

January 13, 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, Howard Miller, Ronald Swartz, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Police Chief David Kole, Village Justice Richard Moriarty, Deputy Clerks Michele Accavallo and Donna Hartsock, and Planning Board Member Mike Stenpeck. Also present were: Edward A. Knoll, 236 Timothy Lane; Donald Zeigler, 535 Watkins Road; James Gensel, Fagan Engineers; Mike Belosky, 205 Lincoln Rd.; Hugh Wahlmeier, 297 Middle Road; and Bob Skebey, 435 Watkins Road.

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of December 9, 2004 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 Fund:	\$154,740.48
Water Fund:	\$ 31,566.13
Trust & Agency:	\$ 2,792.84

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 Clerk-Treasurer is hereby authorized to transfer the funds as indicated on the attached sheet.

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 December 2004 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 the minutes of the Planning Board Meeting of December 28, 2004 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 Swartz

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, February 10, 2005 at 7:05 p.m. regarding the transfer of \$300,000 from the Tax Contingency Stabilization Reserve Fund to a proposed Retirement Contribution Reserve Fund.

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

WHEREAS, on or about December 16, 2004 the Village of Horseheads purchased real property improved with a single family dwelling and out buildings commonly known as 811 W. Broad St., Horseheads, NY, and

WHEREAS, said parcel was comprised of 3.714 acres, a portion thereof being described as Parcel "A" and consisting of 1.022 acres being the lands upon which the residence and out buildings are located, and

WHEREAS, the said Parcel "A" is no longer needed or necessary for public purposes, and

WHEREAS, the Village Manager has recommended the sale of Parcel "A" as improved with the retention of the remaining vacant lands by the Village, and

WHEREAS, Village Law Section 1-102 authorizes the sale of unnecessary real property, such sale not being subject to permissive or mandatory referendum.

NOW THEREFORE BE IT RESOLVED, that Village Manager Azzarelli is authorized and directed to take reasonable steps to ascertain the fair market value of Parcel "A" and offer the sale of same to prospective buyers at public or private sale. He is hereby authorized and directed to report back to this Board regarding offers received for the purchase of same for this Board's acceptance.

Trustee Swartz - asked what the purchase price will be, and the assessed value.

Village Manager - the Village paid \$100,000 for it. Its assessed at approx. \$70,000.

Mayor Gross - how much do we stand to gain from this.

Chris Lawrick - We will be keeping a section for the cemetery, the vacant land. Currently an acre of land for cemetery use gets us approximately \$250,000.

Roll Call Vote:

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

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At this time, Atty. Groff declared open a Public Hearing on the application of Belosky Construction for rezoning of lands on Gardner Road to Planned Unit Development.

Don Zeigler, 535 Watkins Road - I reviewed the map and realized that not the entire parcel is being developed for this. I am here to oppose allowing access to this area from Normandy and Bentley.

Richard Moriarty, Bentley Place - I am also opposed to having a cut-thru from Bentley to this development. I have lived there since 1976.

Jamie Gensell, Fagan Engineers - We are only looking to rezone 7.14 acres. Our proposed plan would not put an access into Normandy or Bentley.

Atty. Groff - This application is only for rezoning to P.U.D. We have not received a formal plan yet.

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

At this time, the Board reviewed and completed the questions on Part 2 of the short environmental assessment form relative to this rezoning application, finding there to be no significant negative environmental impacts and instructing the Mayor to sign the Negative Declaration.

Resolution by Trustee Sullivan, seconded by Trustee Catlin

WHEREAS, Keuka Properties LLC (Keuka) is the owner of premises situated in the Village of Horseheads, located on Gardner Road commonly known as Tax Map Parcel #48.20-5-8.1 comprised of approximately 23.2 acres, and

WHEREAS, Keuka has represented that it has entered into a sales agreement with Belosky Construction, Inc. (Belosky) for the sale of a portion of said premises. Said parcel under contract is comprised of 7.14 acres fronting on Gardner Road and is depicted on a survey prepared by Weiler Assoc. entitled Map of Part of Lands of Keuka Properties LLC, Job #12469.03 last revised October 18, 2004, and

WHEREAS, Belosky, with the authorization of Keuka, has made application to the Village of Horseheads for rezoning of the 7.14 acre parcel from R-1 Residential to P-1 Planned Unit Development, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action, pursuant to SEQR regulations, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the application, the Short Environmental Assessment Form and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on January 13, 2005 regarding the application for rezoning, at which time all interested or affected parties were afforded an opportunity to present their views regarding the application, and

WHEREAS, this application has been reviewed by the Village of Horseheads Planning Board, such Board having recommended the approval of same, and

WHEREAS, this application has been thoroughly reviewed and given thoughtful consideration by this Board.

NOW THEREFORE BE IT RESOLVED, that 1) a public hearing on the environmental aspects of this action is waived; 2) Mayor Gross is authorized and directed to sign the Short Environmental Assessment Form finding there to be no significant environmental impact; and 3) the application of Belosky Construction, Inc. for rezoning of approximately 7.14 acres (a portion of Tax Map #48.20-5-8.1) on Gardner Road from Residential to Planned Unit Development be and the same hereby is approved, it being noted however that the specific land use or uses for such site have not been specified and are therefore not hereby approved. The owner, or its authorized agent shall, in the future, develop and present a plan of land uses for this Board's review and approval.

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Roll Call Vote:

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

Atty. Groff - Item #10, the Highland Hills water line dedication, needs to be tabled. We have not received all the necessary information yet.

Motion by Trustee Swartz, seconded by Trustee Miller, that the item regarding Highland Hills water line dedication be tabled to the next meeting.

Roll Call Vote:

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

Receipt of Proposed Amended Fee Schedule - The Board received the proposed schedule of fees for review.

Receipt of Recommendation for Water Rate Increase - The board received the proposed recommendation.

Discussion and Possible Action on Proposed Utility Tax - Village Manager Azzarelli stated that this could be a possible revenue source. The Village attempted something like this years ago. A resolution from the Board would lend some weight to the research for this.

Resolution by Trustee Sullivan, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads Board of Trustees has in the past considered the merit of establishment of a utility tax (gross receipts tax), and

WHEREAS, the Village has continued to experience ever-increasing demands for services and increasing costs of operation, and

WHEREAS, revenues from other sources such as real property tax levies, sales tax receipts and income on investments has failed to keep pace with budgetary demands for maintaining the current level of municipal services, and

WHEREAS, a study of cities and villages throughout New York State shows that the vast majority of such municipalities receive a significant portion of their revenues via a utility tax, and

WHEREAS, a preliminary analysis indicates that a utility tax could contribute substantially to the maintenance of a stable real property tax base, and maintenance of municipal services.

NOW THEREFORE BE IT RESOLVED, that Village Manager Azzarelli is hereby authorized and directed to study the merit of the enactment of a utility tax in the Village of Horseheads, including a projection of revenues to be derived from such a tax and what bearing such tax may have, if any, on the current real property tax rate and any real property tax rates projected for the upcoming Village budget, and be it further

RESOLVED, that he is authorized and directed to contact local utilities in such manner as he deems appropriate in conjunction with conducting such study. The results of such study are to be presented to this Board as soon as practicable.

Roll Call Vote:

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

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Update on Village Clock Project - Trustee Swartz reported on the clock project. We have had some meetings so far. The committee consists of myself, Mike Stenpeck, Susan Pirozzolo and Doug Baker. We've discussed possible locations for a clock - Hanover Square, in front of Village Hall, Teal park. We did all agree that it should be a 4-sided clock. We've met with a vendor, and have talked about fundraising ideas. This company makes miniature versions of the real clock, and they would be sold to raise money. The cost of the clock will run approximately \$24,000. We can provide a copy of the minutes of our meetings.

Hugh Wahlmeier, 297 Middle Road - I am here from the North County Seniors. We are asking the Village for \$1,500 in support for our organization.

Mayor Gross - you should make an appointment to see our Village Manager on this request.

Ed Knoll, Horseheads Little League - We would like the Village to return ownership of field #1 on Thorne Street to the League. I received a letter on this matter, but the letter said the field was on Mill Street. That is incorrect. It is on Thorne Street.

Donald Zeigler, 535 Watkins Road - I am still concerned about the property behind our neighborhood. The entrance/exit from the development on Gardner Road. This will effect our community greatly. There are many issues that need to be discussed - is Gardner Road the best choice for an entrance? The big issue is possible through traffic if they extend our development.

Regarding the clock project - have you considered a clock that is affixed to a building?

Trustee Swartz - I will bring this up at our next meeting.

Mayor Gross - there has been a lot of publicity lately regarding pedestrian traffic in Hanover Square.

Chief Kole - I don't want the perception to be that we are just out there ticketing. We need to educate people. Our officers will be out there handing out brochures on the rules for pedestrians and cars. Our CSO will walk the square and talk to business owners and customers. We will also have an undercover office out there giving warnings. Will also start street enforcement, hopefully the public will become educated. I don't find this to be a major safety issue. We have 20,000 cars a day driving through the square, with only 2 pedestrians getting hit. I strongly feel we need to just educate the public.

Mayor Gross - Regarding the pit near the garage, many people using it are not from the Village. This is becoming a very expensive issue. With our financial problems, I'd like some consideration given to closing the pit before spring.

Trustee Swartz - what is the purpose to closing the pit now?

Chris Lawrick - This has been a convenience to people. Heavy use won't start again until March and April. It has really gotten out of hand. I cannot afford to have someone there all day monitoring the use. The vast majority of users are not from the Village.

Dick Moriarty - the Village residents shouldn't be punished for this. Why not establish certain days/hours for use?

Chris - I have no problem with once or twice a week.

Dick Moriarty - the dumpster program was great, now thats gone. It was good because non-Village residents were excluded. Should handle the pit the same way.

Mayor Gross - I'd like a plan recommendation for this in 6-8 weeks. In the mean time, the pit should be closed until we come up with a plan.

Trustee Swartz - why don't we leave it open until then. Its not being used much right now anyway.

Trustee Sullivan - it will help deter others if we just close it now.

Donald Zeigler, 535 Watkins Rd. - I don't think Village residents should be penalized for this. The Town should provide something for their residents.

Village Manager - it isn't just Town people dumping there. Its all over.

Mayor Gross asked the Board into an Executive Session to discuss a personnel matter of a

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particular person.

Motion by Trustee Miller, seconded by Trustee, that this Board and the Village Attorney move into an Executive Session to discuss a personnel issue of a particular person.

Roll Call Vote:

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

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

At 8:27p.m., the Board reconvened to the regularly scheduled meeting of this date.

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

/rmb

<u>TRANSFER LIST</u>			
<u>1/13/05</u>			
<u>GENERAL</u>			
<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$624.83	1010.453	1210.453	MAYOR TRAVEL EXPENSE
\$7,500.00	1990.477	1620.440	VILLAGE HALL CONT. SVCS.
\$750.00	3120.137	3120.118	VAN KIRK
\$9,988.00	3120.138	3120.143	DISPATCHER
\$2,654.20	7110.110	5110.110	PT DPW LABORER
\$230.00	6410.488	6410.500	SISTER CITY
\$1,000.00	7140.200	7140.410	RECREATION SUPPLIES
\$1,000.00	7140.443	7140.440	RECREATION CONT. SVCS.
\$209.77	7141.443	7141.410	CONCESSION STAND SUPP.
\$1,000.00	1990.477	8020.100	PLANNING BOARD MEMBERS
\$32.00	8020.453	8020.410	PLANNING BOARD SUPP.
\$3,400.00	5110.440	8560.440	SHADE TREE CONT. SVCS.
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\$28,388.80			
<u>WATER</u>			
\$1,200.00	1990.477	1620.440	VILLAGE HALL CONT. SVCS
\$1,079.66	1990.477	8310.173	INSURANCE BUYOUT
\$2,500.00	8340.440	8340.410	DPW MATERIAL/SUPPLIES
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\$4,779.66			

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb

EXECUTIVE SESSION

January 13, 2005

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan. Also present was Village Attorney John G. Groff. They discussed a personnel matter involving a particular person. A report was presented to the Board by Mayor Gross and Village Attorney Groff.

At 8:25 p.m., upon motion by Trustee Swartz, seconded by Trustee Sullivan, the executive session was adjourned, and the Board reconvened to its regular meeting of this date.

Roll Call Vote:

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