

Minutes

Village Board of Trustees

May 13, 2010

A meeting of 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 Ron Swartz
Trustee George Koliwasky
Trustee Suzanne Peters
Trustee Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Police Chief Mike Barton
Fire Chief Arthur Sullivan
Code Enf. Officer Bob Young
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer

Others:

Barb Skorzewski, W. Franklin St.
Dave Padgett, W. Franklin St.
Mike Swasta, Watkins Rd.
Stacey White, Union St.
John P. Mustico, N. Main St.
Millard Little, Fairfax St.

Terry Bolt, Lee Ave.
Tara Edwards, Broad St.
Tess Banfield, Catalpa Dr.
Jean Quinn, Gardner Rd.
News Media

Resolution by Trustee Clark, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the April 15th and April 20th, 2010 Board of Trustees Meetings be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Peters, seconded by Trustee Swartz

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

General \$ 318,055.81

Water	\$ 111,796.99
Trust/Agency	\$ 1,432.24

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads advertised on April 4, 2010 for the submission of bids for the Supply and Laying of Bituminous Asphalt Products in the Village of Horseheads, and

WHEREAS, bids were opened and examined on April 19, 2010, and the following bids were received:

	<u>Type 3</u>	<u>(All Prices Per Ton)</u>	
		<u>Type 6 True/Leveling</u>	
1. Narde Paving Co.	57.65	62.45	62.45
2. Chemung Contracting	99.00	85.80	95.00

and

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being Narde Paving Co., and

WHEREAS, the Village Manager has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Narde Paving Co.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Narde Paving Co., Inc., and that Village Manager Walt Herbst is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, retaliation litigation is a rapidly growing facet of employment discrimination law, and

WHEREAS, the Village is committed to prohibiting retaliation against those who make a good faith complaint or who report, oppose or participate in the investigation of alleged wrong-doing in the workplace, and

WHEREAS, it is the policy of this Village that all employees cooperate in any investigation of such matters and to provide honest, truthful and complete information in the course of such investigations, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board adoption of an Anti-Retaliation Policy, and

WHEREAS, this Board deems it in the best interest of the Village, its residents and businesses to establish a formal policy regarding anti-retaliation.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby adopt the Anti-Retaliation Policy and does further direct that the Village Manager cause a copy of this policy to be provided to all Village staff as soon as practicable, and be it further

RESOLVED, that the Village Manager shall cause a copy of this policy to be provided to all Village contractors as soon as possible, and to all future Village contractors at or prior to the time of contracting, and be it further

RESOLVED, that this policy shall comprise a part of the Village Employee Manual.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the NYS Liquor Authority has issued a license under the Alcoholic Beverage Control Law to Erica Bella Foods, Inc., d/b/a Tanino's Ristorante Italiano, and

WHEREAS, said corporation has advised this Board of its intent to submit an application for an alteration to a premises licensed for consumption on the premises to the State Liquor Authority, and

WHEREAS, such application requires notification of same to the Clerk of the Village not less than 30 days prior to submission of the application to the Liquor Authority pursuant to ABC Law Section 64(2-a), and

WHEREAS, Gaetano M. Ruggiero, President of the corporation has requested that this Board waive the 30-day prior notice provision of the law, and

WHEREAS, Village Manager Walt Herbst has requested reports from the Code Enforcement Officer and Police Chief requesting details regarding the history of incidents or violations associated with the premises, together with the dates and nature of same, and has been advised that there are none and has thereupon recommended to this Board that the waiting period be waived.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does authorize Village Manager Walt Herbst to notify the Liquor Authority that this Board has no opinion either in favor nor against the granting of the application, but this Board does in fact waive, to the extent that it may, the 30-day prior notice/waiting period provided for under ABC Section 64(2-a). The Village Manager is authorized to cause a copy of this resolution to be promptly forwarded to the applicant.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Swartz, seconded by Trustee Peters

WHEREAS, the Village of Horseheads and Town of Horseheads have jointly operated a program for the development, oversight and management of their joint and separate recreational programs and facilities, and

WHEREAS, said agreement has continued on an automatic renewal basis to and including May 31, 2010, and

WHEREAS, Village Manager Walt Herbst has engaged in negotiations with Town representatives regarding the continuation of the agreement, and

WHEREAS, such negotiations have resulted in continuation of the agreement for two years at \$40,000 per year, and

WHEREAS, Village Manager Herbst has recommended to this Board approval of same.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees approves an inter-municipal agreement with the Town of Horseheads regarding administration of parks and recreation programs as provided above, and does hereby authorize Village Manager Herbst to execute said agreement on behalf of the Village of Horseheads.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the Federal Government has enacted legislation regarding the handling, display and use of the United States Flag, and

WHEREAS, the NYS Legislature has enacted legislation regarding the same subject, and in particular establishment of rules for the display and use of the US flag on and in public buildings within the state, and

WHEREAS, those regulations in part pertain to flying the flag at half staff on specified days as well as to commemorate the death of a person of national or state standing, or of a local service person, official or public servant who in the opinion of the local agency concerned contributed to the community, and

WHEREAS, at times the meetings of the Village Board of Trustees do not afford timely commemoration of the death of such a person.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby authorize the Mayor or the Village Manager of the Village of Horseheads to direct that the United States flag be flown at half staff on the grounds of the Village of Horseheads to commemorate the death of a person of national or state standing, or of a local service person, official or public servant who in the opinion of the Mayor or Village Manager contributed to the community.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads Board of Trustees approved the application of Schlumberger Technology Corporation (SLB) for site plan approval of its oilfield service facility at 224 N. Main St., Building S, Horseheads, Chemung Co., NY on or about October 15, 2009, and

WHEREAS, such approval was contingent upon SLB entering into a Stormwater Control and Management Facility Maintenance Agreement with the Village of Horseheads, and

WHEREAS, the Village's Stormwater Consulting Engineer, Jimmie Joe Carl, has received, reviewed and recommended the approval of the Schlumberger Oilfield Service Facility's Stormwater Pollution Prevention Plan (SWPPP) revised January 7, 2010, and the Schlumberger Oilfield Service Facility's Supplemental SWPPP Information dated January 7, 2010, and

WHEREAS, Village Attorney John Groff has prepared and submitted a draft Stormwater Control and Management Facility Maintenance Agreement, the same having been developed in collaboration with Jimmie Joe Carl and Village Manager Walt Herbst.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst is authorized to enter into an agreement with Schlumberger Technology Corporation for the construction and maintenance of stormwater control and management facilities relative to the development of the above-noted property and the site plan for same, subject to the recommendation of Village Attorney John Groff, and be it further

RESOLVED, that the Village Manager is authorized to execute any and all documents necessary or reasonably necessary to effectuate the intent of this resolution.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that Mayor Donald Zeigler is authorized to execute the 2010 Tax Warrant directing the Village Clerk-Treasurer to receive and collect taxes in the amount of \$1,495,454.00.

Roll Call Vote

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that a Parade Permit is hereby issued to the Horseheads American Legion for Memorial Day, Monday May 31st, 2010 beginning at 2:00 p.m., and be it further

RESOLVED, that the Department of Public Works is hereby directed to close off the streets of the approved parade route at or about 1:15 p.m. until the end of the parade.

- Sayre St. from the High School east to S. Main Street
- S. Main St. from Sayre St. north to Old Ithaca Road
- Old Ithaca Road east to the Legion

Motion by Trustee Peters to amend the resolution to say the Department of Public Works and the Police Department will close off the streets. Motion seconded by Trustee Clerk.

Roll Call on Amendment to Resolution:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Roll Call on Resolution as Amended:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Motion by Trustee Peters, seconded by Trustee Clark, that two items be added to the agenda:

- D&A: New Fee Schedule - Codes
- D&A: Fee Schedule for Use of Parks

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

WHEREAS, the Village of Horseheads adopted Local Law #6 of 2006 relating to building construction and fire prevention which law is now known as Chapter 102 of the Village Code, and

WHEREAS, Section 102-16 of the Village Code provides in pertinent part that a fee schedule for activities relative to this local law shall be established by resolution of the Board of Trustees, and

WHEREAS, such fee schedule was heretofore established, and

WHEREAS, from time to time it is necessary to review and revise the fee schedule due to changing conditions, etc., and

WHEREAS, Village Manager Walt Herbst and Code Enforcement Officer Bob Young have

reviewed the current Village of Horseheads fee schedule and have made certain recommendations proposing modifications to same, and

WHEREAS, those recommendations have been presented to and reviewed by this Board.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby adopt the attached fee schedule as proposed, said schedule shall be effective in the Village of Horseheads on May 14, 2010 and shall continue thereafter until and unless revised, and be it further

RESOLVED, that the Village Manager shall promptly cause the modification of the proposed fee schedule to constitute the revised fee schedule.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Regarding the fees for parks, Village Manager Herbst stated that we received notice from the Bureau of Parks and Recreation who recently conducted an inspection of our parks, and they said our fee schedule for use of parks may be inappropriate in that non-residents may not be charged more than certain amounts, etc. The Village actually received a grant in 1980 and they could recall the grant monies if we did not comply. Grant was for \$69,000. We dug out the file and found that the contract does not in fact include this clause. We have passed a parks fee schedule already at a previous board meeting.

Trustee Clark made the motion that Nate Nagle, Director of Parks and Recreation, and Village Manager Walt Herbst can explore the necessity to revise the park fees and will be empowered to do so as appropriate. Motion seconded by Trustee Swartz.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Trustee Koliwasky - are we going to get a tangible asset list from departments?

Village Manager Herbst - yes, we are actually reviewing that with our insurance company - and our department heads are reviewing this list.

Village Manager Herbst reported on the following items:

- Completed automated defibrillator policy
- Grant application pending for review and recommendation for farmers market - from USDA
- Exploratory package for upgrading Village Hall - from study done by MRB - we are able to submit data to USDA to get idea if project could be awarded a grant. Just an exploration. Doesn't cost us anything at this point.
- New sidewalk program begun - will work out quite well
- Looking at site plan review policy, that will be extensive process

Atty. Groff reported on the following items:

- Soon you will receive a resolution to fix the standard work day and reporting periods for elected and appointed officials - re: retirement system.
- Electric Pkwy - Village and County continue to dialogue a draft agmt for maintenance and snow removal, grass cutting, etc. Part of proposal made to the Village by So. Tier Crossings was to reconstruct Electric Pkwy, but to offer to Village as public road. County would be responsible for snow, etc. because it is already part of their route.
- Developing a volunteer program policy, right now majority of volunteer services are in recreation and parks, but other depts could also benefit. Comprehensive policy will come before you for consideration. Policy, handbook, etc. application forms. Some of these positions come in contact with minors, the elderly. Policy provides for applicant to have background checks.
- Developing a grant policy - to deal with how grants are brought to the attention of the Manager and of this Board, also would establish policies and procedures for administration of grants going forward. Grant administration is critical to how you operate. It will be offered to department heads for their review and comment on how it would effect their operations.
- Looking at a road maintenance and preservation law. Oil and gas exploration and heavy equipment industry uses has severe impact on roads. NYS does not have a system of regulating roads such like exists in PA. They are not only ones who have heavy impact on our roads. Some counties are looking at it from a county perspective. It is beneficial for us to see what other communities do and take advantage of some of the work being done by others.

Chief Barton reported that Officer Joe Runyan was named Officer of the Year by the Horseheads Kiwanis Club. Officer Runyan has done a fantastic job this year. I appreciate the proclamation by the Mayor.

Chief Barton - there has been an influx of vehicles over 5 ton limit. Been doing more enforcement. Working with NYS police too. Also filed for grant money to assist with commercial

vehicle enforcement - aggressive driving, etc.

Public comment:

Millard Little, 213 Fairfax - My neighbor has a tree close to my yard and I blow their leaves back over - cops have been called. Its their tree. We have a chain link fence with privacy slats. Snow was against the fence - they called the cops. Cops told me someone would be arrested if this continued. Village Manager Herbst said we would investigate this matter.

Tara Edwards - said she submitted a conceptual plan for the use of a house on W. Broad St.

Mike Swasta, Watkins Rd. - thanked police for increased presence on N. Main St. Also, the EPA issued a waiver letter on Schlumberger flood plain pipe - waiver for pipe route from SLB to wetlands. In the letter, the EPA said its in the Town of Horseheads. I wonder if anyone has caught that.

Atty. Groff - its technically in the Town. The whole Village is in the Town.

Mr. Swasta - I made two FOIL requests for the Schlumberger stormwater maintenance agreement. When might I receive a copy of the agmt.

Atty. Groff - your second request was the FOIL. First one was just an interest. You will receive a response very shortly. There are exceptions, we believe this falls within the exception. It is an inter-agency communication.

Mr. Swasta - On May 5th a dust cloud appeared above the Schlumberger property, took photos. A truck made a delivery on that date. Convoys would create much more dust and dirt. He asked if the water quality monitoring wells had been started at Schlumberger, for sampling/testing.

Mayor Zeigler - nothing has been started yet.

Tess Banfield, Catalpa Dr. - asked what is going on at old Mobil station near Dunkin Donuts.

Manager Herbst - they are removing contaminated soil.

Jean Quinn, Gardner Rd. - when will they mow grass areas in Hanover Square?

Village Manager Herbst - I will check on this. Two employees getting herbicide training. Next year we won't have dandelions.

Motion by Trustee Swartz, seconded by Trustee Peters, that this Board and the Village Attorney move into and Executive Session to discuss potential litigation.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Swartz: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

At 7:52 p.m., the Village Board and Village Attorney moved in to an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:57 p.m. the Board reconvened back into its regular meeting of this date.

As there was nothing further to come before the Village Board, the meeting was closed at 8:57p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

May 13, 2010

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:55 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Suzanne Peters, and Larry Clark, and Village Attorney John G. Groff, at which time they discussed a potential litigation matter.

At 8:56 p.m., a motion was made by Trustee Peters, seconded by Trustee Clark, 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 Koliwasky:	Aye	
Trustee Peters		Aye
Trustee Clark	Aye	

Village of Horseheads Fee Schedule - 2010

1 & 2 Family New Construction and substantial remodel (over \$20,000 construction cost)	\$100.+ \$1. per \$1000 construction cost +.10 sq. ft.
1 & 2 Family Min. Fee	\$50.00
1 & 2 Family Remodel (under \$20,000 construction cost)	\$50./\$1. per \$1000 construction cost +.10 sq ft.
Detached Residential Supp. Bldgs.	\$50./ .10 sq ft Res. \$50/.20 sq ft Commercial
Open Decks	>500 sq. ft \$75.00; <500 sq. ft. \$100.00
Multi Family New Construction	\$100.+ .10 sq. ft./ \$2.00 per \$1000 construction cost
Commercial & Industrial	\$250./\$2. per \$1000 construction cost +.20 sq ft.
Repair/Replacement of Structure Commercial	\$50./\$2. per \$1000 of cost
Commercial & Industrial Remodel, Additions	\$100/\$2. per \$1000 +.20 sq ft.
Multi Family, Comm, Indust. Remodel	.02 sq. ft./\$2.00 per \$1000 construction cost \$100.00 min
Fuel Tank dispensing with Canopy	Same
Fuel Tank Installation	\$50./ .25 per gallon

Fuel Tank Removal	Same
Bldg. Permit Renewal 1 & 2 Family	50% cost of orig. permit
Bldg. Permit Renewal All Others	50% cost of orig. permit
Swimming Pools	\$50./\$1.per \$1000
Mobile Home Installation	\$75.00
Signs	\$50./ .25 sq ft. Add 50. for free standing sign
Temp. Signs	\$40 Exemption: (60 day maximum, non profit/ political No Fee)
Demolition	\$50./\$1. per \$1000 Demo Cost Residential \$100./\$2.per \$1000 Commercial Demo Cost
Timber Harvesting	Same
Operating Permits	Concurrent with fire inspection fee
Home Occupation	Same
Floodplain Development Permit	\$150.00
Peddling	\$50.00 Plus \$10.00 each addtl person
Site Plan Review Fee	\$250.00 minor projects >5 acres. \$1000. major projects
Special Use Permits	\$500.00
Area Variance Request	10% of Project Cost/ \$50.00 minimum
Use Variance Request	\$50.00
Failure to obtain required permit	\$150.00 plus bldg permit fee
Fences	\$25./ .15 per lineal foot Residential \$50./ .20 per lineal foot commercial
Sidewalks	\$25.00