

## Minutes

### Village Board of Trustees

February 14, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George F. Koliwasky, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Donna Hartsock, DPW Chris Lawrick, Police Chief Mike Barton, Recreation Director Nate Nagle, Justice Bill Driscoll, and Fire Chief Arthur Sullivan. Also present were: Denise and Earle Whitty, Roe Ave., Elmira; Todd Hamula, DDR; Jeff Terpack, 109 Brooks St.; Matthews Terpack, 109 Brooks St.; Mr. and Mrs. Louis Tarantelli, Monroe Dr.; Hon. David M. Brockway.

Matthew Terpack came forward and presented the Board with a petition for Pleasant Street to be repaved. He stated that it is in bad need of repair and there are many potholes. He presented the petition and pictures.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 24, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

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

General -	\$307,913.67
Water -	\$ 73,814.88
Trust & Agency -	\$ 1,198.11

AND BE IT FURTHER RESOLVED, that \$9,052.61 be appropriated from the Capital Reserve Fund to acquire a new John Deere Tractor for the Public Works Department.

Roll Call Vote:

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

---

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for January 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

WHEREAS, the Village and town of Horseheads have a lengthy history of contracting for dog control services to be provided by the Town inside the boundaries of the Village, and

WHEREAS, said contract has been reviewed and updated in several respects, and

WHEREAS, this Board has been familiarized with the terms and conditions of the proposed agreement, drafts of which have been exchanged between the Village and Town staffs.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to enter into an agreement with the Town of Horseheads for dog control services effective retroactively to January 1, 2008, and be it further

RESOLVED, that Clerk-Treasurer Sharron Cunningham is authorized and directed to make payments for dog control services as provided in the agreement.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Village Justice Richard Moriarty, Sr. recently resigned as Justice of the Village of Horseheads, and

WHEREAS, candidates for appointment to fill the vacancy in this office have been considered, and

WHEREAS, this vacancy presents the Village Board the opportunity to examine salary and benefits afforded to this position, and

WHEREAS, this position is a part-time position and therefore is not afforded all of the benefits

available to full-time Village staff, and

WHEREAS, this Board has been informed of Mayor Donald W. Zeigler's appointment of Louis E. Tarantelli, Esq. as Village Justice effective February 15, 2008.

NOW THEREFORE BE IT RESOLVED, that the annual salary for this position shall be \$23,524.00 to be paid in accordance with Village policies and procedures. The position has a flexible work day and work week, the Justice is expected to work irregular hours and to be available days, nights and weekends as are necessary to perform the duties of the position. The Justice shall not receive employment benefits from the Village such as but not limited to paid holidays, paid vacations, paid sick leave, paid personal leave, paid overtime, paid callout, nor shall the Justice be permitted to participate in the Village's health insurance or health benefit programs. The Justice shall be permitted to enroll in the Village's statutory retirement plan (NYS Retirement Systems) if he is otherwise eligible for participation in same.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads and other potentially responsible parties entered into a Administrative Settlement Agreement and Order on Consent (AOC), which provided in part for a Remedial Investigation and Feasibility Study (RI/FS) of an area generally known as Koppers Pond, southerly of Blostein Blvd., and

WHEREAS, in accordance with and to comply with the AOC, the potentially responsible parties entered into an agreement with Leo Brausch as Environmental Consultant to facilitate the goals and objectives of the RI/FS, and

WHEREAS, it is anticipated that the Village of Horseheads and others will be called upon from time to time to fund the RI/FS and to enter into various agreements for the implementation of the RI/FS, and

WHEREAS, this Board did approve an initial \$11,000 assessment on February 8, 2007 as the Village's share of a Group fund for the administration of the project, and on September 13, 2007 approved a second \$11,000 assessment for such fund, and

WHEREAS, those funds together with funds of other members of the Group have been largely expended on project administration, and

WHEREAS, members of the Group did approve by email the assessment of a third contribution from all members of the Group in the amount of \$11,000 to be used for project costs and administration.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby approve a third assessment

---

of \$11,000 to be contributed to the Koppers Pond Potentially Responsible Parties operating account when such funds are in hand.

Mayor Zeigler - how many more assessments could there be. Atty. Groff stated that it could total \$50,000-\$70,000 dollars.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Nancy Stocker, d/b/a Hanover's Grille Restaurant, is a tenant of premises known as 102-104 North Main Street, Horseheads, NY, and has represented to this Board its intention to renew its liquor license at said restaurant,

WHEREAS, Ms. Stocker has asked this Board to waive the 30-day waiting period required under NYS ABC Law Section 64.2(A), and

WHEREAS, this Board is informed and believes that the sale of alcoholic beverages from this location will be for on-premises consumption and incidental to a restaurant.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to submit a letter to the NYS Liquor Authority advising that the Village requests waiver of the statutory 30 day notice and waiting period.

Atty. Groff noted that the Village is required to be notified of application. Hanovers did not submit application early enough and possibly could lose license. The State allows Village to waive the 30 day waiting period so there is no lapse in licenses.

Roll Call Vote:

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

Discussion: DDR Request for Electric Parkway Dedication

Atty. Groff - this is a private roadway that services NYSEG and rear portion of former Toshiba. Part of the arrangement is to render Electric Parkway a public street and it would be the responsibility of municipality for future repairs and maintenance. The County has been offered opportunity to maintain but has refused. The County does not want to maintain or repair.

---

Todd Hamula, with DDR (developer of shopping plaza), came forward. We plan on improving the road. We are asking Village to accept as public right-of-way. The County has agreed to snowplow so maintenance cost to Village will be minimal after construction is done.

Chris Lawrick - I will require a written agreement from the county regarding snowplowing.

Atty. Groff - who is responsible for drainage. Mr. Hamula said it will be self maintained.

Mayor Zeigler asked everyone to go out and look at the area before we make a final decision.

Mr. Hamula noted that what will be dedicated will be a newly constructed road, not what we are looking at today.

Mayor Zeigler - I want to look at the drainage issue. The Board will meet again in two weeks and make a decision.

Resolution by Trustee Herbst, seconded Trustee Koliwasky

BE IT RESOLVED, that the Recreation Director is hereby authorized to attend the 2008 Annual Recreation and Parks Conference, March 28 through April 2, 2008, in Saratoga Springs, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

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

- Authorize Mayor and Trustee to Attend NYCOM Conference
- Swearing-In of Village Justice Louis E. Tarantelli

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that Mayor Donald Zeigler and Trustee Walter Herbst are hereby authorized to attend the NYCOM Winter Legislative Conference, February 24-26, 2008, in Albany, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Swearing-In of Village Justice Louis E. Tarantelli

At this time, Judge Brockway conducted the swearing in of new Village Justice Louis E. Tarantelli.

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

/rmb