

Minutes

Village Board of Trustees

October 13, 2011

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
Deputy Mayor Ronald Swartz
Trustee George Koliwasky
Trustee Suzanne Peters
Trustee Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Planning Bd. Member Mike Stenpeck
DPW Matt Mustico
Recreation Dir. Nate Nagle
Police Chief Mike Barton
Deputy Clerk Donna Hartsock
Manager's Assistant Rachel Baer
Village K9 Officer Jamie Burgess

Others Present

Dave Padgett, W. Franklin St.
Elton Shaw, Liberty St.
Wayne Brubaker, Gardner Rd.
Mike Swasta, Watkins Rd.

Jean Quinn, Gardner Rd.
Tess Banfield, Catalpa Dr.
Susan Multer, Watkins Rd.

Presentation of New Police K9 Dog – "Taja"

At this time, Mayor Zeigler swore in Police Officer Jamie Burgess as K9 officer, and presented the new K9 Dog "Taja" with its official police badge. Officer Burgess then demonstrated some of Taja's training and abilities.

7:05 p.m.: Public Hearing – Proposed Local Law Expanding Professional Office Overlay Zone
Atty. Groff opened the public hearing. He noted that the expansion would be adding two parcels on the southeast corner of the intersection of W. Broad St. and Westinghouse Rd.

Mike Swasta, Watkins Rd. - in favor of this law. But don't think its necessary for NYSEG property to be included. It's a public utility, an essential service, and can be located in any zone. I also have other concerns. I believe this is spot zoning. Village should establish a contiguous overlay zone on both sides of Westinghouse.

Mr. Swasta read a lengthy letter listing concerns regarding the Village's zoning code with regard to professional offices. It also discusses issues such as the Route 14 traffic corridor; possible

traffic light at Lynhurst and Westinghouse; as well as comments on the Village's Comprehensive Plan.

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

The Village Board read and completed the questions on Part 2 of the SEQR Form, regarding this proposed law, finding no significant negative environmental impacts, and authorizing the issuance of a Negative Declaration.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, the Village is considering a local law to amend Section 245-83 of the Village Code to extend the boundaries of the Professional Office Overlay Zone, and

WHEREAS, this proposed local law was presented to this Board on September 1, 2011, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on October 13, 2011, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said local law amending Section 245-83 of the Village Code to extend the boundaries of the Professional Office Overlay Zone is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

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 Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 22, 2011 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 Clark, seconded by Trustee Koliwasky

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

General:	\$	448,743.06
Water:	\$	67,093.10
T/A:	\$	4,623.87

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 the Clerk-Treasurer is authorized to transfer the funds listed on the attached sheet.

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 Swartz

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Andrew M. Bennett, of Sayre St., Horseheads, to the Village of Horseheads Fire Department.

Trustee Swartz - I was approached by firemen asking me if there is anyway we can speed up approval for firefighters. Takes so long from when they take the application and go through the process.

Atty. Groff - I've been asked to look into this. I will report back.

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 Peters

BE IT RESOLVED, that the date and hours for Halloween in the Village will be Monday, October 31st from 5:30pm – 8:00pm.

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 owns and operates a Water Department comprised of, among other things, a water source and distribution system, and

WHEREAS, this Board adopted Water Departmental Rules and Regulations which provide for, among other things, rates and charges for water supply, services, labor and materials, and

WHEREAS, it becomes necessary from time to time to revise rates, fees and charges, and

WHEREAS, Village Manager Walt Herbst, DPW Director Matt Mustico, and Clerk-Treasurer Sharron Cunningham have reviewed current material costs, labor, fees and charges, and have recommended modifications to same.

NOW THEREFORE BE IT RESOLVED, that the attached Village of Horseheads Water Department Fee Schedule is hereby adopted and shall be effective immediately, superseding the predecessor schedule for labor, material and services.

Village Manager Herbst - We had a fee for inspecting a meter at \$50.00, and \$550 to inspect a large meter, but process was identical. Not equitable. Changed to \$125.00 for both. Other changes address damages to our equipment. Other fees directed toward delinquencies. If your delinquent 3 or more times in the past 12 months there is a \$75.00 surcharge.

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 owns and operates recreational facilities at Sullivan Park on Thorne Street in the Village, and

WHEREAS, these facilities are comprised in part by a public pool and related facilities, and

WHEREAS, a recent study concluded that the pool and related facilities were in need of significant renovation and rehabilitation to bring same into compliance with federal and NYS rules and regulations including, but not limited to, the Consumer Product Safety Commission Standards and 2010 Americans With Disabilities Act Standards relating to public pool access among others, and

WHEREAS, it has been determined that there may be grant funds available under the NYS Consolidated Funding Application procedure from the NYS Office of Parks, Recreation and Historic Preservation and other agencies which may include a 50% community matching requirement, and

WHEREAS, Village Manager Walt Herbst has recommended to this Board that it approve a grant application for the purpose of such rehabilitation and renovation.

NOW THEREFORE BE IT RESOLVED, that Nate Nagle, Parks and Recreation Director for the Village of Horseheads, is hereby authorized and directed to file an application for funds from the NYS Office of Parks, Recreation and Historic Preservation on or before October 31, 2011 in accordance with provisions of Title 9 of the Environmental Protection Act of 1993 for an approximate amount of \$275,000.00 for the above-noted purposes, and be it further

RESOLVED, that Village Manager Walt Herbst is authorized to enter into and execute a Project Agreement with the State of New York for such financial assistance to the Village for the above-noted project purposes.

Nate - had an engineer do a compliance assessment on pool. Pool is non compliant. Baker act - we were compliant until last month. ADA - prior to 2010 there were no accessibility rules regarding pools - but in 2010 that went into effect. Other issues are with flow rates, circulation. Our engineer gave an assessment 375,000-400,000 costs. Applying for grant money.

Trustee Clark - at the workshop you talked about 10,000 people visiting. Does that mean that 10,000 that actually swam, or just came. Nate Nagle- 10,000 visits. When pool first opened in 1954 visits were 40-50,000 per summer. Now a lot of people have their own pools.

Roll Call Vote:

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

Village Manager Herbst noted that with the holidays coming up, and our Organizational Meeting, we need to change the meeting schedule a bit. After brief discussion, the following changes/additions were made:

- Regular BOT Meeting of November 24th - CANCELLED
- Organizational Mtg. is scheduled for Monday, Dec. 5th, at 7pm
- Regular BOT Meeting of December 8th - CANCELLED
- BOT Meeting scheduled for Thursday, Dec. 15th, 7pm
- Regular BOT Meeting of December 22nd - CANCELLED

Motion by Trustee Clark that the above meeting changes be made. Seconded by Trustee Swartz.

Roll Call Vote:

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

Trustee Swartz and Trustee Clark thanked Clerk-Treasurer Cunningham and her staff, as well as the Village Manager, on our audit review - we passed with flying colors.

Trustee Koliwasky - I'd like the pit to be open on Sundays. I've brought this up before. It gives people another chance to get rid of their yard waste.

After discussion several options, the Board agreed on the following:

- No Sundays, would cost too much in OT for staffing
- Extend Saturday hours instead - possibly 10am - 4pm
- Village Manager Herbst to discuss with union, set something up on a trial basis

Trustee Koliwasky noted that Nate Nagle has had to cancel some bus trips because not enough people signed up. He puts a lot of work into these, and this was something the people said they wanted.

Village Manager Herbst reported on the following items:

- Code Enforcement has been very busy
- Merchants Assoc. kickoff with Elmira Heights - next step is Julie Chevalier will go around and talk to the merchants.
- Surplus firetrucks - talked to State Line Auction, will be moving them down there for in 2-3 weeks.

- Audit - as you know we have been dipping into reserves for several years. Happy to note that Sharron and her staff have responded very well- good guardian of our funds - stopped dipping into our reserves, plus have a slight balance.

Trustee Clark - what is plan for LRC property.

Manager Herbst - currently zoned PUD. Have had some inquiry. Need to discuss what you want to see down there.

Mayor Zeigler - didn't we adopt special regulations for that parcel.

Atty. Groff - yes. Light industrial, warehousing use, but we assigned special regulations to it.

Matt Mustico - there is an auction service for municipalities. They don't charge consignment, they do all the work. Will give info to the Manager.

Matt Mustico - Pleasant and Brooks will be paved tomorrow, weather permitting.

Susan Multer, Watkins Rd. - landfill won't take yard waste. But will take drilling stuff from marcellus shale. We should sent letter.

Matt Mustico - DEC set that rule, not the owner of the landfill.

Mike Swasta, Watkins Rd. - At Schlumberger - lights on silos are non directional, illuminates residential properties. Also, any progress on noise over there, performance standards. And I think the LRC property should be developed for residential.

Jean Quinn, Gardner Rd. - Need to get merchants to clean up their sidewalks. Is there a set time for street sweeper?

Matt Mustico - yes, every other Saturday at 5am.

Jean Quinn - in front of Simons, lots of cigarette butts.

Mayor Zeigler - will have the Manager address this.

As there was nothing further to come before the Board, the meeting was closed at 8:15 p.m.

/rmb

TRANSFER LIST - 10/13/11

GENERAL

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$4,200.00	1620.440	1230.451	NYCOM TRAINING
\$10.00	1325.454	1325.453	CLERK-TRAININ G
\$4,000.00	1990.477	1325.109	PT CLERK
\$6,686.05	1620.440	1620.200	VILLAGE HALL EQUIP.
\$300.00	1620.440	1620.441	LEGAL NOTICES
\$5,000.00	3410.140	1620.495	KOPPERS POND
\$2,424.48	1620.440	1623.465	IT SUPPORT VIL.HALL
\$9,000.00	3410.140	1623.467	NETWORK SUPPORT
\$9,000.00	1620.440	1623.467	NETWORK SUPPORT
\$49.00	1362.470	1910.472	LIABILITY INSURANCE
\$1,763.11	3120.440	3120.121	DISPATCHER CASH OUT
\$8,500.00	3120.440	3120.122	PT CLERK-POLICE DEPT
\$8,000.00	1620.440	5110.110	PT LABORERS-DPW
\$27,000.00	3410.140	5110.114	DPW EQUIP.OPER.
\$20,000.00	5110.440	5110.410	DPW MAT/SUPPLIES
\$200.00	7140.440	7140.410	RECREATION SUPPLIES
\$59.00	7210.410	7210.440	SPECIAL EVENTS
\$750.00	7180.440	7210.440	SPECIAL EVENTS
\$350.00	7310.440	7310.452	POOL TRAINING

\$5,000.00	1620.440	8810.100	PT LABORERS-CEM.
\$7,062.73	1990.477	9730.700	LRC BOND INTEREST
\$119,354.37	TOTAL		

WATER FUND

\$2,972.21	1990.477	1910.472	LIABILITY INSURANCE
\$3,745.76	1990.477	8340.100	PT LABORER-WATER
\$6,548.80	8320.200	8340.200	EQUIPMENT
<u>\$1,800.00</u>	8340.440	8340.443	REPAIRS-WATER
\$15,066.77	TOTAL		