

Minutes

Village Board of Trustees

July 14, 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
Recreation Director Nate Nagle
Manager's Assistant Rachel Baer
Deputy Clerk Donna Hartsock

Others Present:

Penny & George Kastenhuber, John St.
Dave Padgett, W. Franklin St.
Glenn & Susan Hostetter, W. Broad St.

Dot Gebbart, Biltmore Dr.
Mike Swasta, Watkins Rd.
Susan Multer, Watkins Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 9th, 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 Swartz, 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	\$	346,471.89
Water	\$	214,473.45
T/A	\$	1,041.67

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 Clerk-Treasurer is hereby authorized to transfer the funds indicated 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 Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, the following Board minutes are hereby received:

Planning Board, 6/28/11
Traffic Commission, 6/23/11
Zoning Board of Appeals, 6/7/11

and same are to be placed on file in the Village Clerk's Office.

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 other potentially responsible parties entered into an 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 has approved seven past assessments as the Village's share of a Group fund for administration of the project.

February 8, 2007 -	\$11,000
September 13, 2007 -	\$11,000
February 14, 2008	\$11,000
July 10, 2008	\$22,000
August 28, 2008	\$22,000
February 12, 2009	\$22,000
January 28, 2010	\$20,000

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 recently approve the assessment of an *eighth* contribution from all members of the Group in the amount of **\$10,000** each to be used for project costs and administration.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby approve an *eighth* assessment of **\$10,000** to be contributed to the Koppers Pond Potentially Responsible Parties operating account when such funds are in hand.

Trustee Swartz - when will this end.

Atty. Groff - don't know. This is a study to determine existence and degree of contamination. Then also to assign a source, then that info goes to the EPA and DEC who review. After that we have to propose a remediation plan. Can't design plan until study is done. Much of what is being done now is identifying cost effective solutions to any contamination. My guess is we may have 2 more assessments for the study phase. EPA back charges for all this. Haven't rec'd that yet. In 2012 well probably get EPA's review and determination regarding the study and what needs to be done to remediate - then the remediation phase. We are close to ending study phase. We will also be paying during remediation phase.

Trustee Clark - there are no EPA funds for this?

Atty. Groff - EPA can be payer of first source. When they are they control entire process. Doesn't means it ends there, just means they pay for it. Then they go around to see who to blame and they try to get reimbursed. Downside is if you are a responsible party, EPA doesn't do anything cost

effectively. If we leave this up to them, costs will be much more. Still don't know who is actually responsible - won't be determined yet for quite some time.

Trustee Clark - who has final approval.

Atty. Groff - EPA does. DEC is involved though. They are not interested in creating more controversy. Their voice is heard even now in study phase. As far as work goes, so far we have presented a strong case for a review authority to look at risk assessment. The position we are taking is that the standard is unreasonable. The standard seems to be if someone ate a fish every day for years, etc. etc. Group feels that is an unrealistic standard. EPA feels it is realistic. No new potentially responsible parties have been added to the Group. There has been no direct response from the EPA regarding reviewing other parties.

Roll Call Vote:

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

Discussion: Closing of John Street Rail Crossing

Manager Herbst - several months ago the Village, DOT, Norfolk Southern, school district, and County reviewed safety at rail crossings. One recommendation was to close John St. because it is already close to Broad St. and Curns. This would increase safety for trains. Question that is before us is whether or not we want to consider this, do we want to have our own public hearing, we don't have to. If we decide to do that, it would be done by State Administrative Law judges. That will happen anyway. Want to talk about whether it is a good idea and if we want to have our own pub hrg. We will be conducting a traffic count first, and contacting people on that road. If we did close it, we would put up guard rail barriers. Cars headed east would have to turn from John St. onto Broad St. Cars headed west would be a left or right on Curns.

Trustee Swartz - is there a safety issue?

Manager Herbst - yes because of certainty that rail traffic will increase, and proximity.

Mayor Zeigler - Its costs \$250,000 to put cross arms on each intersection. If you check the speed your looking at 4 minutes at a closed intersection. If they had arms at all crossings, they could cruise through. DOT is the one who pays for the arms and lights. They are doing Watkins Road, scheduled for to have arms this August. Looking at Wygant Road too. John St. was chosen to close because the number of streets nearby, it would make it smoother and free up money to use at other intersections.

Trustee Koliwasky - would like to hear from our own public. Cars could run into guardrails.

Trustee Peters - if they put cross arms on all of them they don't have to stop. So they are trying to save \$250,000.

Manager Herbst - plus there is a lead time of 3-4 years. Also if they do one, they want to do them all. Can't just have arms at some.

Audience Participation

Dave Padgett, W. Franklin St. - trains taking out 40 cars.....pushing more traffic on our street. They have already been backed up to my house. Should find out how many cars come down.

Mike Swasta, Watkins Rd. - On Division St., if that is maintained as a rail crossing, is there any way to realign street. Very awkward crossing, sight lines, etc.

Mayor Zeigler - that was actually discussed, it is angled, etc.

Manager Herbst - School Dist. felt strongly about keeping it open and improving the signaling. That's part of their emergency route, and more commonly used for field house.

George Kastenhuber, John St. - We live on John St., lots of people come down John to go south or to the Square. If your going to do study, figure out time of day, etc. I would say that in light of what I see, the biggest stakeholder is Norfolk Southern. Why they can't put up money I have no idea. They would be making a ton of money hauling those railcars into the Center. And something needs to be done with those bushes needing to be cut back, etc. People come down Thorne, and if now there are cars backed up, they won't be able to see in time.

Susan Multer, Watkins Rd. - traffic circle concerns. The thought of 18 wheelers and buses, etc. using these, is shocking to me. My question is - have they considered starting the road in the holding point and go up a grade to be an overpass over Old Ithaca Road. If it started in holding point, all the companies could be assessed to pay for that section that would be within the holding point up to the old Ithaca road.....has anyone discussed this.

Mayor Zeigler - this should be brought up at next week's public hearing. I can bring it up for you.

Manager Herbst - that is why they are doing the connector road, to avoid the traffic hazards. County has been looking at assessing highways so if and when trucks do come and deteriorates the road, it is already documented, etc. The Village and the Town are doing the same.

Motion by Trustee Clark that this Board and the Village Manager moved into an Executive Session to discuss the status of labor negotiations. Motion seconded by Trustee Peters.

Roll Call Vote:

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

At 7:48 p.m., the Village Board and Village Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:21 p.m. the Board reconvened back into the regular meeting of this date.

As there was nothing further to come before the Board, the meeting was closed at 8:22 p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

July 14, 2011

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:49 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, George Koliwasky, Suzanne Peters, and Larry Clark, and Village Manager Walt Herbst. Discussion ensued regarding the status of recent labor negotiations. No action was taken.

At 8:21 p.m., a motion was made by Trustee Clark, 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 Koliwasky:	Aye
Trustee Peters	Aye
Trustee Clark:	Aye

TRANSFER LIST - 05/31/2011

GENERAL

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$150.18	1110.109	1110.160	COURT OVERTIME
\$122.75	1110.172	1110.174	COURT ATTENDANT
\$702.88	1110.109	1110.411	COURT SUPPLIES
\$77.70	1110.109	1110.440	COURT CONT. SVCS.
\$335.90	1111.109	1111.160	COURT OVERTIME
\$41.54	1111.172	1111.174	COURT ATTENDANT
\$607.66	1111.109	1111.411	COURT SUPPLIES
\$127.70	1111.109	1111.440	CONT. SERVICES
\$230.25	1230.440	1230.411	MGR. SUPPLIES
\$253.00	1230.440	1230.453	MGR. TRAVEL
\$134.31	1325.452	1325.454	ASSOC. DUES
\$150.00	1420.440	1420.411	ATTY. OFF. SUPPLIES
\$0.39	1619.440	1619.410	CODE SUPPLIES
\$69.49	1230.144	1620.160	CUSTODIAN LABORER
\$565.65	1620.495	1620.200	VILL. HALL EQUIP.
\$2,973.93	1620.495	1620.410	VILL. HALL SUPPLIES
\$800.00	1990.477	1620.417	PAYROLL PROCESSING
\$1,976.86	1620.495	1620.440	VILL. HALL CONT. SVCS.
\$215.00	1620.495	1620.441	LEGAL NOTICES
\$1,307.28	1620.495	1620.443	VILL. HALL REPAIRS
\$549.00	1621.508	1621.509	STORMWATER

\$7,741.94	1619.151	1622.424	STREET LIGHTING/LINEAR PARK
\$29.66	1622.425	1622.427	POOL UTILITIES
\$2,881.67	1619.151	1623.460	CODE SOFTWARE
\$478.94	1623.463	1623.461	COURT SOFTWARE
\$1,145.29	1230.144	1623.462	CLERK NETWORK SUPPORT
\$3,830.53	1230.144	1623.465	VILL. HALL NETWORK SUPPORT
\$5,616.95	1990.477	1623.467	VILL. HALL NETWORK/EQUIP
\$1,553.16	1230.440	1623.467	VILL HALL NETWORK/EQUIP
\$674.84	1621.466	1640.455	GARAGE MAINTENANCE
\$1,261.42	9050.850	1650.471	COMMUNICATIONS
\$1,316.60	3120.136	3120.155	CROSSING GUARDS
\$2,122.83	8160.440	5110.410	DPW SUPPLIES
\$197.71	8160.410	5110.443	DPW REPAIRS
\$112.87	7110.443	7110.200	PARKS EQUIP
\$1,921.67	7310.200	7310.443	POOL REPAIRS
\$195.71	9050.850	7550.410	FARMER'S MARKET SUPPLIES
\$788.00	9050.850	7550.440	FARMER'S MARKET INSURANCE
\$1,800.00	9050.850	8810.100	CEM LABORERS
\$165.27	8170.410	8810.200	CEM.EQUIP
\$1,661.74	8160.440	8810.410	CEM. SUPPLIES
\$148.58	8170.410	8810.413	CEM. CLOTHING
\$89.42	8170.410	8810.443	CEM. REPAIRS
\$4,133.09	1619.151	9030.830	SOCIAL SECURITY

\$14,000.00	1620.495	9060.860	HEALTH INSURANCE
<u>\$4,080.18</u>	1621.466	9060.860	HEALTH INSURANCE
\$69,339.54	TOTAL		

WATER

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$414.14	1620.200	1622.421	VILL HALL UTILITIES
\$491.13	1620.200	1650.471	COMMUNICATION
\$3,129.61	1622.430	8320.410	WELL SUPPLIES
\$3,488.87	1622.430	8320.443	WELL REPAIRS
\$1,452.07	1622.430	8340.160	WATER OVERTIME
\$3,048.71	1622.430	8340.200	WATER EQUIPMENT
\$301.78	8340.443	8340.410	WATER SUPPLIES
<u>\$105.73</u>	8340.440	8340.413	WATER CLOTHING
\$12,432.04	TOTAL		