

Minutes

Village Board of Trustees

September 28, 2006

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 Ronald Swartz and Howard Miller, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Police Sgt. Mike Barton, and Manager's Assistant Rachel Baer. Also present were Mr. & Mrs. Tom Nybeck, 908 South Ave.; Kim Seymour, 826 South Ave.; Joe & Betty Danaher, 914 South Ave.; Don & Jan Zeigler, 535 Watkins Road; Robert Ryan, 821 South Ave.; and the news media.

ABSENT: Trustees Earle Catlin and Kevin Sullivan

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 14, 2006 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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of September 13, 2006 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Town & Country Fire Department submitted a Festival Permit Application to the Village Manager for an Open House to be conducted on October 12, 2006 from 5:00 p.m. - 8:30 p.m., and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of 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 4:00 - 9:00 p.m. on October 12, 2006:

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

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that Public Works Director Chris Lawrick is hereby authorized to attend the NYCOM Public Works Training School, October 23 - 26, 2006 in Syracuse, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

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

Atty. Groff - rates for delinquency on water accounts not updated for several years. Material costs, labor costs have escalated. You have a recommendation from your Dept. Head that the rates and charges be adjusted to reflect the changes. There is a proposed revision to Schedule A.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads owns and operates a water system for commercial and domestic water consumption within the Village of Horseheads, the Village's Permissive Service Area, and various water districts, and

WHEREAS, the Village of Horseheads Board of Trustees sits and acts as Water Commissioners for such Department, and

WHEREAS, the Commissioners have enacted Rules and Regulations for the Department last revised April 2003, and

WHEREAS, Article X of said Rules and Regulations provides for Classifications, Rates, Charges and Delinquency including a Schedule "A" (last revised in June 2005) setting forth various charges, costs, fees and penalties associates with the operation of the Department, and

WHEREAS, Section 11.4 of said Rules provides that the Board may amend or change the Rules and Regulations from time to time without notice and without a hearing, and

WHEREAS, this Board/Commissioners have received a recommendation for proposed changes to Article X and Schedule "A", due in large part to increasing material costs, labor costs, general inflationary trends, etc.

NOW THEREFORE BE IT RESOLVED that the Village of Horseheads Board of Trustees acting as Water Commissioners hereby amends Schedule "A" to said Rules and Regulations as outlined and per the attached Proposed Revised Schedule "A" effective September 29, 2006.

Trustee Swartz - this is basically an adjustment on delinquencies.

Clerk-Treasurer Cunningham - yes increasing from \$15 to \$25 to use as a deterrent.

Mayor Gross - these are only on ones that are more than 2 payments behind.

Clerk-Treasurer - water rates themselves aren't changing. If someone misses 2 consecutive billings without payment, a fee is assessed to that account and letter is sent out. They have 10 days to pay before water is turned off.

Roll Call Vote:

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

At this time, Atty. Groff declared open a Public Hearing on the Restore NY Grant Application.

Kim Seymour, 826 South Avenue - if we have questions regarding the process that takes place after demolition, how should we address them.

Atty. Groff - You may come before the Mayor or one of our Department Heads at that time with any questions. Additionally, you can come in any time and view our records and files regarding this grant also.

Joe Danaher, 914 South Avenue - have you specified any amount of money?

Rachel Baer, Manager's Assistant stated that the grant application is for \$380,576 which will cover remediation and demolition costs. There is also a 10% match required by the municipality.

Mr. Danaher asked how long before we would get the money.

Mrs. Baer stated that ESDC will be making award notices sometime in mid-October. She was unsure how long after that would the monies be distributed.

Kim Seymour, 826 South Avenue - Does the grant take into account hazardous materials?

Mayor Gross said yes it did.

Atty. Groff noted that this application is a proposal. Final costs for the project may vary.

As nobody else came forward to speak regarding this grant, Atty. Groff declared the public hearing closed.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads is the owner of lands on South Avenue in the Village, said site consisting of a vacant structure commonly known as the former LRC Facility, and being situated in a former Light Industrial Zone in the Village. Said zone being eliminated as a zoning district within the Village of Horseheads during its 2002 adoption of a new zoning code, and

WHEREAS, said facility has been and continues to be in such a state of disrepair and deterioration making it unusable for municipal purposes, and unsaleable due to its current state, and

WHEREAS, the 2006-2007 New York State Budget includes a Restore NY Communities Initiative Grant Program, administered through the Empire State Development Corporation. Said grant program is designed to assist municipalities in revitalizing urban areas and stabilizing neighborhoods as a means to attract residents and businesses, and

WHEREAS, this Board desires to make application to the Restore NY program for grant funds which will enable us to completely demolish the LRC Facility structure ensure proper and complete remediation of the property, and allow the Village to sell it to developers for affordable housing, or other more appropriate uses that will be allowed in a residential zone.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby approves and strongly supports its application for \$380,576.00 through the Empire State Development Corporation's Restore NY Communities Initiative for demolition and remediation of the former LRC Facility.

Mayor Gross added that about 6 years ago Thomas and Betts (formerly LRC) moved from this facility to the Holding Point. Southern Tier Economic Growth would have taken the building and tried to market it for us. However this board decided that maybe industry was not the original intent of the use. It grew into a 24/7 operation. So recognizing the fact that this may not be the original intent, with the help of the Town we bought it. It has never been our desire to put something in there that is not compatible with neighborhood. But we need financial assistance to tear it down. Something has to be done with that building.

Mayor Gross noted that we are in competition with other municip. for these grant funds. In Chemung Co. alone there are two other projects, and many others across the state.

Roll Call Vote:

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

Motion by Trustee Swartz, seconded by Trustee Miller that items regarding Receipt of Lead Agency Intent Letter from Town of Horseheads Regarding Dalrymple Gravel and Contracting Rezoning, 92 Colonial Drive, Horseheads; Motion to Move Into Executive Session to Discussion Potential Litigation be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Dalrymple Contracting Company has applied for rezoning of premises in the Town of Horseheads, and

WHEREAS, the Town of Horseheads has supplied the Village of Horseheads with a notice of its intent to assume Lead Agency status for this action, has further preliminarily designated it as an Unlisted Action, and

WHEREAS, this matter has been referred to Village Departments for its review and comment.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized to sign a "No Objection" letter to the Town of Horseheads being designated Lead Agency for the above action upon receipt of input from effected Village Departments regarding this application.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that this Board along with the Village Attorney move into Executive Session to discuss potential litigation.

Roll Call Vote:

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

At this time, the Mayor, Board and Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:07p.m. the Board returned to its regularly scheduled meeting of this date.

Motion by Trustee Swartz, seconded by Trustee Miller, than an item regarding Remedial Investigation and Feasibility Study for the Kentucky Avenue Wellfield be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads is the owner of lands in the vicinity of Blostein Blvd., formerly utilized as a solid waste disposal facility adjacent to Koppers Pond, and

WHEREAS, during a period of time in the past said facility was operated by the Town of Horseheads, and

WHEREAS, the Kentucky Avenue Wellfield Site was identified as a Superfund site having been contaminated by various hazardous materials, and

WHEREAS, said site was the subject of various investigations under the auspices of the United States Environmental Protection Agency (EPA) Region II, as well as NYS Department of Environmental Conservation, and

WHEREAS, the Village of Horseheads received a Notice Letter dated August 15, 2006 from EPA concerning Remedial Investigation/Feasibility Study (RI/FS) for the Koppers Pond portion of the Kentucky Avenue Wellfield Site identifying the Village of Horseheads as a potentially responsible party, among others, for the asserted contamination, and

WHEREAS, EPA has requested that the Village volunteer to participate in the performance of an RI/FS to evaluate the nature and extent of hazardous substances ultimately to lead to appropriate responsive action, and

WHEREAS, this request has been evaluated by Village officials in conjunction with consultation with environmental consultants and others, and

WHEREAS, it appears that it is in the best interest of the Village and its residents that it participate in the RI/FS as well as other aspects of evaluation of the Village's potential legal liability relative to such alleged contamination.

NOW THEREFORE BE IT RESOLVED, that Mayor Patricia Gross is hereby authorized and directed to:

1. Enter into an Administrative Settlement Agreement And Order On Consent for Remedial Investigation and Feasibility Study (AOC) with the EPA and six other potentially responsible parties presently identified as Town of Horseheads, County of Chemung, Toshiba Americas, Hardinge, Inc., Beazer East, Inc., and CBS, subject to the recommendation of the Village Attorney.
2. Enter into an agreement with the potentially responsible parties for the performance of the RI/FS (PRP Agreement), said agreement titled Koppers Pond RI/FS Group Agreement, when such agreement is in a form satisfactory to the Village Attorney. Said agreement to provide in part for organizing and conducting the work identified in the AOC, and other related matters, and further providing for the allocation of the costs of same amongst the group, initially on a per capita basis.

Roll Call Vote:

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

As there was nothing further to bring before the Board, the meeting was adjourned at 8:15p.m.

/rmb

Village Board of Trustees

EXECUTIVE SESSION

September 28, 2006

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:25 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Ronald Swartz and Howard Miller, and Village Attorney John G. Groff.

Atty. Groff made a presentation to the Board regarding a matter which might result in potential litigation. No action was taken.

At 8:07 p.m., a motion was made by Trustee Miller, seconded by Trustee Swartz, that the executive session be adjourned, and the Board reconvene back into its regular meeting of this date.

Roll Call Vote:

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

**PROPOSED REVISED SCHEDULE A
OTHER CHARGES**

ALL TAPS:		\$200.00 plus material (Excavation done by others)
COMP. CORP.:	3/4"	\$ 17.60
	1"	\$ 26.40
	2"	\$ 112.20
DOUBLE STRAP SADDLES:	6" x 3/4"	\$ 45.10
	6" X 1"	\$ 45.10
	6" X 2"	\$ 55.00
	6" X 3/4"	\$ 49.50
	6" X 1"	\$ 49.50
	6" X 2"	\$ 61.60
CURB STOP:	3/4"	\$ 34.10
	1"	\$ 51.70
	2"	\$ 159.50
CURB BOX WITH ROD:	3/4"	\$ 40.70
	1"	\$ 40.70
	2"	\$ 63.80
METER INSTALLATION INSPECTION FEE:		
(Incl. Supply of meter and remote reader pad, materials owned by Village)		
	5/8" X 3/4"	\$ 50.00
	3/4"	\$ 70.00
	1"	\$ 95.00
	2"	\$ 550.00
STOP AND DRAIN	3/4"	\$ 15.40
	1"	\$ 19.80
METER BOTTOMS:	5/8" x 3/4"	\$ 5.50
	3/4"	\$ 6.60
	1"	\$ 9.90
TOUCH PAD:		\$ 5.50
DAMAGE OF METER BY CUSTOMER:		\$ 150.00
SCHEDULED CALL OUT:		n/c
(Minimum of 24 hours prior notice, normal weekday hours)		
UNSCHEDULED CALL OUT:		\$ 30.00
(Less than 24 hours prior notice, normal weekday hours)		
EMERGENCY CALL OUT FEE:		\$ 100.00
(After normal hours and weekends)		
CUSTOMER REQUEST FOR SHUT-OFF (SCHEDULED):		\$ 20.00
(includes turn on)		
Note: Sales Tax to be added to all material charges.		
DELINQUENT ACCOUNT CHARGE:		\$ 25.00
DELINQUENT ACCOUNT TURN ON FEE:		\$ 35.00
LABOR RATE: Actual hourly rate of Village personnel involved in service provided, plus the cost of such employee's fringe benefits multiplied by a factor of 1.5.		