

Minutes

Village Board of Trustees

March 26, 2015

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

Present were:

Village Board and Staff

Mayor Donald Zeigler
Trustee George Koliwasky
Trustee Mike Skroskznik
Trustee Brad Lytle
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Manager's Asst. Rachel Baer
Fire Chief Arthur Sullivan
DPW Matt Mustico
Code Enf. Bob Young
Water Don Gaylord
Parks Dir. Nate Nagle
DPW Dept. Employees

Absent

Trustee Ron Swartz

Others

Mike Swasta, Watkins Road
Sue Pirozzolo, Hhds. Schools
Tom Rupp, Tiff Ave.
Sean Murray, W. Broach St.
Mike Cadek, Perkins Ave.
Mark Watts, Soil & Water Conserv.

Ann-Marie Bailey, Hhds. Schools
Lisa Earley, Hhds. Schools
Mary Jo Yunis, Yunis Realty
Art Ambrose, Barrington Assoc.
Tom Dobrydney, Fagan Engineers

Presentation by Soil and Water Conservation

At this time Mark Watts from Soil and Water made a presentation of awards to our DPW Department Employees. He stated that each year we have a State meeting regarding awards. We entered Chemung County Highway Assoc. for an appreciation award, and also for the Village. We appreciate what all your highway employees do for us. Thank you very much.

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of March 12, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Audience Participation - Nobody came forward

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, that the Tentative 2015-2016 Village Budget has been presented to this Board by Budget Officer Walt Herbst.

NOW THEREFORE BE IT RESOLVED, that a public hearing regarding said budget is hereby scheduled for Thursday, April 9, 2015 at 7:10 p.m.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

8:40 a.m. - Public Hearing: Barrington Rezoning of Parcels on Lynhurst to PUD

At this time Atty. Groff declared open the public hearing.

Mike Swasta, Watkins Rd. - I am in favor of the rezoning. Because it's the only mechanism that provides a comprehensive review and design of proposed construction. I believe the Village's Comprehensive Plan and previous discussions over the years have mentioned the possibility of a design review board for new construction for large developments. Nothing has transpired for this yet. I believe the comp plan update is necessary. I also propose that Bentley Street be extended to the Lynhurst Ave. It was discussed when this project first came up. It was not implemented. It's important that traffic would benefit from it.

As nobody else came forward to speak, the public hearing was closed.

Barrington Associates - Rezoning of Lynhurst Avenue Parcels:

Atty. Groff - there is no proposed use yet. Should there be a plan it would come back to be presented to the Village and reviewed by the Village Planning Board and Village Board as you are the ultimate review and approval body for any plan of this property. Those features will be identified in the future.

At this time the Board completed Part 2 of the SEQR for the rezoning of the parcels. Discussion ensued regarding whether the plan is for residential use. It was noted that the Village Planning Board were provided with drawings of "concept plans" for residential use, even though their application is simply for a rezoning to PUD, with no plan.

Atty. Groff noted the Planning Board's resolution for recommendation did say that it be limited to "residential use only". Mary Jo Yunis, and Tom Dobrydney concurred that the future use will be for residential.

The Board completed its review of Part 2 of the SEQR form and did not identify significant negative environmental impacts. Warrant the issuance of a negative declaration with this particular action.

Resolution by Trustee Koliwasky, seconded by Trustee Lytle

WHEREAS, Keuka Properties LLC (Keuka) is the owner of premises situated in the Village of Horseheads, located on Lynhurst Avenue (commonly known as Tax Map Parcels 48.20-5-8.11, 48.20-5-14, and part of 48.20-5-8.2) comprised of approximately 14.16 acres, and

WHEREAS, Keuka has represented that it has entered into a sales agreement with Barrington Associates (Barrington) for the sale of said parcels, and

WHEREAS, Barrington, with the authorization of Keuka, has made application to the Village of Horseheads for rezoning of the 14.16 acres from R-1 Residential to P-1 Planned Unit Development, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action, pursuant to SEQR regulations, and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the application, the Environmental Assessment Form and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on March 26, 2015 regarding the application for rezoning, at which time all interested or affected parties were afforded an opportunity to present their views regarding the application, and

WHEREAS, this application has been reviewed by the Village of Horseheads Planning Board, and Chemung County Planning Board, such Boards having recommended the approval of same, noting that it should be limited to future residential use only, and

WHEREAS, this application has been thoroughly reviewed and given thoughtful consideration by this Board.

NOW THEREFORE BE IT RESOLVED, that 1) a public hearing on the environmental aspects of this action is waived; 2) Village Manager Herbst is authorized and directed to sign the Environmental Assessment Form finding there to be no significant environmental impact; and 3) the application of Barrington Associates for rezoning of approximately 14.16 acres on Lynhurst Avenue from Residential to Planned Unit Development be and the same hereby is approved; it being noted that the specific land use is hereby limited to residential use; however any site plan or specifics for such site have not been specified and are therefore not hereby approved. The owner, or its authorized agent shall, in the future, develop and present a plan for this Board's review and approval.

Atty. Groff noted that the resolution should be amended to reflect that the Village Planning Board and County Planning Board both recommended that the future use be limited to residential only, and that this Board is making that a stipulation as well.

Roll Call Vote on Amendment to Resolution:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Roll Call Vote on Resolution AS AMENDED:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Character Ed Program Presentation

Anne Marie Bailey, Principal of Ridge Road Elementary School, gave a brief presentation regarding the Districts Character Education Program. She is Co-Chair of the Character Education Program Committee. Lisa Earley is also here, she is a Social Worker for the District, and also Co-Chair of the Committee. We started this in 2010, we were asked to take a look to work with the community to build character education. We are working with students to become civic minded citizens. We have parents and community members on the Committee. Looking at the second page of the handout I gave you, we divided Character Ed into four main areas, and we wanted to make sure it was taught in the curriculum. The District has created six traits for the program: respect, citizenship, fairness, responsibility, caring and trustworthiness. Also setting up community services projects.

We're here today to ask for the Village to partner with us on these character traits. Nate Nagle, your Parks and Rec. Director has been very helpful. We need help getting the traits out there visible in our community, banners, etc. We already met with the Merchants on putting signs in their doors.

Nate Nagle - we've put the traits on the pool building. We also put them on our basketball jerseys, and also on our Parks and Rec website. Part of the plan is to have banners throughout the Square during the summer months, replacing the historical banners. Also maybe magnetic decals on Village vehicles. I'm going to start with Parks vehicles. That's the overall goal. We also made this presentation to the Town Board and they are on board with us for this.

Trustee Koliwasky - I think this is a positive thing, and whatever we can do to move this forward we should do.

Mayor Zeigler - I applaud you for this. You've got my support.

Motion by Trustee Koliwasky, seconded by Mike Skroskznik, that the following items be added to the agenda:

- Computel Utility Audit
- Revocable License - 308 Tiff Avenue

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Skroskznik

WHEREAS, the Village of Horseheads remains committed to providing efficient municipal services in the most cost effective manner, and

WHEREAS, the Village has a history of periodic auditing of its utility providers to assure that it is provided with all utility services contracted for at contracted or stipulated rates, and

WHEREAS, such audits have frequently identified billing errors resulting in reimbursement to the Village, and

WHEREAS, the Village has contracted with Computel Consultants in the past for auditing of the Village’s utility service providers, which audits have resulted in reimbursements to the Village, and

WHEREAS, some years ago the Village enacted a gross receipts tax imposed upon utility providers in the Village of Horseheads which taxes have not been audited and for which Computel is now providing auditing services under its NYCOM USA Program, and

WHEREAS, such taxes can be audited by Computel Consultants at no cost to the Village other than a percentage of any tax underpayment detected and collected.

NOW THEREFORE BE IT RESOLVED, that Village Manager Herbst is authorized to enter into an agreement with Computel Consultants for the auditing of the payment and collection of gross receipts taxes imposed by Local Law #1 of 2005.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Resolution by Trustee Skroskznik, seconded by Trustee Lytle

WHEREAS, THE Village of Horseheads has a drainage easement through a subdivision commonly known as Windsor Gardens for the drainage of surface water (see Liber 518 of Chemung County Deeds at Page 132), and

WHEREAS, the Village is informed and believes that such easement borders property commonly known as 308 Tifft Avenue on the north thereof, and

WHEREAS, the Village has been provided with a survey map of lands now or formerly of Marie J. (McLean) Clark Estate, 308 Tifft Avenue, Horseheads, NY, Twin Tiers Land Surveying Job No. 1562 dated March 5, 2015 from which it appears that a fence and shed improving 308 Tifft Avenue encroach upon the Village's drainage easement, and

WHEREAS, the Village has been requested to grant permission for the encroachments to remain in their current location, and

WHEREAS, it is the policy of the Village, when such encroachment exists, to grant a revocable license in lieu of an easement for the maintenance of such encroachments if it has been determined that same do not materially impair the public safety and operations of the Village.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walt Herbst will cause the existence and locating of the above-noted encroachments to be investigated by appropriate Village staff, and in the event that such staff report that they foresee no material adverse effects to the Village from the continued maintenance of such encroachments, he is authorized to sign a revocable license permitting the continued maintenance of such encroachments.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

Trustee Skroskznik - commended Matt Mustico and the DPW staff. Very visible and very busy - backbone of this Village - very hardworking. Congrats on the award. Also thanked the school for their presentation. I think it is a great idea. As civic leaders we should be role models to the upcoming generation. I think that is great, I personally would be involved in that.

Trustee Lytle - I also support the education program initiative. Regarding the last meeting on the law for overriding the tax cap. I questioned the urgency to pass the law at that time. I asked if we need to do it now, without budget figures, and there was some uncertainty. I did fwd to everyone what was from Comptroller's office. We can do it up and until the last day before we pass the budget.

Trustee Lytle commented on the issue of the Board seeing the agreement with the County for the Police Chief. He noted this Board approved giving the Manager and the Atty. the task of developing the agreement. He added that he attended a meeting at the County where this was discussed, and said he heard some things that are different than what was reported to us. He asked that any agreement we sign with the County be examined by this Board first.

Atty. Groff stated that the resolution allowed the Manager to have authority with my participation in signing a document that is negotiated with the county. If you wish to change that authority you can do so.

Trustee Lytle made Motion that based upon discrepancies I heard at the county meeting that we as Trustees get a look at the final draft before we sign off on it.

Mayor Zeigler - what is the county's procedure. Do the legislators see it.

Atty. Groff - I'm not sure. The doc is in development now at the County and Village levels. No final document yet. My understanding is that the subject will be considered by the legislature Monday and I don't know if their intention is to grant authority for the County Exec. sign doc, or whether the legislature will want to see it in its final form.

Nobody seconded the Motion.

Further discussion ensued regarding this issue. Trustee Skroskznik recused himself from these discussions.

Trustee Koliwasky stated that the Manager will certainly sit down and discuss the contract with anyone who asks. We don't need to micro manage what these men have been put in charge to do.

Trustee Lytle asked the specifics on public referendum for dissolving a police department.

Atty. Groff - Public would be notified of any proposal by you to dissolve. Then if 30% of the people who voted at the last presidential election signed a petition to put it to a vote, then it goes to a vote. He believes they have 30 days to submit petitions. If the November election is not coming up in sufficient time, there would be a special election. We don't dictate these requirements - the State does. He added that the Village can also put the matter to a public vote on its own initiative.

Atty. Groff reported on the following items:

- Radio Shack has filed bankruptcy. Only a water customer. The village is now owed \$75. Cost of admin trying to now collect it, we'd only get about 5\$. Management has taken the position that it doesn't warrant the effort.
- Town of Hhds. submitted to the Village a letter stating their intention to act as Lead Agency for an application for development of lands for an elder care facility, and assisted living. This is on Gardner Rd. The Village PB would be made aware and have opportunity to review. Typical to just return their request for local determination. I offer a resolution for this:

WHEREAS, the Town of Horseheads has advised the Village of an application to amend a Planned Unit Development zone to allow for the use of 7.121 acres, known as 500 Gardner Road, as an assisted living facility, and

WHEREAS, this project is subject to SEQR Review, and

WHEREAS, the Town has notified the Village of its intent to assume Lead Agency for the SEQR Review of this project.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads has no objection to the Town's assumption of such Lead Agency status. It is this Board's request that the Town and its department, boards, etc. continue to provide timely and current reports regarding the processing of this application to the Village Planning Board for its review and comment.

Motion made by Trustee Koliwasky, seconded by Trustee Lytle

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Koliwasky	Aye
Trustee Skroskznik	Aye
Trustee Lytle	Aye

As there was nothing further to come before the Board, the meeting was adjourned at 9:50 a.m.

/rmb