

# Minutes

## Village Board of Trustees

September 24, 2015

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 8:30 A.M.

Present were:

### Village Board and Staff

Deputy Mayor Ron Swartz  
Trustee George Koliwasky  
Trustee Brad Lytle  
Village Attorney John Groff  
Village Manager Walt Herbst

Clerk-Treasurer Sharron Cunningham  
Manager's Asst. Rachel Baer  
Water Dept. - Don Gaylord

### Absent

Mayor Donald Zeigler  
Trustee Mike Skroskznik

### Others Present

Barb Skorczewski, W. Franklin St.  
Jean Quinn, Gardner Rd.  
Rose Apgar, S. Pine St.  
Dave Padgett, W. Franklin St.

Dave Reynolds, Matthews Cir.  
Pat Gross, W. Broad St.  
Josh, Sarah Baker, Steuben St.

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of August 13<sup>th</sup> and August 31<sup>st</sup>, and September 8<sup>th</sup> and 16<sup>th</sup>, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Trustee Koliwasky - did we get a copy of Trustee Skroskznik's presentation from Sep 8<sup>th</sup>.

Manager Herbst - No.

Trustee Koliwasky - I make a motion that the other three be accepted and that we table the meeting minutes of Sep. 8.

Trustee Lytle seconded the motion.

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Audience Participation - None.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

BE IT RESOLVED, that the Justice Reports for August 2015 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

D&A: Barrington West Phase 2D-2 - Water Line Acceptance and Dedication

Atty. Groff - Barrington West is a residential development in the town. Village supplies their water. As they build out in phases the developer offers to the Village ownership and dedication of the water infrastructure to the Village. This is part of a routine process. Village staff looks at infrastructure and make sure the improvements have been done correctly. As built plans, water pressure tests, disinfection, etc. Also that it is free of liens and incumbrances. Then it comes to the Board to accept. In this case the resolution is conditional. Some items have not yet been done. We're expecting them. Tests have been performed but we don't have that info yet.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

WHEREAS, Barrington Associates has offered to dedicate the water distribution system built as part of the construction of Barrington Estates West Subdivision - Phase 2D-2, servicing Lots 79, 80, 81 and 82, as depicted on a map of Weiler Associates dated January 29, 2015, Job No. 15274, Map title Barrington West Phase 2D-2, and

WHEREAS, Don Gaylord, on behalf of the Village of Horseheads Water Department, inspected the water distribution system constructed as part of this phase, and

WHEREAS, Village Manager Walt Herbst has reviewed the reports and recommendations of the various involved agencies and has recommended acceptance of same subject to the conditions noted below, and

WHEREAS, the developer has been required to provide evidence of lien releases relevant to the construction and installation of the water distribution system, and

WHEREAS, the developer has submitted a proposed deed transferring ownership of the water system improvements free and clear of liens and encumbrances, and

WHEREAS, Village Attorney John Groff has reviewed the title to the water system improvements.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby authorize Village Manager Herbst to accept the dedication of the water system improvements to Barrington West Subdivision Phase 2D-2, Lots 79, 80, 81 and 82, as depicted on a map of Weiler Associates dated January 28, 2015, Map title Barrington West Phase 2D-2 , subject to the following conditions:

- 1) The developer will supply evidence of lien releases for the project
- 2) Developer will supply pressure and disinfection test results satisfactory to the Water Department with "as built" drawings for the project.
- 3) Atty. Groff approves of the title offered by the developer.

and be it further

RESOLVED, that recording of the deed and other transfer documents at the developer's expense subsequent to the adoption of this resolution will be adequate proof of same.

Roll Call Vote:

Deputy Mayor Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Trustee Koliwasky asked the status of the Koppers Pond site.

Atty. Groff - we had a conference call this week. To discuss going forward with project. Such a dramatic change over there. Pond has dried up. The EPA is allowing the Group to look at the changes over there to see impact on cleanup alternatives. Discussion was to look an alternative called biomediation. Planting vegetation as a way to remediate the toxins there. Some vegetation will extract toxins and provide remediation. What we're looking at is if we studied that what will costs be and what will likely result be. Not really do a study, but whether it's appropriate to consider that as an alternative. Our environmental consultant was directed to contact others to give us a report back. DEC was not mentioned as part of the discussion. DEC's position has been total and absolute cleanup. Nothing short of that is acceptable. I don't know that this has changed.

Trustee Lytle - what is cost to clean it up.

Atty. Groff - a number of different approaches have been taken. Most costly is dredging, removing soil, replacing soil, etc. An estimate for that was 10-15 million. Another method was capping with new soil. That has a lesser cost but this is where EPA and DEC disagree. EPA says they are willing to consider other less costly alternatives. Part of the evaluation is driven by human health risks and other environmental risks. So the costs have been looked at. There are 6 partners in this that have all spent \$220K so far.

Atty. Groff added that someone would have to catch a fish every day over there and eat it every day for  $\frac{3}{4}$  of a year to be adversely effected. The human health risks concerns are highly inflamed in terms of likelihood, but that is the position.

Trustee Lytle - if we capped it there would be no fish.

Atty. Groff - Yes but the pond changes with the weather. Much of the volume of water that has been in there is there from the former Westinghouse plant. It had a pollution problem as well. Part of their cleanup requirement is that they had to strip the chemicals from the groundwater under the Westinghouse plant. Water from that process fed into Koppers Pond, and kept it as a pond. Last year EPA allowed Toshiba to temporarily shut down the stripping process which meant no water flow into the pond. But EPA hasn't said that they will allow them to permanently discontinue that stripping operation. If EPA says to turn it back on then water will return to the pond.

Trustee Koliwasky - in today's paper there was an article that the Town of Horseheads received a notice from the state comptroller. People might not want to hear it but we are all in trouble. If you get a chance read that article.

Manager Herbst reported on the following items:

- Rec'd a letter from Julie Chevalier at Community Progress, Inc. seeking Board's approval for up to five Section 8 transfers. I haven't had much info just yet. Voicemails, etc. As I understand it people are currently qualified for Section 8 but because of their circumstances they have to move. That's the reason for urgent placements. All I know is what she sent in the email so I passed it along for your consideration.

Trustee Koliwasky - do they have places they are looking for placement? If we say no could it come back on us. We need more information.

Atty. Groff - need to educate ourselves on the issue then make an informed decision.

Trustee Lytle - are there other agencies placing people in the Village already on Section 8? We have vouchered people living in the Village. Do we have any history on what happens?

Manager Herbst - we don't review or get notice of those people. The Elmira Heights urban renewal agency also has a contract with Community Progress.

Discussion ensued.

Need to do some more investigation on this issue in greater detail.

Trustee Lytle - I can think of a few properties where there is an absentee landlord and the properties are not maintained. Need to educate ourselves.

Ron - I agree.

Everyone agreed.

Manager Herbst - I will talk to Lisa and find out more about this.

Manager Herbst read resignation letter from Jon King, our Court Attendant. His last day will be October 7<sup>th</sup>. He's been very reliable, terrific valued employee of the Village.

Atty. Groff reported on the following items:

- SLB stormwater mgmt facility. They were supposed to be monitored during construction. For reasons we don't know the construction wasn't monitored completely as required. We can't undo what has been done so part of the agmt with them was that periodically the facility will be inspected. That inspection is not due for a couple of yrs. Been working with JJ Carl. He came up with alternative so they accelerate their inspection regiment and inspection it now to determine whether its functioning as its supposed to. They've agreed to do that. Checking with engineering people. Moving fwd.
- Employee handbook - Another workshop on October 5<sup>th</sup>. We're collecting comments received and ultimately when the Board provides its comments it will be updated.
- Easement for Quinn property - this is relative to his building encroachment. Village staff checked this out. Matt Mustico said that it wouldn't have any adverse impact.
- Well 4-5 interconnection. We finally got easement signed by Cardamone. That will enable the contractors to start construction.
- Recertification of Well 5. It's required by Susquehanna River Basin Commission, for outflow. That permit has to be renewed. The process of renewing taking a long time. We've initiated steps to do so. Engineering consultants have been approached. We've received two proposals. Need to get them to be similar then we will come back to BOT with a recommendation.

Trustee Lytle - didn't board already pass Quinn easement.

Atty. Groff - yes but it was pending staff recommendation. Now we can move fwd.

Trustee Lytle - Water Well 4 -5 connection. Does that open Well 4 to SRBC certification also.

Atty. Groff - no - Only one of our wells is subject to SRBC jurisdiction. However it is our view that as time goes on they will seek to have more control over those other 3 wells. Today they don't but the history of the Commission is it wants to expand its control over water sources. The history in Washington is to give them that power. Our concern is that as time progresses they probably will have input. But today they don't. The interconnection just puts it through the filtration plant. However SRBC could use this as a basis for having more oversight.

As there was nothing further to come before the Board, the meeting was adjourned at 9:02 a.m.

/rmb