WHEREAS, the Village has consulted with Community Progress, Incorporated regarding it assisting the Village in the utilization of such funds for such purposes, and

WHEREAS, Community Progress Incorporated has experience in carrying out the administration of Community Development Block Grant programs, and

WHEREAS, Julie Chevalier of Community Progress has consulted with and assisted Village Manager Marc Whitney in review of the Village's program regarding slum and blight elimination, code compliance, and housing creation/rehabilitation for low and moderate income persons and has suggested various modifications to same so as to utilize the funds and achieve the Village's goals and objectives with respect to same, and

WHEREAS, Manager Whitney has reviewed the "2009 Program Design" and has recommended the adoption of same to this Board, as well as the retention of the services of Community Progress, Incorporated for the administration of same.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Village of Horseheads Community Development Block Grant Program, as it

relates to the slum and blight elimination, code compliance, housing creation and rehabilitation for low and moderate income persons component is amended as provided in the 2009 Program Design a copy of which is attached hereto and made a part hereof. Such amendment will be effective immediately.

2. Village Manager Marc Whitney is authorized and directed to sign an Administrative Service Agreement with Community Progress, Incorporated for administration of the "2009 Program Design" component of the CDBG program when such Agreement is in a form satisfactory to Village Attorney John Groff.

Village Manager Whitney - we are very happy that we could bring this to fruition. We have \$218,000 avail for remediation of slum and blight conditions, code compliance, in the form of low interest loans. We've got about 15 homes we can help out and 5 investor owner units. Can combine with other funds by Community Progress Inc.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Rachel Baer reported that the Sister City visit starts tomorrow. Also, the STC Leadership Conference is coming up in April. Details are in the Board packets.

Atty. Groff reported on the following items:

- Schlumberger - had an initial site plan meeting. Will continue to be refined. Will require SEQR review.
- Koppers Pond continues to receive attention. Consultant for responsible parties is handling analysis that has been developed.
- Judy Sawyer matter has come to conclusion. Will have lesser premium for insurance coverages as a result.
- Working on updates to the purchasing policy. That will come to the Board in the near future for their review and comment.

Trustee Herbst - Have have several demos on Code Enf. software. Two are exceptional. Waiting for final price from one.

Trustee Koliwasky - Parks Director Nate Nagle hosted a bus trip to the Philadelphia Flower Show. He did a great job, and had a great turnout. He plans on doing a lot more trips and is looking for ideas.

Chief Arthur Sullivan - St. Patrick's parade and dinner on Sunday.

Mayor Zeigler - We are trying again to get some grant money to tear down the LRC bldg., and also money to upgrade out water system - part of stimulus packages.

Motion by Trustee Koliwasky, seconded by Trustee Peters, that this Board and the Village Attorney and Village Manager move into an Executive Session to discuss the employment history of a particular person.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

At 6:35 p.m., the Board, Atty., and Village Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 7:00 p.m. the Board returned to the regular meeting of this date.

Mark Hagan, of Perry & Carroll Insurance made a presentation regarding the procedures for review of the Village's insurance portfolio of insurance coverages, and the process of securing competitive bids from 5 insurance companies providing coverage to municipalities in this area.

The Board discussed the proposed Village budget, purchasing policy concepts, and procedures for soliciting proposals for professional services.

As there was nothing further to come before the Board, the meeting was adjourned at 9:15 p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

March 12, 2009

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 6:40 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Walter Herbst, Suzanne Peters, and George Koliwasky, Village Manager Marc Whitney, and Village Attorney John G. Groff, at which time they discussed the employment history of a particular person.

At 7:00 p.m., upon motion by Trustee Herbst, seconded by Trustee Peters, the executive session was closed, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

**Village of Horseheads
CDBG Program
Slum and blight elimination,
Housing rehabilitation**

Administered by: Community Progress, Inc.

Program Mission: *To remediate and/or eliminate blight and slum conditions, ensure code compliance, create sufficient housing and provide for necessary housing rehabilitation.*

2009 Program Design

Total CDBG Funding - \$ 218,000

Construction - \$ 185,300
Administration - \$ 32,700
Loan Collection - \$ 3,270

Target Area – Village of Horseheads

Units to be Served – Approximately 20 Units

15 Single-Family Homes @ \$ 7,350 each = \$ 110,250

5 Investor-Owner Units @ \$ 15,000 each = \$ 75,000

Target Population –

Homeowners @ 80% of Area Median Income or under, utilizing HUD 2009 Income Guidelines

Investor-Owners who rent/lease to low-income persons and who keep rents within HUD's Fair Market Rent Rate limits

Types of Eligible Properties

Owner-Occupied Residents/Single-Family Homes; 1 yr. occupancy requirement

Investor-Owners owning a two – four unit dwelling in the Village of Horseheads

Financing –

Owner-Occupied - 1.5% low-interest rate loan for CDBG awards, with a maximum award amount of \$ 7,350.

Investor Owners - 80% low-interest loan @ 1.5% interest rate for CDBG awards, remaining 20% out-of-pocket from applicant, with a maximum /CDBG award amount of \$15,000/unit.

All financing will be determined and secured, prior to an Initial Site Inspection on an applicant's request for rehab assistance.

Owner-Occupants may receive additional leveraged funding from Community Progress, Inc. to help offset any out-of-pocket expense needed to complete necessary repairs.

Loan Term: 10 years of equal payments, of principal and interest, will be paid back to the Village of

Horseheads. An amortization schedule will be provided. Payments will begin 30 days from the date of the project completion date.

Retention Term: 5 years. A Note & Mortgage (lien) will be filed with the County Clerk and held by the Village of Horseheads for the term of the loan. Subordinations will not be honored, if the Village of Horseheads is to assume a lesser position on the existing mortgage.

If the property is sold or conveyed to another party, while the Village of Horseheads holds the lien, the loan will be required to be paid back in full for the remaining balance, thereof.

Filing Fees: Included in program recipient's award amount.

Program Eligibility Requirements:

Deed - A copy of the deed must accompany the application. The property must be deeded in the applicant's name. A one-year residency requirement is required, preceeding the date of application. Investor-Owners cannot receive grant assistance if the home is on a land contract. If the applicant is widowed, a Death Certificate must accompany the application, if the deceased is still listed as a party to the Deed.

Taxes – proof of paid property taxes, for the most recent two years, for each applicable tax (Village, County and School) must be submitted with the application.

Insurance - Proof of Homeowner's Insurance must accompany the application and an agreement to keep the dwelling insured for the life of the loan will be executed at the time of the contract execution. Proof of such insurance will be submitted on an annual basis to Community Progress, Inc.

Income - Applicants must provide proof of income for all persons residing in the household. The most recent two years of tax returns, if filed, must be submitted. Proof of Pension, Social Security and/or Medicare benefits must be submitted, if applicable. Six weeks of paystubs are needed for employed persons. If the applicant is unemployed, a benefit statement from the Unemployment Office will be required.

Types of Eligible Repairs –

Rehabilitation activities can include, but are not necessarily limited to the following:

Structural Problems

Roofing

Electrical System Updates

Heating System Replacements

Plumbing System Repairs

Window and Door Replacements

Access Problems - repair or replacement of defective steps and porches.

Handicap Accessibility Provisions—Installation of handicapped ramps and/bathroom accessibility.

Smoke Alarms

Sidewalk Repair/Replacement

Contractors –

All Contractors must be local, licensed and provide proof of Worker's Compensation Insurance, as well as, General Liability Insurance with a minimum of \$500,000 coverage.

Building permits will be required and it is the responsibility of the contractor to obtain the permit and have it properly displayed at each job site.

Warranties/Guarantees –

Neither the Village of Horseheads or Community Progress, Inc. will warranty or guarantee the workmanship or the materials utilized on any project. Materials will carry their own warranty and it is the responsibility of the contractor to ensure that the property owner receives copies of all warranties.

All work under the Village of Horseheads 2009 CDBG Program must be completed in time period as stated in the Contract and Notice to Proceed. If the completion of the work exceeds such time as specified and agreed to in the contract for completion, a \$200.00 per day fine will be assessed against the contractor and reduced from the contractor's payment.

Contractors will be paid at the end of each project, once the project has been inspected for completion and signed off by the property owner, the contractor and the inspector (CPI's Housing Rehab Consultant) approvals will then be made for payment. However, approval for interim payments for projects in excess of \$25,000.00 may be issued, but will be determined by a representative from Community Progress, Inc. and authorized at the time of a contract execution.

Bidding –

All property owners will be offered an Eligible Contractor's List to select three (3) contractors to receive bids on their project. A Scope of Work, created by CPI's (Housing Rehab Consultant), will be issued to these contractors to bid on and to submit to CPI for a sealed bid opening. Property Owners are not permitted to be reimbursed for their own work. All properties will have an Initial Site Inspection, which will determine the scope of work to be performed and a Final Inspection to ensure all items in the Scope of Work were completed.

Change Orders –

Change Orders will not be honored, unless an unidentified situation was discovered and the project could not be completed, unless and until another item had been addressed.

Certificate of Completion –

All projects will be issued a Certificate of Completion once the project has been inspected and all issues within the scope of work addressed and completed. Payment will not be issued to contractors unless a C.O.C. is issued.