

September 9, 2004

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Deputy Mayor Kevin Sullivan, Trustees Earle Catlin, Howard Miller, and Ronald Swartz, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief David Kole, DPW Chris Lawrick, Planning Board Chairman Bob Skebey, Village Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Johnson. Also present were: John Bower, 122 Old Ithaca Rd.; Rodney and Marsha Brewer, 184 Catalpa Dr.; Mike Stenpeck, 2202 Grand Central Ave.; Robert Watts, 192 Old Ithaca Rd.; Shawn Matthews, 192 Old Ithaca Rd.; Bernie Weigle, 111 Boorum Pl.; Tom Sweet, 807 Center St.; Keith Haskins, 180 Old Ithaca Rd.; Lorrie Fundurulic, 113 Boorum Pl.; Tess Banfield, 134 Catalpa Dr.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 12, 2004 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Swartz, seconded by Trustee Catlin

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

General -	\$130,483.45
Water -	\$ 11,640.71
Trust & Agency -	\$ 2,959.10

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

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

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meetings of August 18, 19 and 20, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Swartz, seconded by Trustee Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of August 24, 2004 be received and placed on file in the Village Clerk's Office.

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Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads Planning Board has begun a comprehensive review of the Village of Horseheads Sign Ordinance in an effort to update same and to make recommendations to this Board regarding changes worthy of consideration, and

WHEREAS, it has become noted that currently ground and/or pole signs up to 50 feet tall could be erected in commercial areas in the Village, and

WHEREAS, this Board has been informed by the Planning Board that it is exploring the feasibility and merit of amending the Village Sign Ordinance, specifically the maximum height of ground and pole signs, and

WHEREAS, the Planning Board has recommended to this Board the establishment of a six-month moratorium on the issuance of sign permits for ground and/or pole signs exceeding 35 feet in commercial zones in the Village, and

WHEREAS, this Board feels that it would be in the best interest of, and would enhance the health, safety and welfare of the Village of Horseheads and its residents if the Planning Board's recommendation was to be implemented.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John Groff is hereby directed to prepare enabling legislation for this Board to consider, implementing the Planning Board's recommendation for such a moratorium.

Atty. Groff - Not every sign would be impacted. Normally we would draft a law based upon this resolution, then it comes back to the board to adopt the legislation. After its adoption, code enf. would be prohibited from issuing sign permits over 35ft. Any legislation would not impact current signs. This is being done in conjunction with a reevaluation of the sign ordinance. Its just a part of the sign ordinance.

Village Mgr. Azzarelli -We asked the Plan. Bd. to review sign ordinance because 186 will generate many more applications for tall signs. Help us to keep it under control. McDonalds has already come in to ask for a big sign.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Discussion on Proposal for Purchase of Village Property - Ithaca Road (Tabled from 8/12/04) - Vil. Mgr. - I've looked at this with the DPW Director and Vil. Atty., and because of several different offers that have come in, and we haven't even put it out for bid, at this time we recommend we do not sell the land.

Atty. Groff - you can pass a resolution if you want. You've been presented with a letter of inquiry. Or you can request the Manager informally respond to the applicant.

The Board agreed to let Village Manager handle this.

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that two Police Officers are hereby authorized to attend the Tactical Edge Seminar, September 21st and 22nd, 2004, in Harrisburg, PA with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Chief Kole - it will be Officers McGrain and Nowlan. This is a very elite school, hard to get into. They train officers in all up-to-date street survival techniques. Then they will be certified instructors.

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Tactical Edge is the company that provides the training. They are very well known across the states.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the Public Works Director is hereby authorized to attend the NYCOM Public Works Training School, October 18-20, 2004 in Saratoga Springs, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads has heretofore had a practice of transferring personal property (items of nominal value and of a nature personal to a particular employee) to long term employees upon retirement, such as presenting to retiring police officers their badges, and

WHEREAS, on occasion the items transferred to retiring police officers may have been their service weapons, and

WHEREAS, the number of Village employees has grown over time and may continue to grow causing the practice to become more fiscally significant on a cumulative basis, and

WHEREAS, Article VIII of the NYS Constitution provides, in pertinent part, that no Village shall give or loan any money or property to or in the aid of any individual, and

WHEREAS, the transfer of such items of potential value and of the nature of service weapons has come into question in several respects, including the appropriateness thereof, and

WHEREAS, this Board has determined that it is appropriate to establish a policy regarding retiree honorariums.

NOW THEREFORE BE IT RESOLVED, that the following policy is adopted effective immediately: In the event of the retirement of a permanent, full-time employee who has been employed by the Village of Horseheads for a continuous period of 15 years or more, the Village Manager is hereby authorized to declare surplus an item of Village personal property having a value of not more than \$50.00, which item has been in the exclusive or near exclusive use or control of the retiree, such as in the case of a police officer's badge. Such item may be transferred to the retiree upon retirement with or without an accompanying ceremony or presentation.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Village Manager Azzarelli - this will be added to Employee Manual.

Receive Final Draft of Employee Manual - Village Manager - this was presented to you at the last meeting, then we had a workshop, made appropriate corrections. We included changes. We will now add the Gifts to Retirees section now that you've passed it. Please review this document as it will be on the agenda for adoption at the next meeting.

Discussion on Oil and Gas Lease - Village Manager -We had a workshop on this also. The question has been whether we will have a lease that we'll give to a gas company for drilling. The Village Atty. has negotiated a non-developmental lease, which will be drilling not closer than 2,000 feet from our water well. They will be drilling for gas. I recommend we accept the lease negotiated

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by the Atty.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads is the owner of real property situate in the Town of Horseheads comprised of approximately 35 acres referred to as tax map parcel #49.03-2-35, and improved with a well producing water for the Village of Horseheads water system, commonly known as Well #5, and

WHEREAS, East Resources Co., Inc. and other oil and gas exploration and development companies have approached the Village regarding the leasing of oil and gas minerals from such parcel, and

WHEREAS, the Village has explored the various leasing opportunities with the said oil and gas exploration and development companies, and has reviewed various lease proposals from same, and

WHEREAS, East Resources has offered a non-developmental lease so as to be assured that any and all of its activities relative to the premises would not have any adverse effect on Well #5 and the production of potable water for industrial and domestic consumption from the premises, and

WHEREAS, Village Manager Vincent Azzarelli and Village Attorney John Groff have reviewed the various terms and conditions of the lease as well as developing modifications thereto to protect the Village's interests, and

WHEREAS, the entering into of this lease has been recommended to this Board as being in furtherance of the interests of the Village and its residents from the possible production of oil and gas minerals.

NOW THEREFORE BE IT RESOLVED, that Vincent Azzarelli is hereby authorized and directed to execute a oil and gas lease with the East Resources Co., Inc. in a form recommended by the Village Attorney. A copy of said lease shall be placed on file with the Village Clerk. Revenues derived from this lease will be credited to the General Fund and appropriated in the future as determined by the Village Board.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	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 August 11, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Deputy Mayor Sullivan:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Town & Country Fire Department submitted a Festival Permit Application to the Village Manager for an Open House to be conducted on October 7, 2004 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, and

WHEREAS, the Village Manager has thoroughly reviewed the application and approved 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 4:30 - 8:00 p.m. on October 7, 2004:

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

Roll Call Vote:

Deputy Mayor Sullivan: Aye
Trustee Catlin: Aye
Trustee Swartz: Aye
Trustee Miller: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Horseheads Kiwanis Club has submitted a Festival Permit Application to the Village Manager for a Fall Festival to be conducted on September 26, 2004 in Hanover Square, and

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

WHEREAS, the Village Manager has thoroughly reviewed the application and approved same, and

WHEREAS, said application includes an outdoor 'wine tasting' during the festival, and

WHEREAS, Village Code Chapter 76 controls the possession and consumption of alcoholic beverages in open containers at various locations in the Village. Said law empowering the Board of Trustees to grant permission waiving the application of such law on such terms and conditions as said Board determines to be reasonable.

NOW THEREFORE BE IT RESOLVED, that Village Manager Vincent Azzarelli is hereby authorized to issue a permit waiving the application of Village Code Chapter 76 under the following conditions:

1. The applicant shall oversee the safe conduct and operation of the contemplated activity on the site together with the dispensing and consumption of alcoholic beverages.
2. Open containers of alcoholic beverages are prohibited pursuant to said law excepting only wine in the area which is authorized for the wine tasting.
3. The applicant shall present the Village with a Certificate of Compliance with all New York State Alcoholic Beverage Control Board requirements regarding the sale and dispensing of alcoholic beverages off of licensed premises as well as any other necessary approvals from the Chemung County Health Department, if any.
4. The applicant shall coordinate with the Village Police Department for a patrol officer's presence during the scheduled event.
5. The Village Manager is authorized to determine the size and location of the wine tasting area, which will be clearly identified as such by the applicant.

and be it further,

RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 2:00 p.m. - 9:00 p.m. on Sunday, September 26th, 2004:

- 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 (across from Rosars)

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:

Deputy Mayor Sullivan: Aye
Trustee Catlin: Aye
Trustee Swartz: Aye
Trustee Miller: Aye

Village Manager Azzarelli - DPW working hard and finished most road work. For your information, there was a petition presented to the Director of Public Works from people on Hatfield Street. We

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went out and looked at work done. We responded by letter to the complainants in the petition.

Trustee Swartz - Compliment Village Manager and Chris on hiring of landscaping company. They are doing a great job in Hanover Square, and especially on Grand Central Ave. Need to pursue lighting on Grand Central.

Deputy Mayor Sullivan - This Saturday, 9/11, at 8:45 a.m., the Hhds. Fire Station will have a short memorial service. Everyone is invited.

Chief Kole - first couple days of school went well. High school has new parking arrangements, which is helping a lot.

Deputy Mayor Sullivan - What are the regulations to have signs posted in a neighborhood - i.e. Kids at Play, etc.

Chris Lawrick - we don't require a law, generally if I get a request for a sign like that, we will usually put them up. We do have them in some neighborhoods. We never ask for Board action on these signs, they are just informational signs.

Deputy Mayor Sullivan - I have been asked by a few people on Hatfield street on having signs like this. This street has a lot of kids, and growing. Very concerned about speeding.

Chris Lawrick - I'd like to have the resident make the request in writing.

Atty. Groff - This is not a traffic control sign. Different municipalities have different policies on these signs. Sometimes they establish policies because people want signs all over the place. If you have some that are specific uses, i.e. deaf child, then people might move, and the sign stays they forever. So a lot of this isn't monitored. It's a policy decision. Sometimes there are strong views about this.

Chief Kole - some neighborhoods don't want these signs, don't want people knowing where children live.

Trustee Swartz - should have traffic commission review this.

Tess Banfield, 134 Catalpa Dr. - I have a children at play sign in my front yard. I didn't ask for it. Don't know when it was put up. If someone else would like it, they can come take it. But it doesn't bother me.

John Healy, 165 Old Ithaca Rd. - Who is in charge of dike on Ithaca Road. Piece of property that wants to be bought goes right up to it.

Chris Lawrick - We own the acreage, but I know this came up when dike was breeched years ago. I went to the Town when it happened because I believe they have jurisdiction.

Mr. Healy - The guy cut a hole through the dike, then we had a bad storm. We had no recourse. A lot of people suffered a lot of flood damage because of it. Maybe for the future, we need to find out who is in control, that way people won't take advantage of doing whatever they want down there. It is a valuable asset to the Village. Need to do a little more homework.

Keith Haskins, 180 Old Ithaca Rd. - Is that the way back to Well #5, is there a reason your not selling it, will it be a driveway for the gas drilling.

Village Manager - no, it will not be a driveway for drilling.

John Bower, 172 Old Ithaca - I border property. I talked to Chris about this. I would like to say that if this property comes up for sale, I would like to be advised. Though I don't recommend it being sold. I recommend that it be maintained so it can be mowed without a lot of rocks, etc. I'd like to go on record as being interested if you ever sell it. Or if the other person wants to split it. I just want to be a part of it.

Rodney Brewer, 184 Catalpa Dr. - Noise Ordinance - I understand it was brought up before. I'd like it to be the same as the one from the Town of Horseheads. We need one in the Village. I'd like to give you a copy of this ordinance. Should be the same as the Town.

Village Manager - We have had several complaints lately on noise. The Village Atty. is working on an ordinance.

Atty. Groff - we're looking at it as a fresh subject, not to replicate what the town does. Our interests

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are different. Village is more densely populated. Our concerns may not be identical to the Town.

Atty. Groff - on the bidding list subject, we can't assure you you'll be notified. If we declare property surplus, it includes procedure for public notice. Doesn't mean we won't try to keep you in mind. Might be 10- years from now. Has to be declared surplus, possible auction.

Mr. Bower - I don't think they should sell it.

Bob Skebey - Is the Village working on a cat ordinance?

Village Manager - I've done a lot of research on the cat ordinance. Will talk to Atty. about this.

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb