

## Minutes

### Village Board of Trustees

May 8, 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 Ronald Swartz, Howard Miller, Walt Herbst and George Koliwasky, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Donna Hartsock, Recreation Director Nate Nagle, DPW Chris Lawrick, Police Chief Mike Barton, Fire Chief Arthur Sullivan, ZBA Chairman Dave Radin, and Manager's Assistant Rachel Baer. Also present were: Julie Spicer, Sister City Assoc.; Adam Hepburn, 412 Normandy Pl.; Steven Wandel, 1198 Maple Ave., Elmira; Martha Hauser, 407 W. Broad St.; Jean Quinn, 555 Gardner Rd.; Robin Plummer, 150 Overlook Dr.; Larissa Wagner, 19 Cayuga Dr.; Leigh Trumpfeller, 104 Laurel Lane; Mary Owen, 6 Wynmere Dr.; Ashley Henderson, 201 Segar Rd.; Kaylin and Beth Grannis, 275 Scenic Dr.; and the news media.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 24, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

General -	\$115,477.64
Water -	\$ 65,115.03
Trust and Agency -	\$ 1,193.23

Roll Call Vote:

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

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the Justice Reports for April 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: 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, May 22, 2008 at 7:05 p.m. regarding a Proposed Local Law on Establishing a Village Newsletter.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Planning Board Meeting of April 22<sup>nd</sup>, and of the Traffic Commission Meeting of April 30<sup>th</sup> be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that a Parade Permit is hereby issued to the Horseheads American Legion for Memorial Day, Monday May 26<sup>th</sup>, 2008 beginning at 2:00 p.m., and be it further

RESOLVED, that the Department of Public Works is hereby directed to close off the streets of the approved parade route at or about 2:00 p.m. until the end of the parade.

Roll Call Vote:

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

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Resolution by Trustee Herbst, seconded by Trustee Miller

WHEREAS, the Village of Horseheads operates a farmers market in Teal Park during the summer and early fall, and

WHEREAS, frequently such events include farm winery tastings and sales, and

WHEREAS, Village Code Chapter 76 controls possession and consumption of alcoholic beverages and open containers at various locations in the Village including locations such as Teal Park, and said law empowers the Board of Trustees to grant permission waiving the application of such law on terms and conditions as the Board deems reasonable, and

WHEREAS, this Board has decided to proceed on a trial basis with permitting such wine tasting and sales in connection with the operation of the farmers market.

NOW THEREFORE BE IT RESOLVED, that the Village Manager, and in the absence of the Manager the Mayor, is authorized to issue a permit waiving application of Village Code Chapter 76 to farm winery tastings and sales in Teal Park in connection with the farmers market under the following conditions:

1. The farm wineries shall oversee the safe conduct and operation of the wine tastings and sales on the site together with the dispensing and consumption of wine.
2. Open containers of alcoholic beverages are prohibited pursuant to the above Chapter excepting only wine within the boundaries of Teal Park (excluding streets) during the hours of the operation of the farmers market (excluding setup and tear down).
3. The farm wineries shall provide the Village of Horseheads with Certificates of Insurance naming the Village as an additional insured as to public liability for these events in an amount not less than \$1,000,000.00. The wineries' coverage shall be primary and shall provide the Village with thirty days prior written notice of cancellation.
4. The farm wineries shall present the Village with Certificates of Compliance with all New York State Alcoholic Beverage Control Board requirements regarding the tasting and sale of wine off of licensed premises, and copies of the wineries' licenses as well as any other necessary approvals from the Chemung County Health Department, if any.
5. The farm wineries shall agree to hold the Village harmless from any and all liability whatsoever with respect to the permission granted and shall provide the Village with an Indemnification Agreement in a form acceptable to the Village.
6. The permission granted by this resolution may be revoked at any time by the Village Manager without prior notice.
7. The Village reserves the right to modify the conditions of this permission in such manner and at such times as the Board deems warranted in its sole discretion.

Trustee Swartz - I talked with Liz Stamp from Lakewood Vineyards. They are a farm winery. They provide two tastings for \$1.00, one ounce of wine per tasting. They will check everyone's ID. They will not have open containers. If someone buys it they cannot open it there. They will provide the Village with an insurance certif. Farm wineries are the only ones who can do this at farmers markets.

Discussion ensued on who gets the \$1.00 for the tastings.

Roll Call Vote:

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

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads advertised on April 7, 2008 for the submission of bids for the Hanover Square Repaving Project in the Village of Horseheads, and

WHEREAS, bids were opened and examined on May 2, 2008, and the following bids were received:

All Bids Are Per Ton Laid In Place

	<u>Base Bid</u>	<u>Alternate</u>
1. Chemung Contracting Corp.	\$202.00	\$110.00
2. Narde Paving Co.	\$ 99.50	\$ 85.00
3. Wenzel Contractors, Inc.	\$399.00	\$300.00

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being Narde Paving Co., and

WHEREAS, the Director of Public Works has submitted his recommendation regarding the bids and the award of a contract, the same recommending award to Narde Paving Co.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Narde Paving Co., and that Mayor Donald Zeigler is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

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

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Chris Lawrick stated that the Alternate price is for additional paving work from Hanover Square to the railroad tracks on North Main St.

Presentation by Girl Scout Troop

Members of Girl Scout Troop 1403 made a presentation regarding a special project they want to do to get their Gold Award. They want to paint house numbers on the curbs on Village streets. They will contact each homeowner and ask permission and write a letter to each home. Chief Sullivan will be assisting. Would like it to become a self-sustaining project...other troops can do maintenance. Has to be approved by Girl Scout Council on June 1<sup>st</sup>.

Motion by Trustee Miller, seconded by Trustee Koliwasky, that the following item to added to the agenda:

- Authorize 30-Day Waiver for Liquor License - Casa Blanca

Roll Call Vote:

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

Atty. Groff - The Board previously approved this but now there is a name change. Had to reapply.

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, RJAS, Inc., d/b/a Snooky's Casa Blanca, is a tenant of premises known as 912 Chemung Street, Horseheads, NY, and has represented to this Board its intention to apply for its liquor license at said restaurant,

WHEREAS, RJAS, Inc. has asked this Board to waive the 30-day waiting period required under NYS ABC Law Section 64.2(A), and

WHEREAS, this Board is informed and believes that the sale of alcoholic beverages from this location will be for on-premises consumption and incidental to a restaurant.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to submit a letter to the NYS Liquor Authority advising that the Village requests waiver of the statutory 30 day notice and waiting period.

Roll Call Vote:

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

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Motion by Trustee Swartz, seconded by Trustee Miller that the following item also be added to the agenda:

- Authorize 30-Day Waiver for Liquor License - Tanino's Restaurant

Roll Call Vote:

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

Atty. Groff - Tanino's had a similar request last week for waiver of 30 days for renewal of its liquor license last week. That request was facilitated by Village staff. It would be appropriate for you to consider ratifying this action as a Board.

Resolution by Trustee Miller, seconded by Trustee Koliwasky

WHEREAS, Tanino's Ristorante Italiano applied for a renewal of its liquor license with the NYS Liquor Authority and failed to submit their application prior to the 30-day waiting period, and

WHEREAS, Mayor Donald Zeigler was requested to execute a waiver on behalf of the Village granting authorization for issuance of the permit renewal on less than the required 30 days prior notice.

NOW THEREFORE BE IT RESOLVED, that the action of Mayor Zeigler in waiving the 30-day notice period is hereby ratified and approved.

Roll Call Vote:

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

Trustee Herbst - newsletter committee moving along.

Atty. Groff reported on the following items:

- Relocation of gate for Cameron Fab. - The general consensus was for a need for a gate. That was communicated to their attorney.
- You will receive a draft law on portable storage units very soon.
- Second version of light duty policy will be submitted soon.

- 911 dispatch - I will be meeting further with Chief Barton to review the proposal that you have been presented with. Will make detailed suggestions to you.

Dave Radin - Comprehensive Plan is nearing a conclusion. Right now they are doing rewriting and reediting. Will be done next week, complete with maps. Committee will review one more time then it will be in your hands.

Chief Barton - two injured officers are back to work. I've completed my law enforcement executive training. The new automatic license plate reader is in the works, waiting for equipment to arrive. Already have the written the policy.

Chris Lawrick - on the trash disposal program, we met with the County and came up with what we think is a workable program. Will save the Village a lot of money. We were granted tonnage for free at the landfill. We will issue vouchers to residents. It will go by weight, not truckload. We will be allowed a total of 300,000 lbs. We might have to cover a few costs for very large items dropped off. This will be during the month of July.

Nate Nagle - we start painting the pool the week of May 19<sup>th</sup>. During the Memorial Day parade, the Parks and Rec. Dept. will be doing the ice cream social.

Adam Hepburn, Normandy Place - raising funds to go to Australia. Collecting cans and bottles. I'm \$2,000 away from my goal. Call 331-9708 to donate cans and bottles.

As there was nothing further to come before the Board, the meeting was adjourned at 7:50 p.m.

/rmb