

Minutes

Village Board of Trustees

November 12, 2009

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.

Village Board and Staff:

Mayor Donald Zeigler
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Walt Herbst
Village Attorney John Groff
Clerk-Treasurer Sharron Cunningham

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Deputy Clerk Michele Accavallo
Police Chief Mike Barton
Code Officer Bob Young
DPW Chris Lawrick
Recreation Director Nate Nagle
Fire Chief Arthur Sullivan
Manager's Assistant Rachel Baer

Others:

Dave Padgett, W. Franklin St.
Tess Banfield, Catalpa Dr.
Barb Skorczewski, W. Franklin St.
Randy Ammerman, Bowers Dr.
Howard Miller, Sunset Dr.
Mike Stenpeck, Grand Central Ave.
George Miner, STEG
Jamie Gensel, Fagan Engineers
Matt Cox

Ken Miller, Lighthouse Baptist Church
Jean Quinn, Gardner Rd.
Martha Hauser, W. Broad St.
Harold Halpern, Calamar Housing
Ken Frezniak, Calamar Housing
Jocelyn Box, Calamar Housing
Art Ambrose, Elmira
Seth Zawko, Winding Way

Mayor Zeigler noted that Trustee Peters is absent, but is listening to the meeting on speakerphone.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the following meetings be received and the same stand approved as entered by the Clerk:

- September 9, 2009 - Public Hearing - Schlumberger
- September 30, 2009 - Special BOT Meeting
- October 6, 2009 - Special BOT Meeting
- October 8, 2009 - Special Planning Board Meeting
- October 13, 2009 - Public Hearing - Schlumberger
- October 13, 2009 - Zoning Board of Appeals Meeting
- October 22, 2009 - Regular BOT Meeting
- October 27, 2009 - Planning Board Meeting
- November 3, 2009 - Traffic Commission Meeting

- November 10, 2009 - Traffic Commission Meeting

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, 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 -	\$ 169,976.97
Water -	\$ 33,137.53
Trust/Agency -	\$ 1,070.23

AND BE IT FURTHER RESOLVED, that \$525.00 be transferred from the Capital Reserve Fund for striping for the new police vehicle.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

At this time Atty. Groff declared open a public hearing regarding the Special Sign Permit Application of Lighthouse Baptist Church on Gardner Road.

Ken Miller, Lighthouse Baptist Church - I checked other signs in the area and took pictures. We would like sign 20' from the road. I have some pictures and drawings. One picture shows a mockup of where sign would be located. Some other signs in the Village have exemptions. We are concerned about safety too. There is absolutely no hindrance to road cars, and coming out of our parking lot there is quite a bit of distance to see.

As nobody else came forward, Atty. Groff declared the public hearing closed.

The Board reviewed the pictures and drawings submitted by the applicant. It was noted that the Traffic Commission did not have these pics or drawings when they conducted their review.

Discussed ensued regarding the application. Issues discussed were:

- Current sign is 32' from property line. Setback requirements is 30'. Plenty of room to stay within the code.

- Traffic Comm. recommended that the sign stay 30' back.
- This is a residential zone.

Mr. Miller noted that current sign is parallel to the road. So we want to turn it. People don't know where church is. If sign is further back like our current sign, its going to be useless. Houses are in the way, bushes, etc. Sign becomes much less useful. He pointed out other signs in the Village which seem closer to the road than 30'.

After further discussion the Board agreed to table this matter so that the applicant can temporarily place the sign in the location desired and everyone can visit the site and take a look. The Traffic Commission is also asked to meet again after seeing the sign in place, and seeing these pictures.

Motion by Trustee Swartz to table until next meeting and to request Traffic Commission to meet again. Seconded by Trustee Koliwasky.

Mayor Zeigler: Aye
 Trustee Swartz: Aye
 Trustee Herbst: Aye
 Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Chemung Sunrise Rotary Club has submitted a Festival Permit Application for Holly Days to be conducted on Saturday, November 28th, 2009 from 2:00pm - 8:00pm in Hanover Square, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, with minor modifications.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 11:30 - 8:00 p.m., and to close the Village parking lot on S. Main St. from 9:00am to 8:00pm, on Saturday, November 28th, 2009:

S. Main St. at Franklin St. south to Broad St.
 Franklin St. from Grand Central Ave. to Eleanor St.
 John St. from Grand Central to S. Main St.
 the Main Street parking lot - Eleanor St. entrances
 the John Street parking lot

STREETS TO REMAIN OPEN TO TRAFFIC:
 N. Main, southbound, turning east on Ithaca Road
 Ithaca Road, westbound, turning north on N. Main St.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Discussion: Calamar Senior Housing

Harold Halpern, Jocelyn Bos, and Ken Frezniak of Calamar came forward to make a presentation regarding the Calamar Project. Summary of their presentation was:

- Asking for Village support for their application to the IDA.
- Calamar been doing projects for 20 yrs.
- NYS Comptroller authorized IDA's to provide this type of assistance.
- This project would address 14% of the need.
- Property currently vacant and assessed at \$225,000.
- Requesting 15 yr. PILOT.
- Over 15 yrs the village would receive \$96,890. Total taxes for all communities would be 2.2 million. Right now just under 100,000.
- IDA doesn't actually provide funds - just a financing vehicle.
- Project will be sold at the end of the PILOT term.

Mayor Zeigler noted that the project application was made on the pretense that it was in no need of this. Now your saying you won't do it if you don't get the pilot.

Mr. Halpern - we have not done a non-IDA project in New York state. Same in Erie County, Oneida County for same type of project. All 9-10 million dollars.

Trustee Swartz asked if they would consider a 10 yr. Pilot.

Mr. Halpern - as long as it is on graduated basis.

Trustee Koliwasky - no matter how long the PILOT is, then you just sell to make a profit. Who knows who would buy? And we've seen this before, after PILOT is done they move out, then the property changes.

Mr. Halpern - we have investors. We want to keep it very well maintained so we can maximize profits at the end.

George Miner, STEG - when we've done tax abatement it is to encourage a company to locate here against competing locations. This is a for-profit company. In discussion with IDA members, it was not well received. Didn't want to turn away without talking to Village Board.

Atty. Groff - if at the end of the pilot when they sell, would you as the IDA consider renewing the pilot for a subsequent purchaser.

George Miner - yes. And that would effect sale price.

Trustee Swartz - I'm in favor. That parcel has been vacant for years. I think it is a good fit.

Trustee Herbst - I am opposed. I don't believe tax abatement is justified to create 2 jobs. Now we are seeing economic development with jobs in the Holding Point. If we do this what do we do for Belosky and Gough and other housing units. To me the case hasn't been made.

Mayor Zeigler - how many will now come and want tax abatements now.

George Miner - a few. But this is new construction. It is reserved for a specific age group. Argument for the need for housing for this population is there, but I don't have expertise to interpret a lot of information they have shared. This project is not about permanent jobs. As far as retiring seniors in our community....it's a for-profit company. Only way they make a profit is by tax abatements.

Mr. Halpern - this is a commercial project as defined by the GML.

Mr. Frezniak - tenants enjoy benefits of tax abatement - not us.

George Miner - IDA is looking for strong encouragement from Village Trustees that this project should get any tax abatement. This is not our standard pilot policy. Before I took it to IDA board I wanted strong feeling from Village that you support this.

Art Ambrose - represents owner. In support of Calamar group. This property has been vacant a long time. Important to whole community not just Village. Without tax abatement, rents would be 1500 month. Decision in my opinion is its important to this community.

Village Board agreed to take matter under advisement.

Other

After brief discussion, the Board agreed on the following workshops:

- County IDA Programs - Nov. 17th at 1:00 p.m.
- Highway Shared Svces - Nov. 17th at 2:00 p.m.

Trustee Herbst - TVGA going forward, is quite interested in landfill area. The state has brownfield grants available to look at market analysis, etc. TVGA is prepared to write a grant application for us

to do Phase 1 planning of the brownfield development at no cost to us. Unless anyone objects I'd like to tell them to do this grant. All agreed.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, TVGA has offered to provide the Village of Horseheads with Phase 1 analysis for brownfield development of the former landfill at no cost.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Ziegler is authorized to contact TVGA and solicit a proposal from them for such Phase 1 analysis regarding a brownfield grant development application.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Trustee Herbst noted that TVGA is also looking at USDA Rural Development options - for infrastructures, stormwater management, etc.

Trustee Herbst noted that he provided the rest of the Board with information on consolidation dissolution.

Trustee Swartz asked about board meeting security.

Chief Mike Barton stated that long term planning is needed to know how you want to do metal detector. Could have CSO or patrol officer off the road. We did have grievance on court security due to past practice. Need feedback on how much security you want. Officer stands by while metal detector is being done by CSO. But we are not in a position to post 3 or 4 hrs of OT every time you have a special mtg.

Trustee Koliwasky - unfortunately this is now a necessary evil of our society. Shouldn't decide tonight. This is a big change.

Chief Barton explained how the stanchions and ropes would work.

Atty. Groff noted the following:

- we are waiting for feedback from the school to finalize the SRO Agreement.
- working on stormwater management contract for Schlumberger.
- modifications to NYS Retirement reporting requirements relating to elected officials and part time personnel.

Atty. Groff suggested adopting a resolution regarding electronic minutes of meetings. The Board agreed.

Motion by Trustee Herbst, seconded by Trustee Swartz to add on resolution re: electronic minutes.
Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, all members of the Village Board of Trustees have access to email and receive regular communications from staff of the Village via such means including the Village Manager's Office, and

WHEREAS, email frequently affords an efficient cost-effective means of communication including transmittal of documents, attachments, minutes of meetings, etc., and

WHEREAS, for some time now the Village Manager's Office has transmitted minutes of Board Meetings, Planning Board Meetings, Traffic Commission Meetings, etc. to the Trustees as well as providing hard copies of same, and

WHEREAS, the Board's and staff's experience with such transmittal has been satisfactory.

NOW THEREFORE BE IT RESOLVED, that the Manager's Office is authorized to discontinue the practice of providing hard copies of board and other meeting minutes unless specifically requested otherwise by a Trustee.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Chief Barton made a brief presentation regarding expanding the hours of the Community Service Officer. His line item currently is \$12,689. That's total salary. My proposal is to expand his hours from 12 to 20 hrs per week. Property maintenance is an issue. Not meeting objectives on this. Along with that, also need to educate him for his position. Also need to send him to code classes so he can attain Code Compliance Technician status. Moving away from what he originally started out as. This does not trigger benefits.

Chief Barton noted we still have a vacancy for a police officer position. He has received 2 background packets from applicants. I have also requested a certified eligible list from Civil Service. Currently the language in the agreement says we need to fill vacancy. Our OT budget is getting past where I'd like it to be.

Martha Hauser, W. Broad St. - residential property (former senior care home) next to my house being used as a business. They have a trailer, equipment, etc. I was told by zoning officer it is a driveway and they can park the equipment there. If that is the case then our code needs updating.

Motion by Trustee Herbst, seconded by Trustee Swartz, that this Board move into an Executive Session to discuss the status of collective bargaining negotiations, and that Atty. Groff and Paul Mayo be included in the session.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

At 9:05 p.m., the Board moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 10:10 p.m. the Board moved back into its regular meeting of this date.

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the negotiators for the Village of Horseheads and the Horseheads Police Benevolent Association have engaged in lengthy discussions relative to a successor collective bargaining agreement to the agreement which expired May 31, 2008, and

WHEREAS, the negotiators arrived at a Memorandum of Understanding which was not ratified, and

WHEREAS, the negotiations came to an the PBA declared an Impasse, and

WHEREAS, the Village and PBA thereafter engaged in mediation, and continued their efforts to negotiate the terms and conditions of a successor agreement, and

WHEREAS, the negotiators have arrived at a Memorandum of Agreement dated November 5, 2009, and

WHEREAS, this MOA has been submitted to and been ratified by the Horseheads PBA, and

WHEREAS, this MOA has been hereby submitted to the Village Board of Trustees for ratification, and

WHEREAS, the negotiators and its labor consultant Paul Mayo have recommended ratification of same.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby ratify the Memorandum of Agreement dated November 5, 2009 as submitted, to be memorialized into a collective bargaining agreement for a term of three (3) years, commencing on and retroactive to June 1, 2008 and ending May 31, 2011 and be it further

RESOLVED, that all appropriate Village staff are authorized and directed to take such action as is necessary to implement the terms and conditions of this MOA as they may modify the collective bargaining agreement which expired May 31, 2008.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

As there was nothing further to come before the Board, the meeting was closed at 10:12 p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

November 12, 2009

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 9:15 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, and George Koliwasky, Village Attorney John G. Groff, and Consultant Paul Mayo at which time they discussed the status of collective bargaining negotiations.

Trustee Suzanne Peters was absent but listening to the session by speakerphone.

Motion by Trustee Herbst, seconded by Trustee Swartz, to invite Police Chief Barton into the session.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye

Discussion ensued regarding the collective bargaining negotiations.

At 10:10 p.m., a motion was made by Trustee Herbst, seconded by Trustee Swartz, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Herbst: Aye
Trustee Koliwasky: Aye