

Minutes

Village Board of Trustees

October 27, 2011

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.

Mayor Donald Zeigler
Trustee George Koliwasky
Trustee Suzanne Peters
Trustee Larry Clark
Village Manager Walt Herbst
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham
Recreation Dir. Nate Nagle
Code Enf. Off. Bob Young
Fire Chief Arthur Sullivan
Manager's Assistant Rachel Baer

Absent

Deputy Mayor Ron Swartz

Others Present

Dave Padgett, W. Franklin St.
Wayne Brubaker, Gardner Rd.
Mike Swasta, Watkins Rd.

Millard Little, Fairfax St.
Mr. and Mrs. Hostettler, W. Broad St.

Resolution by Trustee Koliwasky, seconded by Trustee Peters

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 13, 2011 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that the final Audit Reports prepared by Richard McNeilly, CPA for the Village of Horseheads' Fiscal Year ending May 31, 2011, and for the Village Justice Court for Fiscal Years ending May 31, 2010 and May 31, 2011, be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, the Village of Horseheads regulates peddling and soliciting in the Village in accordance with Chapter 171 of the Village Code, and

WHEREAS, Herbert R. Kinney has applied for a peddler permit for the sale of investments/insurance products by Edward Jones, door to door within the Village, and

WHEREAS, the Village of Horseheads conducted investigations for felony and misdemeanor convictions regarding such applicant.

NOW THEREFORE BE IT RESOLVED, that Village Clerk Treasurer Sharron Cunningham is authorized to issue a license to such individual for peddling of such goods in the Village once the applicant has paid the license fee for such permit as established by this Board. Said license to expire December 31, 2011.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: NO

Resolution by Trustee Clark, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Planning Board Meetings of August 23rd, September 6th, and September 27th, 2011 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Motion by Trustee Peters, seconded by Trustee Clark, that the following items be added to the agenda:

- Probationary Appointment to Fire Department
- Moose Club - Waiver of 30-day Waiting Period - Petition for Removal of Liquor License

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Clark, seconded by Trustee Peters

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of Michael D. Wheeler, 209 Bowers Drive, to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, the Village of Horseheads has been advised by the Loyal Order of Moose Lodge #1476 that the latter is submitting to the NYS Liquor Authority a 'Petition for Removal' of the liquor, beer and wine license for their former location of 3312 S. Main Street, and

WHEREAS, said applicant has submitted a written request asking for a waiver of the required 30-day waiting period for such change, and

WHEREAS, Village Manager Walt Herbst has communicated with this Board expressing no opinion with regard to the removal of the license, nor to the request for waiver of the waiting period.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby waives the statutory 30-day waiting period for said application.

Roll Call Vote:

Mayor Zeigler: Aye
Trustee Koliwasky: Aye
Trustee Peters: Aye
Trustee Clark: Aye

Trustee Peters - Saw the Airport newsletter - they are one of 3 airports in the state that has had economic growth. Because of Sikorsky and Schlumberger and other companies.

Trustee Koliwasky - new business in Hanover Square. They make signs. They are where the old hobby shop was.

Trustee Koliwasky - any updates on talking with the Police Chief regarding parking issues.

Manager Herbst - yes, I will follow up with him.

Manager Herbst reported on the following items:

- Mayor and I attended RAMS meeting. Discussed county initiative to protect roads. They hired an engineering firm for this. Along with a law firm where they have designed permit applications and standards for use of highways, and to protect the road, etc. If it is deteriorated, responsible parties will have to repair. This is all in anticipation of heavy trucking that may come.
- Looking into moving pit to old landfill site. Talking to TVGA on this. Looks good. Permitting process says 3,000 cubic yards or less per year then no DEC permits are required. John looking at possible impact of this. Could be money available, etc.
- Monday working with stormwater engineer on grant for Ryan Circle. Water problems are very bad there. Will fix regardless.
- UPS is looking into coming into the old art and frame shop in Hanover Square.
- 175th anniv of the founding of the Village is next May. Need to think about celebrations, etc.

Atty. Groff reported on the following items:

- Well 5 issue - program with DOH to commission a study. Wendell Energy can help. Manager will also look at other firms. Wendell energy which you already have doing an energy study is qualified to do this and may be able to just expand the scope of its original service contract to evaluate this water system issue. I recommend we authorize the Manager to continue to look into firms for this purpose, and in the event he finds qualified firms to engage them on behalf of the Village. We've agreed with Chemung County Health Department to commission the study within 90 days.

Atty. Groff offered the following resolution:

WHEREAS, continuing the use of Well #5 of the Village of Horseheads water system as a source of water supply without significant modification is in question, and

WHEREAS, the Village has agreed to commission a study of the existence or absence of groundwater under direct influence of surface water impacts of Well #5, and

WHEREAS, Wendell Energy LLC has previously been engaged by the Village to conduct a comprehensive energy study utilizing a grant under the auspices of NYSERDA, and

WHEREAS, Village Manager Walter Herbst wishes to pursue additional due diligence measures to ascertain the existence and qualifications of Wendell and other competent and qualified engineering firms for the purpose of conducting the study including investigating whether the NYSERDA grant can be amended to include some or all of the costs of the study and thus provide a source of the funding of same.

NOW THEREFORE BE IT RESOLVED, that Village Manager Walter Herbst is authorized and directed to perform research into engineering firms qualified and available to conduct the study under the time parameters that the Village has already agreed to with respect to the Department of Health and to otherwise perform due diligence for the retention of such a firm, and be it further

RESOLVED, that in the event that Manager Herbst determines that a firm or firms are qualified, he is authorized to engage a firm for such study upon appropriate contractual terms as approved by the Village Attorney, and be it further

RESOLVED, that he is also authorized to consider the experience and qualifications of Wendell Energy LLC as well as the feasibility of whether the cost of the study can be partially absorbed through a grant from NYSERDA and other grant authorities as part of his due diligence.

Motion was made by Trustee Clark, seconded by Trustee Peters

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye
Trustee Clark:	Aye

Trustee Clark - any chance that since it was from flooding, that we can get FEMA money.

Atty. Groff - Manager is looking into this as well. Study will figure out what the exact situation is.

Fire Chief Sullivan - very busy with fire prevention week, open house, etc. Gave out six applications for firefighters, rec'd two back already.

Atty. Groff - At the last meeting I was asked to look into shortening time frame for approving applicants to Fire Department. I did some research and consulted with the Fire Chief, I will be issuing a report shortly.

Q&A - Well #5 issue:

Mike Swasta, Watkins Rd.

- Limiting consideration to Wendell, why not Hunt engineers, or Larson design. J.J. Carl is also a good resource.

Manager Herbst - I've already been in contact with J.J. Carl regarding this.

- Are wells 1, 2 and 4 producing water? I understand well 4 is contaminated. Is well 5 the only source?

Manager Herbst - no they are all working, including 4.

- I assume you are chlorinating heavily. Turbidity introduces bacteria, increased use of chlorine results in increased levels of suspected carcinogens.

Manager Herbst - on turbidity, water is tested everyday. Elmira Water Board tests it, we also test ourselves every day. Department of Health is right on top of this with us. So far everything has gone well. Part of agreement with Dept. of Health is that we will look at alternatives.

- Elmira Water Board could provide water to the village. Is that a viable consideration?

Manager Herbst - that is certainly something we could study, minimum pressure would be an issue though.

Nobody else had questions regarding Well #5.

Audience Participation

Millard Little, 213 Fairfax St. - got bedroom window smashed out. They drove into our front yard and smashed window. Did report it to the police.

Mike Swasta, Watkins Rd. - any progress on Thorne St. pool accessibility. ADA compliance is required in 2012.

Atty. Groff - we are in process of applying for a grant to get pool in compliance.

As there was nothing further to come before the Board, the meeting was closed at 7:39 p.m.

/rmb