

August 11, 2005

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, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief David Kole, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, Fire Chief Dick Sullivan, Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Baer. Also present were Jake Trimmer, 241 Oakwood Ave., and Don Walker, 504 Scott Lane.

ABSENT: Earle Catlin

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 14, 2005 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 Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Miller

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

General -	\$139,319.19
Water -	\$ 25,008.37
Trust & Agency -	\$ 3,546.46

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the Justice Reports for July 2005 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 Sullivan:	Aye

Resolution by Trustee Swartz,, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Planning Board Meeting of July 26, 2005 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 Sullivan:	Aye

At this time, Atty. Groff declared open a Public Hearing on a Proposed Local Law on Sign Height in Commercial Zones. As nobody came forward, Atty. Groff declared the public hearing closed.

Village Manager Azzarelli - this law came from input from your Planning Board. It calls for a standard height for all signs, no higher than 35 feet in commercial zones.

August 11, 2005 (cont'd)

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village is considering a local law regarding the height of signs in commercial and manufacturing zones, and

WHEREAS, this proposed local law was presented to this Board on July 8, 2005, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on August 11, 2005, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Proposed Local Law Regulating Sign Height in Commercial and Manufacturing Zones is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

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

Trustee Sullivan - do you get a lot of requests for larger signs.

Mike Stenpeck - We do get requests all the time. People want bigger signs. There is actually a commercial zone just south of Hanover Square which would allow for 50 foot signs right now. Nobody thought that a 50 foot sign on South Main Street would be appropriate. So we thought 35 feet all over the Village, including the commercial zones by the highway.

Receipt and Discussion of Proposal from Chemung County Emergency Management on National Incident Management System (NIMS): Village Manager - A copy of this is in your packets. You are also provided a copy of a letter from Homeland Security sent to the Governor, along with information that forces everyone to be a part of it. We have already moved toward this, taking courses, Chris and I. Chief Kole and Chief Sullivan will be taking the course online. They have to be completed by the end of September, it is a fiscal year requirement. Failure to complete this would mean us not being eligible for Homeland Security funds in the future.

At this time, Atty. Groff declared open a Public Hearing on a Proposed Local Law on Fishing Restrictions at Mill Street Pond.

Jake Trimmer, Chairman of Sportsmen Federation. We are in favor of these new proposals.

As nobody else came forward, Atty. Groff declared the public hearing closed.

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, the Village is considering a local law amending the regulations for fishing at Mill Street Pond, and

WHEREAS, this proposed local law was presented to this Board on July 8, 2005, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on August 11, 2005, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law on Fishing Restrictions at Mill Street Pond is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Trustee Sullivan - are we going to change the sign down there.

Chris Lawrick - the sign is actually taken care of by the Federation of Sportsmen.

Don Walker - we will replace the sign with the new wording.

Mayor Gross - what about the permission application, for special groups of handicapped.

August 11, 2005 (cont'd)

Village Manager - yes will be done within 30 days.

Back to discussion on National Incident Management System....any other questions.

Trustee Sullivan - do they have to take that course every year.

Village Manager Azzarelli - They have to take it, then stay active with continual training.

Mayor Gross - does it make us more eligible for certain grants.

Village Manager - the way its been working now, the County has been taking the lead on getting the grants for the county. There will be times when we can apply for individual grants.

Mayor Gross - who notifies us of grants.

Village Manager - The Village is signed up to receive by email.

Receipt and Discussion of Request from Chemung County IDA for Amendment to PILOT Agreement for Thomas and Betts Property: Village Manager - under the new rules for Empire Zone, the local Empire Zone Board can reassess companies already in the zone. This is part of that effort. The problem is that companies often start out strong and then cut back in personnel and facilities, or they move. This is an effort for the company to come forward, they have 600 people. As I mentioned earlier, its not unlike M&T - they would have had to go through the same thing. Its an attempt by the State to allow local communities to police these organizations. They do have the authority to cancel all their benefits.

Clerk=-Treasurer Cunningham - I looked back and the assessment has remained the same for 4-5 years. The pilot agmt. is for 15 years, and we are in the 8th year. We get \$15,245.30 year. that is 50% of the actual cost of the taxes. Actual tax that would be due is \$30,000. Their payment is due every January. I will work up a worksheet before the meeting in September. It looks like its been 50% right along.

Mayor Gross - I'd like to know if it increases at all.

Atty. Groff - I don't recall.

Trustee Miller - if we do that, what will prevent them to ask to reduce it again. Can we put a restriction.

Atty. Groff - this property is owned by Chemung County IDA. It's leased to Thomas and Betts. The County is exempt from paying taxes. Literally they don't have to pay anything. They enter into pilots to induce local communities. If your asking for assurance that it won't happen, you should not ask. The County IDA is essentially a conduit for this business, and as their circumstances change, you can expect the IDA to come back for additional changes. The school district is providing no services for Thomas and Betts, and receiving the bulk of the taxes.

At this time, Atty. Groff declared open a public hearing on a Proposed Local Law on Zoning Updates. As nobody came forward, Atty. Groff declared the public hearing closed.

Resolution by Trustee Sullivan, seconded by Trustee Miller

WHEREAS, the Village is considering a local law amending the definitions and supplemental lot regulations of Chapter 245, Zoning, of the Village code, specifically the definition of 'professional office', and amending the allowable length of a front entryway or deck, and

WHEREAS, this proposed local law was presented to this Board on July 8, 2005, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on August 11, 2005, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Amending Definitions and Supplemental Lot Regulations of Chapter 245, Zoning, of the Village Code is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

August 11, 2005 (cont'd)

Roll Call Vote:

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

Motion by Trustee Miller, seconded by Trustee Swartz, that an item regarding Receive Letter from Town of Horseheads Requesting Lead Agency Status on Redevelopment of Horseheads Industrial Capital Site (former A&P Plant) be added to the agenda.

Roll Call Vote:

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

Village Manager - we received this request from the Town to allow them to be Lead Agency in dealing with the redevelopment of the A & P Plant area. The letter is in your packets showing what is going to be done. Basically as Lead Agency, they will take care of all paperwork, etc.,

Trustee Sullivan - have they said anything about water service.

Chris Lawrick - we already had a meeting to discuss this. I checked out the maps and its within the permissive services area for the Village. Big Flats actually got a letter from the developer for water, but because of the nature of the zone, we have first chance. We will pursue that. We will send a letter to the developer saying we have the right to serve them water. Town of Big Flats actually has a water main in front of the property. Ours is by NYSEG.

Trustee Sullivan - is that something that you feel is a good idea.

Chris - Absolutely. I lost my biggest customer, MT Display.

Trustee Miller - what is cost difference between Big Flats water and our water.

Chris Lawrick - our water costs almost exactly the same as Big Flats. Will cost more to get the water there because of the distance involved.

Mayor Gross - how much water will they want

Chris Lawrick - not anywhere near what we sold to MT. I would say that because of the Super Walmart, etc., might have a restaurant over there, maybe near what we do for Grand Central Plaza.

John Groff - we will need a resolution regarding this matter.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, DDR Horseheads, LLC is the owner and developer of lands situate in the Town of Horseheads, commonly known as Horseheads Industrial Capital Site, formerly known as the A&P Plant, and

WHEREAS, the developer has submitted a Full State Environmental Quality Review (SEQR) to the Town to approve the rezoning of the site from industrial to Planned Unit Development and other modifications and development, and

WHEREAS, the Town of Horseheads Board is seeking to be declared Lead Agency for SEQR purposes relative to this project, and

WHEREAS, the impacts of this project are most directly imposed upon the Town of Horseheads, limiting the impact to the Village of Horseheads to water.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does approve and consent to the Town of Horseheads assumption of Lead Agency Status relative to this project.

August 11, 2005 (cont'd)

Roll Call Vote:

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

Atty. Groff - we have a workshop on the animal control law next week. I had a conference with Code Enf. and Police on the implications of the noise law, and how we hope to enforce that. You have received some memos regarding the nomination process for Village elected officials, and conversion from caucus to primary. This decision is made by political parties, not us. All that we care about is being made aware if they have intentions of doing anything. You also receives a memo on changing the Village election date from March to November. If that is something you wish to pursue, we need to take action as it is subject to mandatory referendum. We'd want to coordinate to use the November election for the referendum to avoid having a special election. The referendum is a Village-wide election, proposition. I haven't heard anything from you on whether you want to go forward. There are time limitations. If you have an interest, we'll need to act quickly.

Village Manager Azzarelli - I'd ask for an executive session to discuss a personnel matter of a particular person.

Rachel Baer noted that the NYCOM fall conference is coming up. Anyone interested will need to get a reservation soon.

Chris Lawrick - I've been getting questions on water, since its been so dry. I check the aquifer twice a week. They are holding well. Its not as high as they were last year, but last year was rainy. The levels are still not bad for middle of summer. We still have an adequate supply. Sharron and I discussed making some kind of announcement to the public, but don't want to get everyone panicked. I will continue to monitor very closely.

Mayor Gross - when will website be up and running.

Village Manager - we sent out latest changes to everyone. Should be soon.

Mayor Gross - we have a meeting next week on the LRC building, will anyone from Hunt be here.

Village Manager - no, we will be on our own at first.

Motion by Trustee Miller, seconded by Trustee Sullivan that this Board and the Village Attorney and Village Manager 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 Sullivan:	Aye

At 7:50 p.m., the Mayor, Board Members, Village Attorney, and Village Manager moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 9:20 p.m., the Board reconvened back into its regular meeting of this date.

Motion by Trustee Sullivan, seconded by Trustee Swartz, that the Board suspend the remainder of the meeting to be reconvened on Wednesday, August 24, 2005 at 8:00 p.m.

Roll Call Vote:

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

August 11, 2005 (cont'd)

Village Board of Trustees

EXECUTIVE SESSION

August 11, 2005

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:50 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Attorney John Groff, and Village Manager Vincent Azzarelli, at which time they discussed the employment history of a particular person.

Discussion ensued.

Village Manager Azzarelli left the meeting at 8:20 p.m.

Discussion ensued.

At 9:20 p.m., upon motion by Trustee Sullivan, seconded by Trustee Swartz, the executive session was adjourned, and the Board reconvened to its regular meeting of this date.

Roll Call Vote:

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb

August 24, 2005

Village Board of Trustees

August 24, 2005

Continuation of Regular Meeting Suspended on August 11, 2005

The Village Board of Trustees met on the above date at 8:00 p.m. to continue the regular meeting of the Board previously adjourned on August 11th, 2005. Present were Mayor Patricia Gross, Trustees Howard Miller, Ronald Swartz, Kevin Sullivan, and by telephone Earle Catlin, and Village Attorney John Groff.

Motion by Trustee Swartz, 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 Sullivan:	Aye

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

At 10:10 p.m., Motion was made by Trustee Swartz, seconded by Trustee Miller, that the executive session be closed and that the Board reconvene into its regular meeting.

Roll Call Vote:

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

Motion by Trustee Swartz, seconded by Trustee Miller, that this Board hereby schedules two Special Meetings to be held on Monday, August 29th, at 10:00 a.m., and on Thursday, September 1st, at 4:00 p.m., in Village Hall, and that proper notice thereof be given.

Roll Call Vote:

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

As there was nothing further to come before the Board, the meeting was closed.

Village Board of Trustees

Executive Session

August 24, 2005

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:02 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Ronald Swartz, Howard Miller, Kevin Sullivan, and by telephone Earle Catlin, and Village Attorney John G. Groff, at which time they discussed the employment history of a particular person.

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

Roll Call Vote:

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb