

## Minutes

### Village Board of Trustees

October 12, 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 Earle Catlin, Howard Miller, Ronald Swartz, and Kevin Sullivan, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, Police Sgt. Mike Barton, and Manager's Assistant Rachel Baer. Also present were: Jean Quinn, 555 Gardner Rd.; Martha Hauser, 407 W. Broad St.; George Koliwasky, 303 Eleanor St.; Elliott Blauvelt, Jr., Fletcher St.; and the news media.

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of September 28, 2006 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 Swartz

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

General -	\$89,536.45
Water -	\$20,955.40
Trust & Agency -	\$ 2,130.88

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 Justice Reports for September 2006 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 Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the following meeting minutes be received and placed on file in the Village Clerk's Office:

- Planning Board of September 26<sup>th</sup>
- Traffic Commission of September 27<sup>th</sup>
- Zoning Board of Appeals of October 4<sup>th</sup>

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 a public hearing is hereby scheduled for Thursday, October 26<sup>th</sup>, 2006 at 7:05 p.m. regarding the application of Ambrose Associates for rezoning of approximately 9 acres on Gardner Road to Planned Unit Development.

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 Catlin

BE IT RESOLVED, that Village Mayor Patricia Gross, or her successor in office, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$1,850, and upon approval of said request to enter into and execute a project agreement with the NYS Department of Environmental Conservation for such financial assistance to the Village of Horseheads for a Cost-Share Grant for Urban and Community Forestry in New York State.

Rachel Baer stated that the paperwork had already been approved, but that we have to resubmit them with the Mayor's signature now that the former Village Manager is no longer here.

Roll Call Vote:

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

Discussion on Rezoning of Chemung St. Area:

Atty. Groff stated that our Planning Board was presented an application for their review for a use variance to have a commercial use on Chemung St., which is not permitted under a manufacturing zone. Planning Board acted on it and passed on to the Zoning Board of Appeals who did approve the use variance. This request focused the Planning Board's attention to that district which is Chemung St. near Fox St. They were examining whether or not it warranted rezoning of the neighborhood from Manufacturing to Commercial. Planning Board recommended to the Board of Trustees to consider rezoning the area in general. As you know, at the same time you have a Comprehensive Planning Committee that is discussing this issue also.

Trustee Miller - I recommend letting the Comprehensive Planning Committee make a recommendation to this Board.

Mayor Gross - let's send the minutes of both the Planning Board and the ZBA to the Comp. Planning Committee.

Everyone agreed.

Mayor Gross - regarding the Police Chief position. Can you tell us what a provisional position is as opposed to probationary.

Atty. Groff - you have a Police Chief now who will be retiring in near future. It is not vacant yet. We are expecting it to be vacant soon. There is no current list now of candidates from Civil Service. Eventually the position will become vacant, when it does you can appoint someone on a provisional basis. You can't appoint probationary because you don't have a list. If you make a provisional appointment the person has to possess the minimum qualifications at the time of appointment lacking only the taking the test and passing in top 3. The question is, does the candidate you are considering possess the other requirements. If they don't, they can't even get a provisional appointment. A provisional appointment does not automatically go to probationary. If the candidate chooses not to take the exam, then as soon as there is a valid list, the provisional appointment would be terminated and you must then appoint from a valid list. By making a provisional appointment your not committed one way or another to any candidate whatsoever.

Trustee Sullivan - so we have until Dave's retirement in order to hire a provisional chief.

Atty. Groff - yes, its premature now to appoint anyone. After effective date of his retirement then you can make a provisional appointment if you wish. That appointment can continue until there is a valid list.

Mayor Gross - the test is in March. It can take a couple months after that.

Trustee Sullivan - so for the interim....right now....we have sat down with the Sergeants and basically came to the conclusion that Sgt. Barton will be assuming the role.

Mayor Gross - he is the go-to person.

Atty. Groff - that isn't an actual title.

Trustee Sullivan - the Sergeants felt there should be a designated person to handle everything. That one person was Sgt. Barton.

Trustee Swartz - can we do that.

Sgt. Barton - when the chief is absent there needs to be someone in charge, for chain of command.

Atty. Groff - he can be the Sgt. in charge, but he is not the chief.

Clerk-Treasurer - the date for meeting with the auditor needs to be decided.

After discussion, the Board agreed on Tuesday, 10/17 at 10:00 a.m., with a back up date of Wednesday, 10/18 at 11:00 am.

Trustees Swartz and Miller commented on how nice the horse sculpture is down at I86.

Trustee Sullivan - I met with Jan and Judge Driscoll, and now I understand more of the court issues and their reports.

Trustee Sullivan noted that this week is fire prevention week. We went to Center St. School on Tuesday to talk about fire prevention. Tomorrow night is Open House at our Fire Dept. I attended Tuesday's Kiwanis meeting. Chief Artie Sullivan received Firefighter of the year. We set 10/20 as being his appreciation day in the Village. Very honored to be there when they unveiled the horse sculpture. Would have to say that as a suggestion, you won't be able to see it at night. They have been talking about possibly lighting it, but there is no electric up there. New solar spot lights are around - should look into their availability.

Mayor Gross - we should ask the Town too.

Elliott Blauvelt, Jr. - look at solar spotlights on Fletcher St. They would work well.

Mayor Gross - at the Fire Dept. Open House they will be doing a demo on fire extinguisher usage. George Winner and Tom O'Mara will be there. They helped get the grant for the training equipment.

Chris Lawrick - we were recently contacted by Cornell Coop. Ext.. The Village is the only municipality that has recycling program for yard waste. They requested using us for a demo. They are writing a grant. They are doing a workshop next week, I will attend. They will be using our location up by well #5 near the UPS building.

Mayor Gross - did we ever hear from the State and Cornell Coop. Ext. on the plantings in Linear Park? Will call tomorrow to check on this with Ron Majesky.

Sgt. Barton - We received a \$2,200 grant to do seatbelt enforcement in November and again in 2007. Just received award this past week.

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

/rmb