

Minutes

Village Board of Trustees

February 28, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Howard Miller, George Koliwasky and Walt Herbst, Village Attorney John Groff, DPW Chris Lawrick, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, Recreation Director Nate Nagle, Fire Chief Arthur Sullivan, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer. Also present were: Todd Hamula, DDR Developers; Jamie Gensel, Fagan Engineers; Ron Johnson, Elmira; Norma and Richard Kwasnik, 1006 Lackawanna Ave.; George Kastenhuber, 519 John St.; Denise Whitty, NYSEG; Eileen Patocka, 3136 Watkins Rd.; Dave and Claudia Radin, 501 S. Main St.; Laura Peck, Middle Rd.; Carol Rodabaugh, 233 Leisure Lane.

ABSENT: Trustee Swartz

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 14, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of February 22, 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the Village Fire Department submitted a Parade Permit Application for a St. Patrick's Day Parade to be conducted on March 16, 2008 at 2:00 p.m., and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, with some minor modifications to the parade route.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 1:30 p.m. until the parade is over on March 16, 2008:

- S. Main St. at Franklin St. south to Fletcher St.
- Franklin St. from Hanover Square west to Grand Central Ave.
- Fletcher St. from the school parking lot east to S. Main Street

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 Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Discussion: DDR Request for Dedication of Electric Parkway

Atty. Groff - there has been a revision to their proposed request. Fagan provided an updated map and drawing showing the elimination of drainage area. At this point the request that has been made is that you consider acceptance of roadbed and roadway, not drainage facilities north of the roadway.

Discussion ensued regarding who owns the road now. Denis Whitty, from NYSEG, stated that NYSEG has a right-of-way, but Toshiba owns it. Northerly of the road is NYSEG's property, but Toshiba maintains it.

Atty. Groff - DDR is the proponent because of their arrangement with NYSEG. In terms of the actual dedication it would be a dedication that comes from Toshiba or CBS or whoever owns it now on their behalf. If the Village were to indicate a willingness to accept this that probably the arrangement regarding upgrading of the roadway would be worked out between NYSEG, DDR, and Toshiba.. DDR will be responsible for upgrading the roadway.

Jamie Gensel, Fagan Engineers - once Village has agreed to take over, we will finalize the design, run it by the Village and County make sure everyone is in agreement. The County has agreed to plow it.

Trustee Koliwasky - what is the benefit to the Village.

Jamie Gensel - County doesn't take over these types of roads. It is a dead end road serving Village private property. It was felt that it was a better fit that the Village take over the road.

Mayor Zeigler - we never know what will happen in the future with all that empty Toshiba property. I just think if your going to rebuild a road to County specs and give to the Village, then all of a sudden there is all this heavy equipment going in there, trucks, etc. We'll wind up fixing this. Might not happen, but I don't want to put burden on taxpayers. I'm not sure we should vote on this tonight.

Jamie Gensel - will the Village take over the right of way as long as we agree to build a road that is acceptable. We were hoping you'd vote on accepting it with the condition that your staff accepts the design. Obviously you can't do it yet. We're not trying to say ok you gave us dedication now we

won't rebuild. We are coming into this with the Village accepting the process and we design it to your standards. The road will not be accepted until after improvements are in.

Trustee Herbst - your agreement is with NYSEG. What if we say no, is your obligation still to do this?

Mr. Hamula, DDR - we still need to make improvements. Their desire is that it become a public right of way so they don't have to maintain it. DDR is now plowing it for NYSEG.

Trustee Herbst stated that we need time to review all the material. I move that we table it to the March 13th meeting. Seconded by Trustee Miller.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, March 13th, 2008 at 7:05 p.m. regarding the application by Conifer Realty LLC for a Planned Unit Development Site Plan Review of a proposed development of a retail/commercial building and retail pharmacy on a 5.4 acre vacant parcel on Grand Central Avenue.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, March 13th, 2008 at 7:15 p.m. regarding the application by ReRob LLC for a Special Use Permit and Special Sign Permit for a proposed convenience store, gas station, and fast food restaurant with drive through service at 2150 & 2152 Grand Central Avenue.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Presentation by Horseheads Garden Club

Eileen Patocka and Laura Peck of the Garden Club made a presentation regarding landscaping duties they will continue to do for the Village, and a list of requested items for their program. Areas they will continue to mulch, weed, plant and maintain are:

- medians on Grand Central Ave.
- around all the new Village signs
- raised bed on Old Ithaca Road
- Veteran Park
- triangle area near Sugar Creek on S. Main St.
- granite block on corner of John and Grand Central
- Hanover Square - hanging baskets and planters
- Teal Park hanging baskets
- two raised beds in front of Thorne St. Pool (Sullivan Family takes care of this)

Requested Assistance:

- funds to purchase flowers and shrubs
- mulch
- Village to pick up piles of weeds
- edging of the flower beds
- painted cones
- licensed person to spread pesticides
-

Discussion ensued regarding the watering needs. It was agreed to have a separate workshop to discuss the options.

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

- Authorize Village Attorney to Attend Training Conference

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that Village Attorney John Groff is hereby authorized to attend a NYS Bar Association training seminar on Public Sector Labor Law, on March 6, 2008, in Rochester NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Norma Kwasnik, 1006 Lackawanna Ave. distributed and discussed a list of several traffic related issues in the Village that she feels needs addressing, mostly in the Lackawanna Avenue area. Mayor Zeigler stated these issues will be forwarded to our Traffic Commission.

Trustee Herbst - newsletter coming right along. Need to meet with STEG and Pyramid Brokerage regarding brownfields. Met with Perry & Carroll regarding our liability insurance, they will come back addit'l info on deductibles. Met with Mike Krusen on health insurance

Atty. Groff - draft contract on Recreation Agmt. was circulated. Need to get that defined. Also gave you mat'ls on host liability for underage drinking. Also drafted a light duty assignment policy. Need to get input from Chief Barton on this.

Motion by Trustee Herbst, seconded by Trustee Miller, that the Board and Village Attorney moved into an Executive Session to discuss the proposed acquisition, sale or lease of real property.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

At 8:25 p.m., the Village Board and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 10:30pm, the Board reconvened back into its regular meeting of this date.

As there was nothing further to bring before the Board, the meeting was adjourned.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

February 28, 2008

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:30 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Howard Miller, Walter Herbst, and George Koliwasky, and Village Attorney John G. Groff, at which time they discussed the proposed acquisition, sale or lease of real property.

At 10:30 p.m., upon motion by Trustee Miller, seconded by Trustee Herbst, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye