

May 12, 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 Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Village Justice Richard Moriarty, Police Officer Scott McGrain, and Manager's Assistant Rachel Baer. Also present were:

Ray Zeigler	417 Shelbourne St.
Randy Edwards	NYSEG
Shawn Kuehner	167 Hemlock St.
John Tallis	153 Overlook Dr.
Raymond Stewart	31A Lorraine Blvd.
George & Penny Kastenhuber,	519 John St.
Ray & Lori Cass	22 Redwing Lane
Tess Banfield	134 Catalpa Dr.
Jan & Don Zeigler	535 Watkins Road
Mike Barton	Miller St.
Elton & Nancy Shaw	218 Liberty St.
Cheryl Bill	107 Broadway, Hornell
Brian Nowlan	Horsehead PD

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 28, 2005 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	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 - \$182,250.31
Water - \$131,042.32
Trust & Agency - \$3,488.63

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	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 April 2005 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Discussion and Possible Action on Utility Tax:

Village Manager Azzarelli - Based on direction given as a result of the public hearing, we did include a sunset provision for five years. As I talked about during today's workshop, we did go

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through the budget immediately following last Board meeting. We were able to account for basically \$120,000 in line items for cutting: health insurance for trustees, village attorney and judges, donations to outside agencies, shared services for recreation and animal control, the dispatchers from police dept. Those are the areas we could cut. Every line item we looked at effects individuals and services to the public. Budget is now bare bones. In the last two budgets we've cut 20%. We discussed spiraling costs of retirement and health insurance. Staff is doing a great job with minimal money. We are looking at everything we can to save money. Joint purchasing, buying in bulk, working with county on purchasing. I am still recommending we implement this tax with a sunset provision for 5 years. In five years this will come before you again. The Board will have to decide to keep this in place.

Trustee Sullivan thanked everyone for having the workshops regarding this issue.

Mayor Gross - This is not an easy decision. One of the things we did is ask John and the Manager to please do a comparison of five different employee's homes that live in the Village. Compare raising taxes 18%, or this 1% utility tax. If we raised property taxes, it would be an additional \$70 a year up to \$185 per year. The 1% utility tax was \$20 up to about \$35 per year more. That is what we were faced with. Something has to be done. We do know if we cut services where they would have to be.

Resolution by Trustee Sullivan, seconded by Trustee Miller

WHEREAS, the Village is considering a local law Implementing a Utility Tax in the village of Horseheads, and

WHEREAS, this proposed local law was presented to this Board on April 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 April 28, 2005, and

WHEREAS, a provision providing for the sunset of this law on June 1, 2013 has been prepared for the Board of Trustee's review, and

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

NOW THEREFORE BE IT RESOLVED, that said Local Law Implementing a Utility Tax is hereby adopted, and be it further

RESOLVED, that said law shall include the provision providing for the law to sunset on June 1, 2013.

Trustee Catlin - We've been debating this for several hours every day for two weeks, talking about how to resolve this, it is not easy. We've cut the budget, some things cannot be cut like Police. How would we feel if something bad happened to a cop on the duty because there wasn't an officer to back him up. Or what about some elderly patient dying because the ambulance can't get through because of poor roads. People don't like cost increases. NYSEG says we shouldn't do this, but they raised their rates quite a bit this year. We are fortunate to have the lowest tax rate in the county. But here is the problem. We may have erred in not passing larger increases in years past. In 1998 1.38% increase; 2000 - 0%; 2001-0%; 2002-0%. Now we are paying the price. These rates aren't even near inflation. We have two choices - 1% utility tax, or property tax increase of 18%. I'll vote yes.

Trustee Swartz - I agree with Trustee Catlin. We have worked on this for many months. I do agree with sunset law. It's a choice of whether we want 18% prop. Tax increase of some people, or a 1% of a larger pool of people. I vote yes.

Trustee Miller - I agree. We don't want to put our head in sand and not do anything. 1% covers all people, than 18% for just property owners. Yes.

Trustee Sullivan - I am doing what I feel is best for this Village. I vote yes.

Roll Call Vote:

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

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Discussion Regarding Fire Commissioners - Village Manager - I researched this with John. We would like to withdraw this request to make a change. Mitigating issues don't occur anymore. Some issues we thought we would take care of by having a separate group did not come up, so we withdraw this request.

Resolution by Trustee Catlin, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Planning Board Meeting of April 26, 2005 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, the Village Planning Board has recommended that the height limit of ground and pole signs should be consistent through all commercial zones in the Village, and

WHEREAS, this Board agrees with the Planning Boards' recommendation.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John Groff is hereby directed to prepare draft legislation reflecting this recommendation, and present it for this Board's consideration.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that an application by Grand Central Plaza, Inc. for a Special Sign Permit is hereby received and forwarded to the Village, Town and County Planning Boards for their review and comment, and be it further

RESOLVED, that a public hearing regarding same is hereby scheduled for Thursday, May 26, 2005 at 7:05 p.m.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Traffic commission Meeting of April 27, 2005 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

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Resolution by Trustee Sullivan, seconded by Trustee Catlin

BE IT RESOLVED, that a Parade Permit is hereby issued to the Horseheads American Legion for Memorial Day, Monday May 30th 2005 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, and be it further

RESOLVED, that the Department of Public Works is also directed to close off Steuben street from S. Main Street to Pine Street between the hours of 1:00 p.m. - 6:00 p.m. on said date for the Youth Bureau ice cream social.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the Hazard Mitigation Plan for the Town and Village of Horseheads dated October, 2004 be received and adopted, and same is to be placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Catlin

BE IT RESOLVED, that the following equipment is hereby declared as surplus, and the Village Manager is authorized to sell and/or dispose of same:

- 1998 Ford Crown Victoria (VIN#2FAFP71W1WX159689)
- 5 desktop computers (Fixed Asset #'s: 10439, 10449, 10546, 10547, 10548)

Roll Call Vote:

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

Discussion and Possible Action on Request from Robert Barber for Extension of Crematorium Establishment:

Village Manager - We received a letter from Mr. Barber requesting another extension. I talked to Code Enforcement. They still need an electric inspection, and a certificate of occupancy. However they are having a problem getting the New York State license. That is why he is requesting the extension.

Trustee Miller - how much of an extension.

Trustee Sullivan - 12 months.

Atty. Groff - The request was for 12 months. He is hopeful to get state approval in shorter time frame. It is to their advantage to get it done as quickly as possible.

Mayor Gross - What about the landscaping, and buffer zone.

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Atty. Groff - It is still part of their plan. Not effectuated at this point. No request for amendment to plan other than for extension of time to complete it.

Mayor Gross - so it would go back to April 23, 2005 for 12 months.

Trustee Sullivan - wasn't Tom Skebey supposed to be educated on stack testing. That was in original conditions.

Atty. Groff - yes, they are not asking for change of conditions, just additional time to accomplish what you permitted before. A number of compliance issues have yet to satisfied. Structure is just about complete. Exterior site improvements have not been completed. They are not asking for permission to not do them. As far as the state approvals, they have not been secured. In the review process.

Mayor Gross - does anyone have a problem making this extension retro to April 23, 2005.

April 23, 2005 - April 23, 2006 is the extension.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, this Board has heretofore approved an application of Robert Barber on behalf of a corporation to be formed, and

WHEREAS, a request has been received for extension to comply with this Board's conditional approval, and

WHEREAS, this Board has reviewed all matters relative to this request.

NOW THEREFORE BE IT RESOLVED, that the application of Robert Barber is hereby granted an extension of one year, April 23, 2005 to April 23, 2006 to bring into compliance with the conditions of this Board's prior approvals.

Roll Call Vote:

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

Presentation by Chief of Police - Visibility: Village Manager - I request this be tabled. The Chief provided everyone with a written report. If the Chief is at the next meeting, and if you have any questions, you can ask him then. You do have his written report for review. Be ready to talk to him at the next meeting.

Judge Moriarty - here to do report on the courts. He distributed materials. I was asked to report on drop in rankings. Only place I knew of this was office of state comptroller, on the web. It lists all courts in the state, ranks them by the amount of funds taken in throughout the year. It also notes on cover page that because of electronic filing, which we do, they have brought in more than 75 million dollars annually into municipal accounts, 4 months faster, we can hold and make interest on the money. Years in question, 2001 we are 125 out of 1270. In income, just amount of money taken in. In 2002 we brought in 289,856. In 2003, 270,731; in 2004 it was 243,000. Of course the revenue did drop, and rankings, but even at the lowest we were 199 out of 1270 courts. How do we get were we are,,,,,,courts are passive. We have to wait for something to be brought before us. We are not supposed to consider revenue when we assess fines. If it was a Village ordinance, we get all of the money. If you take something like felony violation, no matter what we do we just get 10.00. Might involve arrest, investigation, writing reports, I have to come in and arraign, DA's office, prelim hearing, and all that is done by the Village and we get 10.00. But by the same token, its important for Police to be out there taking care of this. Misdemeanors we get 15.00. If we happen to issue a search warrant, which is very time consuming, we get another 15.00. DWI, all money goes to county for STOP DWI program. We get to keep 15.00 for license revocation. I was surprised to see we get all the money for cell phone violations. We don't consciously think about revenue into the Village. We consider the individual. We try to act accordingly, and treat and fine them accordingly. That is what that ranking is all about. As an aside, we're down an officer and might be down tickets. Drug violations tie the officers up a lot. They cant be out writing tickets when they are doing that.

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Mayor Gross - I went to a meeting recently in Avoca. They were talking about their ranking. They were 97th in the state.

Judge Moriarty - it is because they are out on the interstate. They write a lot of tickets. That is why their ranking is so high. I think we provide an important function. Another aside, talking about a county police force, that would really effect our ranking.

Mayor - compliment Officer Nowlan. About a month ago this board challenged our police dept. on ideas to make dept. more visible. Brian submitted very good suggestions. I want to thank you for taking the time in doing that for us.

At this time, representatives from NYSDOT gave a presentation on the status of the I86 project.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb