

Minutes

Village Board of Trustees

September 27, 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 Howard Miller, Ronald Swartz, and Walter Herbst, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, Planning Board Member Mike Stenpeck, Fire Chief Arthur Sullivan, and Police Chief Mike Barton.

Also present were Bernie Wiegler, 111 Boorum Pl.; Tess Banfield, 134 Catalpa Dr.; Penny and George Kasthuber, 519 John St.; Don and Jan Zeigler, 535 Watkins Rd.; Jean Quinn, 555 Gardner Road; George F. Koliwasky, 303 Eleanor St.; and Mary Jo Yunis of Keuka Properties.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 13, 2007 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Herbst

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of September 12th, and the Traffic Commission Meeting of September 25th be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, Debbie Gessick, on-site manager for the Village's Farmers Market, has submitted a Festival Permit application marking the last farmers market for 2007 to be conducted on Saturday, September 29th from 9:00am to 3:00pm in Teal Park, said festival to include a classic car show, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, and

WHEREAS, the Public Works Director has reviewed the street closing request, and barricade locations, having made minor changes to same.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 9:00am - 3:00pm on Saturday, September 29th, 2007:

- Pine St. from Mill St. to Steuben St.
- Steuben St. from Grand Central to S. Main St.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Chemung Sunrise Rotary Club has submitted a Festival Permit Application for Holly Days and Chili Cookoff to be conducted on Saturday, November 24th, 2007 from 2:00pm - 7:00pm in Hanover Square, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, and

WHEREAS, the Public Works Director has reviewed the street closing request, and barricade locations, having made minor changes to same.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from Noon - 8:00 p.m., and to close the Village parking lot on S. Main St. from 9:00am to 8:00pm, on Saturday, November 24th, 2007:

- S. Main St. at Franklin St. south to Broad St.
- Franklin St. from Grand Central Ave. to Eleanor St.
- John St. from Grand Central to S. Main St.
- the Main Street parking lot
- the John Street parking lot

STREETS TO REMAIN OPEN TO TRAFFIC:

- N. Main, southbound, turning east on Ithaca Road
- Ithaca Road, westbound, turning north on N. Main St.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Town and Country Fire Department has submitted a Festival Permit Application for their annual Open House to be conducted on Thursday, October 11, 2007 from 4:30pm to 8:00 p.m., and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, and

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 4:00pm to 9:00 pm on Thursday, October 11, 2007:

- W. Franklin St. from Boorum Pl. to Gardner Road

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

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

- Public Works Director to attend NYCOM Public Works Training School, October 22-25, 2007 in Lake Placid, NY
- Recreation Director to attend Certified Playground Safety Inspectors Course, November 7-9, 2007, in Syracuse, NY
- Fire Chief to attend NYCOM Firefighter Workshop, October 25, 2007, in Dansville, NY

Roll Call Vote:

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

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

- Keuka Properties - Reduction in Letter of Credit
- Probationary Appointment to Fire Department
- Discussion on Traffic Commission Recommendations
- Water Line Easement - Eisenhart Place (Struble Property)

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Keuka Properties, LLC is the owner and developer of lands northerly of Gardner Road, developing same into single family dwellings. Said development referred to as Gardner Road Subdivision and also referred to as Village Estates, and

WHEREAS, the developer has commenced construction of municipal infrastructure improvements to Phase 2 of the project, and more specifically Phase 2A; such improvements including but not limited to water transmission lines, roadbed and road surfaces, sidewalks, lighting, grading for drainage and other purposes, and

WHEREAS, Gardner Road LLC has submitted to this Board an irrevocable documentary Letter of Credit from Elmira Savings Bank dated June 12, 2007 in the amount of \$101,358, and

WHEREAS, the developer has requested that the Village consider releasing a portion of the Letter of Credit, reducing same, on the basis that the municipal infrastructure improvements to be dedicated to the Village of Horseheads have been constructed in accordance with the approved plans and specifications, and

WHEREAS, DPW Chris Lawrick has inspected the roadbed, road, sidewalks, street lighting and surface water drainage facilities comprising Phase 2A of the project and has determined that same are constructed in accordance with such plans and specifications, and

WHEREAS, a Release of Lien has been received from all contractors and materialmen in connection with such infrastructure improvements, and

WHEREAS, Director of Public Works Chris Lawrick has received and accepted appropriate disinfection and pressure testing reports relative to the water system, and has recommended the reduction of the above-noted Letter of Credit based upon the value of the paid improvements to date.

NOW THEREFORE BE IT RESOLVED, that this Board consents to a reduction of the above-noted Letter of Credit from \$101,358 to \$47,638.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that this Board hereby approves the one-year probationary appointment of David P. Baker, Horseheads, NY, to the Village of Horseheads Fire Department

Roll Call Vote:

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

Discussion on Traffic Commission Recommendations of 9/25/07:

Cameron Fabricating - Blostein Blvd. - Atty. Groff stated that this is regarding a right of way - ingress/egress - question. Cameron was looking to purchase land from Village and have the Village retain its right of way.

Mayor Gross stated that no dollar amount was mentioned. They just want to know if we will do it.

Atty. Groff - they will have to pay market price for the property. It would be incumbent upon Cameron to identify what they are specifically interested in and if the Village is interested in disposing of property. We could sell it and have an easement over the property. The Village needs to retain access to the property.

Mayor Gross said they understand that. We do not want to lose Cameron Fabricating - need to keep them in Village.

After further discussion, it was agreed that further communication with Cameron is necessary.

Motion by Trustee Herbst, seconded by Trustee Miller that we let Cameron know that we are exploring what they propose and will be taking it under consideration.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads is the grantee of a right-of-way/easement for a water line service extending southerly from Eisenhart Place, servicing several residents in the vicinity. Said right-of-way being dated September 23, 1955, recorded in Liber 457 of Chemung County Deeds at Page 358, and

WHEREAS, Joseph A. and Carolyn D. Struble have constructed a garage over said right-of-way

necessitating the relocation of a water service and the right-of-way/easement, and

WHEREAS, such water line has been relocated and reconstructed to the satisfaction of DPW Chris Lawrick who recommends the acceptance of same and the partial surrender of the existing right-of-way/easement, and

WHEREAS, an agreement to the effect of the foregoing has been reviewed and approved with modification by Village Attorney John Groff.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized and directed to execute the Water Line Agreement and Easement, as modified.

Roll Call Vote:

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

STEG Administration of CDBG Funds

Atty. Groff stated that it is necessary that a person be designated on STEG's Loan Committee. We need to provide a list of candidates. Please give names to Mayor Gross and bring to the next Board meeting.

Appleridge

Atty. Groff - we received a letter from their attorney regarding the \$5000 for outside counsel. They have agreed to do so. They said they would place that amount in escrow with Don Coyles. We asked for it to be in escrow at Village. We need to respond whether it should be at Coyles or Village. Advantage to having it here would be it is more available and we don't have to go through a process to get it distributed. This funds would be solely used for outside counsel fees and related to the issue presented and not for payment for internal expenses for project. Any surplus funds would be returned to them. The Board can review letter if they wish.

Trustee Herbst - after we finally get an answer to our numerous requests, they come up with what they want to do regarding escrow funds. Then Don Coyles has to review information before releasing funds.

Atty. Groff - if the expense falls within the purpose, it would not need further approval. Does the Board want the escrow to remain at the Village and not at Coyles.

Trustee Swartz - I would have a concern in possible delaying of payments if escrow is somewhere else.

Atty. Groff - our request was clear that we wanted funds here and surplus returned to them. Do we want to discuss with them or is it not up for discussion .

The Board agreed that the funds should remain in escrow at the Village.

Atty. Groff - I will advise them that we accept \$5000 and that the escrow will need to be at the Village of Horseheads for disbursement.

Other

Trustee Herbst - Justice Driscoll went to a meeting with Office of Court Admin. and brought back a recording device which will be free for the Village.

Met with Nate Nagle - meeting went well - established recreation committee - will get together next week.

Atty. Groff - regarding Gardner Road Auto - entering into agreement regarding servicing Police Vehicle. They already have agreement with State Police.

Chief Barton - contacted Gardner Road to assist us in service of our Police Cars - he indicated that he can give same service/prices as he does for State Police and willing to extend same to the Village. Currently 31% into our repair budget. Sending to Ford dealership is expensive.

Trustee Swartz - last Farmers Market is this Saturday. Going to have a classic car show.

Mike Stenpeck - October 3rd is the first public meeting on the comprehensive plan.

Chief Sullivan - On 10/7 Richard Sullivan will be enshrined out in Maryland, fallen firefighter memorial. Our VFD Open House is October 12, 6-9pm.

Mayor Gross - Thanked everyone for Nate Nagle's smooth transition to this office. Pat noted that we need to order 150 American flags.

Mayor Gross asked Trustees Miller and Swartz the status of our background investigation policy. Trustee Miller said they can meet next Tuesday.

Mayor Gross - met with CDBG people from City of Elmira regarding administering the housing portion of our CDBG funds for low to moderate income. Will loan up to \$15,000 - part loan part grant - work with code enforcement closely. Better to open to whole Village. They will draw up contract to work on this project.

Motion by Trustee Herbst, seconded by Trustee Miller, that this Board and the Village Attorney move into an Executive Session to discuss the employment history of a particular person.

Roll Call Vote:

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

At 7:55 p.m. the Board and Village attorney went into an Executive Session to discuss the employment history of a particular person. The minutes of which are attached hereto and made a

part hereof.

At 8:15 p.m. the Board returned back into its regular meeting of this date.

As there was nothing further to bring before the Board, on a motion by Trustee Herbst, seconded by Trustee Swartz, the meeting was adjourned.

/sc

Village Board of Trustees

EXECUTIVE SESSION

September 27, 2007

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:55 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Ronald Swartz, Howard Miller, and Walter Herbst, and Village Attorney John G. Groff, at which time they discussed the employment history of a particular person.

Discussion ensued. At 8:15 p.m., upon motion by Trustee Miller, seconded by Trustee Swartz, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

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

/rmb