

Minutes

Village Board of Trustees

February 23, 2012

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

Deputy Mayor Ron Swartz
Trustee George Koliwasky
Trustee Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Recreation Dir. Nate Nagle
Bob Young, Code Enf. Officer
Deputy Clerk Donna Hartsock
Manager's Asst. Rachel Baer

Absent

Mayor Don Zeigler
Trustee Suzanne Peters (listening by phone)

Others Present

Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Ray & Deloris Cass, Redwing La.
Glenn Hostettler, W. Broad St.
Ira Nickerson, Old Ithaca Rd.
Mike Swasta, Watkins Rd.
Barb Skorczewski, W. Franklin St.

Jean Quinn, 555 Gardner Rd.
Dot Gebhart, Biltmore Dr.
Alicia Doubrava, Chemung St.
Susan Multer, Watkins Rd.
George & Hazel Everett, Country Estates Dr.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 9, 2012 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Koliwasky: Aye
Trustee Clark: Aye

Financial Report

Manager Herbst - Year to date we are \$91K behind last year's receipts, even considering firetruck, but we will soon receive money from County for tax bills. On the expense side - we spent \$195K less than we did at this time last year. So we are continuing to do well. Water Fund - starting to realize appreciation in rate increase. Water receipts up \$16K. But water expenses are up \$62K due to Well 5. With the current billing out we should break even.

Wendell Energy had to cancel for the calibration of water meters last week because the machine hadn't yet been certified. Will reschedule by end of March.

Trustee Clark - the expenses regarding Well 5, will that be captured if we get the FEMA grant?

Manager Herbst - I did apply for that. Does'nt necessarily mean we will get reimbursed. They weren't sure we could claim it, but they kept them in.

Manager Herbst - sales tax is up \$9K over last year. We continue to be on upswing in sales tax.

7:05 p.m. - Public Hearing: Proposed local Law - Tax Cap Override - Atty. Groff declared the public hearing open. As nobody came forward to speak, he declared the public hearing closed.

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, the New York Legislature adopted a law signed by the Governor establishing a limit upon real property tax levies by local governments commonly known as the Tax Cap Law (GML Section 3-c), and

WHEREAS, Village Manage Herbst has explained to this Board that it may be necessary to override the tax levy limit to meet contractual obligations, fund health insurance expenses, fund pension contribution payments, and fund the increasing cost of commodities, among other things, and

WHEREAS, GML Section 3-c, Subdivision 5 expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by a vote of 60% of the Village Board, and

WHEREAS, this Board has been presented with and reviewed a proposed local law to override the tax levy limit established in GML Section 3-c for the fiscal year 2012-2013, and

WHEREAS, a public hearing regarding said local law was held on February 23rd, 2012, and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village as require by law, and

WHEREAS, this Board finds, after due deliberation, that it is in the best interest of the Village to adopt said local law.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby

adopted said Local Law #1 of 2012 entitled "A Local Law to Override the Tax Levy Limit Established in GML Section 3-c", a copy of which is to be placed on file with the Village Clerk, and

BE IT FURTHER RESOLVED, that Sharron Cunningham, Clerk-Treasurer, is hereby directed to enter said local law into the minutes of this meeting and in the local law book of the Village, and to give due notice of adoption of said local law to the Secretary of State of NY.

Roll Call Vote:

Deputy Mayor Swartz: Aye
 Trustee Koliwasky: Aye
 Trustee Clark: Aye

Trustee Clark - does this have to be done every year.
 Atty. Groff - yes.

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the following Village employees are authorized to attend training conferences as indicated with all expenses paid as are allowed under Section 77B of the General Municipal Law:

Nate Nagle Recreation Director	NYS Recreation & Parks Society Annual Conference	March 25-27, 2012 Saratoga Springs, NY
Robert Young Code Enf. Officer	NY Planning Federation 2012 Spring Conference	April 15-17, 2012 Saratoga Springs, NY

Roll Call Vote:

Deputy Mayor Swartz: Aye
 Trustee Koliwasky: Aye
 Trustee Clark: Aye

Resolution by Trustee Clark , seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of February 8, 2012 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Swartz: Aye
 Trustee Koliwasky: Aye
 Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, in 2011 Village staff received reports of the traffic signal at Gardner Road and Westlake Street not working properly, and

WHEREAS, as a result the Village Traffic Commission recommended bagging the light for a period of six months to evaluate its necessity, and

WHEREAS, at its meeting on February 8, 2012 the Village of Horseheads Traffic Commission reviewed its findings regarding the traffic light, and recommended permanent elimination of same, noting that the intersection already has 4-way STOP signs,

WHEREAS, Local Law #3 of 2003 (Chapter 235 of the Village Code) provides in pertinent part in Article I that regulations and schedules adopted pursuant to this law may be amended or changed by resolution, and

WHEREAS, this Board has determined that the health safety and welfare of the residents of the Village warrants the amendment of said local law.

NOW THEREFORE BE IT RESOLVED, that Village Code Section 235-61, Schedule I: Traffic Control Signals is hereby amended to **remove** the following from the list:

Westlake Street and Gardner Road

BE IT FURTHER RESOLVED, that Village Manager Herbst is authorized to cause the removal of the traffic signal as soon as practical.

Roll Call Vote:

Deputy Mayor Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, March 8th at 7:05 p.m. regarding the application of the Church of Christ on Miller Street for a Special Sign Permit.

Roll Call Vote:

Deputy Mayor Swartz:	Aye
Trustee Koliwasky:	Aye
Trustee Clark:	Aye

Motion by Trustee Clark, seconded by Trustee Koliwasky that the following item be added to the agenda:

- Employee Handbook

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Koliwasky: Aye
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

WHEREAS, over time employers including the Village of Horseheads develop policies and procedures with respect to employment practices including but not limited to terms and conditions of employment, and

WHEREAS, it is advisable that such policies and procedures be documented and updated from time to time, and

WHEREAS, it is a good practice for such policies and procedures to be compiled into an employee handbook, and

WHEREAS, public sector employers have unique requirements with respect to development of employee handbooks, and

WHEREAS, Village Manager Walt Herbst has explored the merit of engaging a human relations consultant firm to assist in the development of an employee handbook and has recommended to this Board that he be authorized to enter into a contract with a consulting firm for such purposes, and

WHEREAS, Manager Herbst has consulted with a number of local and regional municipalities regarding their satisfaction with consultants they have engaged for the development of a handbook and has reported back to this Board the results of his investigation and inquiries.

NOW THEREFORE BE IT RESOLVED, that Manager Herbst is authorized to enter into a contract with a human resource consulting firm of his determination for the development of an employee handbook for the Village of Horseheads employees at a cost not to exceed \$5,000.00; said agreement to be subject to the review and approval of Village Attorney John Groff.

Roll Call Vote:

Deputy Mayor Swartz: Aye
Trustee Koliwasky: Aye
Trustee Clark: Aye

Manager Herbst reported on the following items:

- Pit behind garage looks great -very cleaned up.
- Property registration proposal has been submitted to Dept. Heads for comments. should be able to have final draft out to you by the next meeting.
- Chief Barton reports that he is working with DOT on truck inspection

program. Goal is to get one of our officers certified to do truck inspections.

- Working on workplace violence policy, should be receiving it shortly.
- Sand issue on Ithaca Road - working with DEC on that. Also contacted County engineer. He has sent letters to owners of The Center as well as to each of the leasing companies out there, charged them with responsibility of keeping roadway clean. Their expectation is that it will be swept at least every other week. Should they fail then the County will bring charges with DEC.

Audience Participation

Jack Nickerson, 161 Old Ithaca Rd. - Ithaca Road by the Center is a big mudhole now. This afternoon the whole road is covered with mud. The other day they did sweep but where they are loading the trucks the mud is a foot deep.

Mike Swasta, 411 Watkins Rd. - I read the Bergmann report regarding noise at Schlumberger silos, dated Feb. 7th. This report consists of info that summarizes the findings, but no detail whether there was testing taken day or night. Nighttime would be more objectionable. No information on type of noise, etc. No detail. They indicate that they coordinated with SLB. So they were notified in advance of the test - it wasn't a surprise test. In the past I've stated that this is an ongoing problem. SLB should be directed to cease night time operations. Regarding sand, I'm asking for any update on this new 'state of the art facility'. I don't know where silica sand is being imported from, but I have pulled an MSDS sheet off the web. Silica dust is pretty nasty. Several years ago, a glass company had problem with silica containing radioactive material. Has any of this sand been tested for that? It should be.

Bob Young - I have left a message for the engineer from Bergmann. I agree the report lacked details.

Deputy Mayor Swartz - make sure you report back to the Manager when you hear from them.

Dot Gephart, Biltmore Dr. - they denied residents to be there during the test. More than one person has complained, but letter says it was a single complaint. And it says nothing about other noises from where the pipes are.

Ray Cass - all traffic from The Center is supposed to go out onto Route 13. But they are coming out to Wygant road. Somebody should check into this.

Valerie Rohver, Ridge Road - noise report is really vague. It says they came on my property - he didn't. I have a dvd of Schlumberger from 9pm to midnight (she gave dvd to the Board). I hope you do something about it. I see cement dust flying off silos. I'm not the only complainer. People don't know who to call. With the number of the trucks they own, why can't they fill them before 10pm at night.

Susan Multer, Watkins Rd. - same points of view on the noise study. We have a noise ordinance, why aren't we enforcing it. If I had loud parties at 2am, or whatever, you'd come after me. The company that is bringing in the sand, I read that there will be some new state of the art sand facility. Will there be a site plan review of the new sand operation?

Atty. Groff - project would not be subject to SEQR because its being built on existing footprint. It

is a permitted use in that area. So they will be applying for a building permit which will be reviewed by the Code Enf. Officer.

Susan Multer - There was a public hearing in January 2011 when SLB wanted to amend their site plan. I don't remember it all, but something about railroad bringing sand in. We were assured by everyone that it will be enclosed and contained, etc. I just heard that this hasn't even started because DEC denied it?

Manager Herbst - no, not to my knowledge.

Valerie Rohver - lights on top of silos are blinding.

Bob Young - I did speak with engineer about this.

Dot Gephart- between now and the next meeting, if we have noise at night, what are we supposed to do?

Deputy Mayor Swartz - call 911, say its a non-emergency, and ask for Village officer.

Jean Quinn, Gardner Rd. - does anyone know what is in boxcars going from Holding Point to Wygant road, close to the wetlands. There are two rows of rail cars near where they took down warehouse H.

As there was nothing further to come before the Board, the meeting was closed at 7:44 p.m.

/rmb