

Minutes

Village Board of Trustees

March 22, 2007

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Howard Miller and Walter Herbst, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Donna Hartsock, Police Chief Mike Barton, Fire Chief Arthur Sullivan, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer. Also present were: Mary Jo Yunis, Keuka Properties; George Kastenhuber, 519 John St.; and the news media.

ABSENT: Trustee Ronald Swartz

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of March 8, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the Clerk-Treasurer is hereby authorized to transfer the funds indicated on the attached sheet.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads is participating with other Chemung County municipalities in the Chemung County Stormwater Coalition for the implementation of the DEC mandated MS4 workplan, and

WHEREAS, the Coalition has applied for a grant for the implementation of, among other things, the MS4 program in Chemung County including the Village of Horseheads, and

WHEREAS, the grant allows for the participating municipalities to contribute matching funds in the form of purchase of goods and services as well as in kind contributions toward the required match of the grant, and

WHEREAS, the Chemung County stormwater coalition has requested formal documentation of the Village's commitment to the MS4 workplan, the grant application, grant administration, and the matching of funds/expenditures as required by the terms of the grant.

NOW THEREFORE BE IT RESOLVED, that Mayor Patricia Gross is authorized and directed to sign a letter of commitment for MS4 workplan for the purposes noted above and that said letter shall be provided to the Coalition for submission with other municipal commitments in conjunction with the grant application and administration.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that an Organizational Meeting for the Village of Horseheads is hereby scheduled for Monday, April 2nd, 2007, at 7:00 p.m.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the Tentative 2007-2008 Village Budget is hereby received, and that a public hearing regarding same is scheduled for Monday, April 2nd, 2007 at 7:05 p.m.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Discussion on Catherine Trail - Mayor Gross noted that we have been asked by the Catherine Trail Group to send a letter of support on extending the trail down to Wygant Road, which was the original plan. However, due to funding and some other things they have decided to take the trail just down to the domes. In all these meetings we had asked them to complete it along tracks to Wygant Road, then we would develop the trail through the holding point. The group would like a letter from the boards involved, supporting their completion of the trail to Wygant Road.

Trustees all agreed we should send a letter. Atty. Groff offered the following resolution:

WHEREAS, The Catherine Trail is a community enhancement that is beneficial to the Southern Tier region and will promote both tourism and related activities as well as a healthy environment for those residents of our community, and

WHEREAS, it appears that the continuation of the Catherine Trail to Wygant Road is being subordinated to other interests due to lack of funding and other reasons.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does endorse and support the concept of continuation of the Catherine Trail from its current terminus to Wygant Road in the Town of Horseheads.

Said motion was moved by Trustee Miller, and seconded by Trustee Catlin

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Discussion on Establishing a Committee to Investigate and Respond to PBA/Village Labor Management Issues

Atty. Groff - we reported to the Board that there was a labor management meeting attended by reps of the Village and reps of the PBA. Following that meeting and following our presentation we did receive a Grievance on behalf of the PBA stating an objection to the failure to replace the Sergeant's position that was vacated due to promotion of Chief Barton, and also the failure to provide out of title pay to those officers who are doing supervisory services to particular tours of duty. It would seem appropriate for this Board to consider establishing a committee and authorizing staff and committee to deal with these issues. And also to perhaps deal with and be responsive to the Grievance raised by the PBA.

Atty. Groff offered the following resolution:

WHEREAS, the Village of Horseheads and Horseheads PBA have proposed the meeting and exchange of open dialogue in the form of a labor management meeting reflecting their mutual interests and desires, and

WHEREAS, it is relevant to the Village that a committee be established to represent Village interests in such meeting.

NOW THEREFORE BE IT RESOLVED, that a committee consisting of Atty. John Groff, Trustee Walt Herbst, and Trustee Howard Miller shall be authorized and directed to meet with representatives of the Horseheads PBA in current labor management discussions, and be it further

RESOLVED, that the committee is authorized and directed to develop a response to the current Grievance that was filed relative to filling the vacated Sergeant position and out of title work where appropriate.

Said motion was moved by Trustee Herbst, and seconded by Trustee Miller

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Report on DDR/NYSEG and Electric Parkway

Chris Lawrick summarized where this project stands. DDR approached us 18 mos. ago, prior to demolition of A&P plant, and told us that NYSEG was going to provide easement for main entrance to the super walmart plaza. NYSEG wanted DDR to approach us to take over Electric Parkway, which runs in front of NYSEG. We said we would consider.

DDR contacted us a few months ago again. I met with them. They want us to take over Electric Pkwy . NYSEG has total maintenance of it now all the way to Westinghouse bldg. During our discussions a lot of concerns came up. One issue was who would be better to maintain the road, the Village or County. Even if the Village takes it over, I would still ask County to maintain. We have no facilities in that area. Closest plow routes are on opposite side of the bridge. I talked to DPW of the County. He has never really taken a look at the road. At this point I am seeking direction. Should I talk with County and ask that they be responsible for maintenance, or should they just take it over completely. Right now there is a Co. Route 64, 64A, 64B, and 64C. Why not have a Co. Route 64D. I could open up a dialogue with higher level of County to see if they are interested.

The Board all agreed that Chris should investigate this further.

Motion by Trustee Herbst, seconded by Trustee Miller, that Public Works Director Chris Lawrick is hereby authorized and directed to proceed and explore with the County of Chemung for establishing Electric Parkway as a County road.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Keuka Properties - Sidewalk Issue

Atty. Groff noted that the developer has suggested the implementation of a sidewalk. When installing there would be a narrowing of the paved portion from 32 to 28 ft.. Then there would be a 4 ft sidewalk. If this is a self-contained system, only integral to the Keuka development, then its sufficient as is. Otherwise, if you feel it should be integrated to other sidewalks in the area then we should consider that. Lynhurst on the south has sidewalks. Question for the Board is whether they should go together. Roadway that is between the Keuka project and Gardner Road is not owned or controlled by Keuka. It is owned by Belosky and is in the process of being offered for dedication

to the Village. It also a 28 ft wide paved surface already. The developer in that case was not required to install sidewalks. If it is felt that you want to link the two systems, then you need to determine at whose expense - Village, applicant, shared, etc. The Traffic Commission looked at this request this week and has recommended that the sidewalk be extended through Belosky's property to connect to Gardner Rd., and also that it be moved over to the east side to connect with the Lynhurst system. I spoke with Mary Jo Yunis earlier today and she indicated it was not her preference for their project to absorb the cost of integration of these sidewalks if that was the Board's wishes. If so, then she wanted to be assured that she could withdraw and construct the project as originally applied for and approved.

Mayor Gross suggested talking to Belosky. Nobody has really talked to him yet. Then we could all talk together.

Chris Lawrick - if the village really feels strongly about connecting them, once the right of way becomes Village right of way, you can actually talk with Mike Belosky about either doing the sidewalk or sharing costs, etc.

Trustee Herbst - we created a situation where she has included the sidewalk and then we are tacking on after the fact. It is a plus to have the sidewalk. She already said it would continue to be in her project as it expands. We might have an obligation to respond to that request. Then deal with issue of continuing out to Gardner as a separate issue.

The Board agreed.

Atty. Groff - what your doing is endorsing the idea of the sidewalks in the project. Should you feel that we should integrate it with the Lynhurst system, you'll explore alternatives on how that happens. May include Belosky, etc.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads Board of Trustees approved the concept plan for a project located northerly of Gardner Road proposed by Keuka Properties LLC on or about August 10, 2006, and

WHEREAS, that design proposal included public transportation infrastructure in the form of a street to be dedicated to municipal use having a paved width of 32 feet without curbs and sidewalks, and

WHEREAS, the developer has asked this Board to consider modification to the approved plan to allow for the installation of 4 ft. wide sidewalks on one side of the streets, and the narrowing of the paved portion of the streets from 32 ft. to 28 ft., and

WHEREAS, Keuka Properties LLC has submitted a concept drawing showing the street and sidewalks as proposed for Phase 2, and

WHEREAS, the Village Traffic Commission has reviewed the concept drawings and made recommendations relative to same, and

WHEREAS, the existing street to which the new street will connect has a width of 28 ft.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Village of Horseheads Board of Trustees finds that the addition of sidewalks throughout the Keuka Properties Gardner Road Subdivision, would enhance the public transportation system, and would encourage exercise, socialization and other wise foster a healthy environment.

and be it further

RESOLVED, that the Village of Horseheads Board of Trustees approves the amendment of the plans and specifications for the above-noted project as requested by Keuka Properties LLC to narrow the paved portion of the roadway and for the installation of sidewalks throughout the project, subject to the terms and conditions noted above, and be it further

RESOLVED, that should Keuka Properties LLC indicate within 60 days of the date of this approval that it is withdrawing its application for installation of sidewalks as noted herein, this resolution of amendment shall be null and void.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Motion by Trustee Miller, seconded by Trustee Catlin, that the following items be added to the agenda: Koppers Pond RI/FS - Payment to Consultant Leo M. Brausch, and Koppers Pond RI/FS - Business Certificate.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads is one of the potentially responsible parties in connection with the Koppers Pond RI/FS study, and

WHEREAS, this Board on February 8, 2007 approved the creation of a Capital Account under the name of Landfill Remediation and the preliminary funding of same in the amount of \$11,000, and

WHEREAS, this Board did on February 8, 2007 approve the transfer of said \$11,000 to a bank account to be established under the name of Koppers Pond RI/FS Group, same amount being contributed by all other six members of the Group, and

WHEREAS, the Group has encountered difficulties in the opening of a bank account which

difficulties are expected to be removed shortly, and

WHEREAS, the Group's consultant Leo M. Brausch has requested that each of the Group members contribute the sum of \$1,834.59 to him directly as compensation for the services he has rendered through March 4, 2007, and

WHEREAS, delay of payment to him would be an unnecessary hardship.

NOW THEREFORE BE IT RESOLVED, that Clerk-Treasurer Sharron Cunningham is authorized and directed to debit from the \$11,000 sum noted above the sum of \$1,834.59 and to pay same to Leo M. Brausch, as invoiced for his professional services, with the balance of the \$11,000 sum (\$9,165.41) to be deposited, on behalf of the Village, to the Group bank account when such account is established.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Resolution by Trustee Herbst, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads is one of the potentially responsible parties comprising an unincorporated association known as the Koppers Pond RI/FS Group, and

WHEREAS, it is necessary for such group to file a Business Certificate with the Chemung County Clerk.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized and directed to execute a Business Certificate on behalf of the Village for such filing in conjunction with the other members of the Group, and be it further

RESOLVED, that Clerk-Treasurer Sharron Cunningham is authorized to pay the recording costs of such Certificates on behalf of the Group.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

Mayor Gross reported that she and Trustee Herbst have met with Al Edwards regarding all the youth sports leagues. We have sent letters out to each group regarding items we asked them to address on their fields. They were to reply by March 1st. We've heard from two of them. Little League was pretty clean. No code enf. items there. Babe Ruth and Cinderella had some issues. In talking with Al and Walt we felt it would be necessary to talk to all the groups at the same time so they know

what is happening isn't just with them.

Trustee Herbst added that we are refreshing the standard that is already in place. We thought we would look at it from a safety point of view. Have each league take a look at their bleachers and perhaps retrofit them.

Atty. Groff reported that the Board will be seeing a resolution soon on designation of qualified training for Planning Board and ZBA members. This has been imposed by New York State. Also shared services agreements similar to what this Board adopted earlier have now been adopted by the Towns of Catlin and Veteran, etc. Lastly we haven't heard anything back from the County regarding our old radios. We should follow up on that.

Trustee Herbst - busy week with our Sister City. Chief Barton and I planned on meeting with Jan from the Courts to go further into using local laws, etc. Jan was called to jury duty herself, that meeting is postponed until next week.

Chief Barton - Working on a General Order on awards and recognition of the officers. I want to have an atmosphere of good morale, and recognize officers for exceptional efforts. It is important we discuss this in an open forum. I would not be deviating from our normal business practices. Committee would handout these awards. Will be an important part of our GO policy and procedure manual. I did issue letters of appreciation to two officers for that arrest recently. Officers Murray and Runyan. They took loaded guns off the streets. Could have been a very tragic outcome to that traffic stop, but they're abilities allowed them to apprehend the suspect which led to an indictment.

Chief Arthur Sullivan - very busy at fire station. Good cooperation with all depts. I'd like to thank Sharron's dept. for assistance with paperwork. I'm very proud that Village is looking into the Catherine Trail.

Chris Lawrick reported that we have received only one bid on sidewalks. A company from Rochester. We got a couple of requests for taking late bids, which we can't do. With the price and distance of the vendor, I request that we rebid sidewalks. I think we can do much better. I would like to encourage local contractors to take it on.

Motion by Trustee Herbst, seconded by Trustee Miller, that the Village is in receipt of one bid for our sidewalk program, and based on recommendations from the Director of Public Works, said bid is rejected and Village staff are authorized and directed to rebid this project.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye

George Kastenhuber, 519 John St. - is the budget going to be posted online. Clerk-Treasurer Cunningham stated that it will be once its adopted. Mr. Kastenhuber asked if Chief Barton's title was Police Chief or Provisional Police Chief.

Mayor Gross stated that he is still provisional. He took a civil service test, and we probably will not get the results until maybe May or June.

Mayor Gross thanked the Fire Dept. for a wonderful St. Patricks parade and dinner. She added that Deputy Clerk Donna Hartsock attended a seminar on the upcoming 2010 Census. We have been approached to have updated addresses submitted. Donna gave me a report on the seminar she attended.

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

/rmb

<u>TRANSFER</u>				
<u>LIST -</u>				
<u>3/22/07</u>				
<u>GENERAL</u>				
<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>	
\$334.53	1110.440	1110.411	Court Office Supplies	
\$334.56	1111.440	1111.411	Court Office Supplies	
\$1,000.00	1990.477	1620.410	Village Hall Supplies	
\$1,000.00	1990.477	1620.440	Village Hall Contracted Svcs.	
\$750.00	1990.477	1620.443	Village Hall Repairs	
\$976.36	5110.440	1640.455	Garage Maintenance	
\$5.00	1990.477	1920.473	Municipal Dues	
\$8,000.00	3120.142	3120.122	Comm Operator	
\$38.98	5110.440	3310.410	Traffic Control	
\$827.29	1990.477	3410.440	Fire Dept. Cont. Svcs.	
\$750.00	3410.410	3410.443	Fire Dept. Repairs	
\$1,500.00	1990.477	3410.482	Fire Dept. Repairs Bldg.	
\$1,934.10	7140.100	7310.410	Pool Supplies	
\$2,900.00	5110.440	8560.440	Shade Tree	
<u>\$200.00</u>	1990.477	9060.865	Life Insurance	
\$20,550.82	TOTAL			

WATER

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$750.00	1990.477	1620.410	Village Hall Supplies
\$390.00	1623.462	1623.467	Network Administration
\$96.42	1990.477	8320.410	Well Supplies
\$670.60	1990.477	8320.440	Well Cont. Svcs.
\$544.36	1990.477	8320.443	Well Repairs
<u>\$500.00</u>	8340.440	8340.410	Water Supplies
\$2,951.38	TOTAL		

INCREASE
EXPENSE PER
REVENUE

\$6,000.00	1620.414	Records Grant
\$1,000.00	1621.505	65/35 Recreation
\$500.00	3120.161	Police Reimb.
\$500.00	7180.501	Super Saturday