

## Minutes

### Village Board of Trustees

April 26, 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, Ronald Swartz, and Walter Herbst, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Treasurer Michele Accavallo, Police Chief Mike Barton, Justice Bill Driscoll, Planning Board Members Mike Stenpeck and George Koliwasky, DPW Chris Lawrick, and Manager's Assistant Rachel Baer. Also present were George Miner and Jamie Johnson from Southern Tier Economic Growth, Barbara Skorzewski, 109 W. Franklin St.; Elliott Blauvelt, Jr., Fletcher St.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 12, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Catlin, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads advertised on February 7, 2007 for the submission of bids for the Installation of Concrete Sidewalks in the Village of Horseheads, and

WHEREAS, bids were opened and examined on March 21, 2007, and the following bid was received:

1. Rochester Plow, Inc. - \$8.90/sq. ft., and

WHEREAS, on March 22, 2007, upon the recommendation of the Director of Public Works, the Village Board rejected this bid and Village staff was directed to rebid the project, and

WHEREAS, the Village of Horseheads readvertised on March 30, 2007 for the submission of bids for the Installation of Concrete Sidewalks in the Village of Horseheads, and

WHEREAS, bids were opened and examined on April 18, 2007, and the following bids were received:

1. Donald Gaylord, d/b/a M&G Contracting - \$6.85/sq. ft.
2. Joe Austin, d/b/a Quality Installation - \$8.90/sq. ft., and

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible

bidder being Donald Gaylord, and

WHEREAS, the Director of Public Works has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Donald Gaylord.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Donald Gaylord, and that Mayor Patricia Gross is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads advertised on March 30, 2007 for the submission of bids for the Supply and Laying of Bituminous Asphalt Products in the Village of Horseheads, and

WHEREAS, bids were opened and examined on April 18, 2007, and the following bids were received:

		(All Prices Per Ton )		
		<u>Type 3</u>	<u>Type 6</u>	<u>True/Leveling</u>
1)	A. L. Blades & Sons, Inc.	\$62.00	\$67.62	\$67.62
2)	Chemung Contracting	\$49.60	\$53.75	\$53.75
and				

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being Chemung Contracting, and

WHEREAS, the Director of Public Works has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Chemung Contracting.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Chemung Contracting, and that Mayor Patricia Gross is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

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

Shared Grader - Chris Lawrick reported that he's been talking with the Town over the last year about possibly sharing a grader. We already share a street sweeper with the Town. Town would use grader in the summer, our use is in the winter for plowing. Sen. Winner has money for shared service agreements.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads and Town of Horseheads have entered into inter-municipal cooperation agreements in the past with respect to both services and equipment; one example being the shared purchase and use of a street sweeper, and

WHEREAS, the Village and Town have owned and used road graders for many years for the purpose of maintenance of their streets and roads, etc. Such graders being owned separately, and

WHEREAS, the Village and Town both find themselves in the position where they would benefit from replacement of their existing road graders, and

WHEREAS, officials and staff of the Village and Town have met and discussed the merit of acquisition of a single road grader for their joint use, and have evaluated their respective needs finding that their mutual use of the equipment would be compatible in that the Town's use of same is predominantly during warm months, and the Village's use of same is predominantly during cold months of the year, and

WHEREAS, it has been estimated that the cost of acquiring a six-wheel all wheel drive road grader equipped for grading and snow removal is \$180,000, and

WHEREAS, the Executive and Legislative branches of the State of New York have historically encouraged municipal shared services and are increasingly supportive of same, and

WHEREAS, the proposed joint acquisition and use would be fiscally prudent and beneficial to both the residents of the Village and Town of Horseheads, and

WHEREAS, Senator George H. Winner, Jr., and Assemblyman Thomas O'Mara have at their disposal various member items, and

WHEREAS, the Village and Town have at their disposal sufficient funds to support one-half of the cost of acquisition of the road grader.

NOW THEREFORE BE IT RESOLVED, that Senator Winner and Assemblyman O'Mara be and they hereby are respectfully requested to consider a combined grant in the amount of \$90,000 to the Village of Horseheads and Town of Horseheads to enable said municipalities to acquire such

equipment as a way to further enhance intermunicipal cooperation amongst towns and villages of Chemung County, New York.

Roll Call Vote:

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

Belosky Road - Keuka Properties - Atty. Groff reported that the housing complex being developed on Gardner Road, the road has been constructed. Chris is satisfied with method of const. We also have water mains extended for it. They are now asking us to accept the road, and also the water mains. Still waiting for a few items when they are produced.

Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, Michael J. and Susan Belosky ("Belosky") are the owners and developers of an apartment complex located northerly of Gardner Road in the vicinity of the intersection of Gardner Road and Lynhurst Ave., and

WHEREAS, Belosky has caused the construction of a presently unnamed street extending northerly from the intersection of Gardner Road and Lynhurst Avenue, as well as the installation of water mains extending generally northwesterly from Normandy Place to the unnamed road, and

WHEREAS, the water main is partially located on the lands of Keuka Properties, LLC, ("Keuka"), and

WHEREAS, Keuka has expressed the intention of developing lands northerly of the unnamed road including the extension of the unnamed road so as to facilitate the development of a housing complex of single family dwellings, and

WHEREAS, Belosky is the owner of the unnamed road extending approximately 300 feet northeasterly from Gardner Road, as well as being the owner of the water main as installed, and has offered to dedicate said unnamed road and water main with an easement to the Village of Horseheads, and

WHEREAS, Keuka has offered to dedicate an easement to the Village of Horseheads for that area of its property burdened with the water main as shown on maps prepared by Fagan Engineers, and

WHEREAS, DPW Chris Lawrick has recommended acceptance of the unnamed roadway for dedication, for highway and other purposes, and has certified to this Board the completion of construction of same in accordance with the Village's specifications, and further has overseen the construction of the water mains and distribution system and has reported to this Board that it was constructed as designed, and further has successfully passed necessary pressure testing and disinfection procedures, and has recommended acceptance of the water mains and maintenance easements, and

WHEREAS, Village Attorney John Groff has examined the title to lands of Belosky and has submitted his recommendation to this Board, and

WHEREAS, Keuka has been requested to, and has represented that it will provide an abstract of title and other necessary documentation to support its offer of dedication of an easement for water line maintenance.

NOW THEREFORE BE IT RESOLVED, that this Board agrees to accept the deed of dedication for said road to be known as Lynhurst Avenue and directs that the deed, the Agreement for Water Facilities Conveyance and Easements between the Village, Belosky and Keuka, equalization and assessment form, and transfer tax return be recorded/filed in the Chemung County Clerk's Office at the expense of Belosky; and authorizes and directs Mayor Gross to execute any and all documents necessary to effectuate same. All of the foregoing to occur upon notification from Village Attorney John Groff that: 1) with respect to Keuka, he has received, reviewed and approved of the Abstract of Title, Limited Liability company members authorization to enter into agreement with the Village, and other necessary paperwork supportive of same; and 2) with respect to Belosky, he has received for subsequent recording of releases of lien of all contractors and material men relating to the construction of and installation of the road and water lines, partial release of mortgage premises from Community Bank, formerly Elmira Savings and Loan, and receipt of all other title curatives.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Catlin

BE IT RESOLVED, that the following equipment be declared surplus, and Mayor Gross, in the absence of the Village Manager, is authorized to dispose of same by sale or scrap, if same have no value.

- 1984 Ford Dump Truck, including Salt Spreader - (VIN#.....04410)

Roll Call Vote:

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

#### STEG Presentation

George Miner and Jamie Johnson from Southern Tier Economic Growth gave a presentation on offering their services to administer the commercial portion of the Village's CDBG loan program. In summary:

- STEG would administer the commercial dev. portion of any loan program the Village wants.
- City of Elmira could administer the single family rehab. portion. Neither firm can do both for the Village.
- Highly recommend requiring minimum of 51% of bank participation. Gap financing. Taking a second position behind a primary lender. He reviewed the terms of their services and what would be required of the applicants.
- Village appointee on the loan committee.
- We can work with and assist the Village on identifying target areas, expanding target areas, etc. Village has to decide how much is slated for business/commercial, and how much for home improvements.
- STEG can also apply for additional CDBG monies on behalf of the Village.

George Miner noted that in today's news it was announced that the Toshiba Building on Westinghouse Road was sold to a developer. He added that he does not know specifically what company or companies will go in there, but he is hopeful that it will create jobs for the area.

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

- No Parking - Lynhurst Ave.
- Authorize Training for Village Officials
- Tax Warrant

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads Board of Trustees has accepted, in futuro, the dedication of a road to be known as Lynhurst Ave. extending northerly from its intersection with Gardner Road, and

WHEREAS, the Traffic Commission has recommended to this Board that parking be prohibited on this street, both sides, northerly from its intersection with Gardner Road for a distance of 300 feet, and

WHEREAS, Michael J. and Susan Belosky who constructed and dedicated the road to the Village of Horseheads have requested that no parking zones be established on both sides of the street for said distance, and

WHEREAS, this Board has considered the health, safety and general welfare of the Village, residents thereof, and property owners therein with respect to the recommendation of the Traffic Commission, and

WHEREAS, Chapter 235 of the Village Code, Section 235-33, provides for the prohibition of parking on Village street as further supplemented by Schedule XV of said chapter, and

WHEREAS, Chapter 235-2 C. permits this Board to amend this Chapter from time to time by resolution.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby amend Section 235-75, Schedule XV: Parking Prohibited At All Times to add thereto Lynhurst Ave., both sides, northerly from its intersection with Gardner Road, for a distance of 300 ft.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

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

- Deputy Mayor Walt Herbst - NYCOM New Officials' Workshop, April 26, 2007 in Syracuse, NY
- Village Justices Moriarty and Driscoll -
  - Monthly Magistrates Meetings
  - OCA Satellite Broadcast - May 22, 2007
  - Part I and Part II of Required Continuing Education Program

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that Mayor Patricia Gross is hereby authorized to execute the 2007 Tax Warrant directing the Village Clerk-Treasurer to receive and collect taxes in the amount of \$1,240,770.

Roll Call Vote:

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

Atty. Groff reported on the following items:

- Rachel Baer has been assisting me in sharing documents with other municipalities.
- Training resolution - laws allow you to delegate authority to someone else to approve attendance and reimbursement for training seminars. It may be beneficial to consider delegating authority of approval to the Village Manager. There still would be an approval process, you still control the budget, but some times decisions on training are made right before the date of the training.
- Received notice today from workers comp - award of benefit to family of Chief Sullivan. Another pending application for benefits through the dept. of justice program.

Motion by Trustee Swartz, seconded by Trustee Miller, that a resolution be added to the agenda regarding training reimbursements.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, General Municipal Law Sections 72-c, 72-g, and 77-d provide in part for the municipality to authorize attendance by various Village staff, employees and personnel at training schools, courses of instruction, conventions, and conferences, and

WHEREAS, such laws and other laws of New York State permit the municipality to reimburse such personnel for the actual and necessary cost or expenses for meals, travel, tuition and the like, and

WHEREAS, GML Section 77-c also permits the establishment of a policy for per diem meal allowances in lieu of reimbursement for actual and necessary expense for meals, and

WHEREAS, the Board of Trustees is authorized to delegate its power to authorize attendance at such conferences and the like in advance of attendance to any executive officer, or any administrative board, and

WHEREAS, the laws require preapproval of attendance, and on occasion decisions to attend such events is made upon very short notice preventing preapproval of attendance due to the Board of Trustee's meeting schedule, and

WHEREAS, it is the determination of this Board that the Village of Horseheads would be best served by delegation of this power to authorize attendance to the Village Manager, as permitted by GML Section 77-b.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby delegate its power to authorize attendance at training, schools, courses of instruction, conventions, conferences and the like to the Village Manager in accordance with the above-noted laws as well as reimbursement for the actual and necessary cost of same, and as to meals a per diem allowance in lieu of the actual and necessary cost of same; further that such exercise of authorize will be in accordance with the requirements of such laws and any other applicable laws, policies and procedures of the Village of Horseheads as heretofore established and amended from time to time.

Roll Call Vote:

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

Trustee Herbst - since our last meeting, I issued a PBA grievance decision. Sharron and I continue work on the Employee handbook. Chris will be getting flashing lights on the curve of Gardner Road during the ball games. Spent day at NYCOM training for new officials - very beneficial.

Trustee Swartz - had a farmers market meeting today. Big Flats will have they attorney draw up a generic contract.

Mayor Gross noted that Cooperative Extension is doing a lot of great work on this farmers market. Horseheads is a popular site that vendors are choosing.

Sharron Cunningham - found out that the Town of Elmira is using the same contractor for their GASB 45 that we received proposals from. I sent an email to NYCOM for a list of various actuaries. They don't have a list. Ben Smith said he only rec'd one other quote. It was substantially higher in cost.

Elliott Blauvelt stated that the Masons will have a chicken bbq at Zeiglers on Sat. May 12<sup>th</sup>, 11:30-4pm.

Mayor Gross asked the Board to look at the NYCOM training in Saratoga in June.

As there was nothing further to bring before the Board, the meeting was adjourned at 8:30 p.m.

/rmb