

**Minutes**

**Village Board of Trustees**

**June 13, 2013**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were:

**Village Board and Staff**

Mayor Donald Zeigler  
Deputy Mayor Ron Swartz  
Trustee George Koliwasky  
Trustee Larry Clark  
Trustee Mike Skroskznik  
Village Attorney John Groff

Clerk-Treasurer Sharron Cunningham  
Manager's Asst. Rachel Baer  
Don Gaylord, Water Dept.  
Mike Stenpeck, Planning Board

**Absent**

Village Manager Walt Herbst

**Others Present**

David Padgett, W. Franklin St.  
Elton Shaw, Liberty St.  
Wayne Brubaker, Gardner Rd.  
Steve Connor, Church of Christ

Suzie Wallens, Lititz, PA  
Elliott Blauvelt, Jr., Fletcher St.  
Brian Coon, Horseheads  
News Media

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

BE IT RESOLVED, that the reading of the minutes of the May 23, 2013 Village Board Meeting be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Audience Participation - Mayor Zeigler opened up audience participation. Nobody came forward to speak.

Resolution by Trustee Clark, seconded by Trustee Skroskznik

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

	<u>Final May Bills</u>	<u>June Bills</u>
General	63,747.39	115,149.90
Water	3,334.92	79,800.80

AND BE IT FURTHER RESOLVED, that \$3,727.17 be transferred from the 2012-2013 Capital Reserve Fund for the acquisition of pool equipment and supplies.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Financial Report - The report is in writing, it is in your packets.

Resolution by Trustee Skroskznik, seconded by Trustee Koliwasky

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

Zoning Board of Appeals	May 29, 2013
Planning Board	May 28, 2013
Traffic Commission	May 28, 2013

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Clark, seconded by Trustee Skroskznik

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, June 27th, 2013 at 7:10 p.m. regarding the application of the American Legion, Ithaca Road, for an amendment to their Planned Unit Development.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Clark

BE IT RESOLVED, that the Justice Reports for May, 2013 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Swartz, seconded by Trustee Clark

WHEREAS, the Village of Horseheads maintains, as part of its organization, the operation of a justice court staffed by justices and necessary support personnel including one or more court clerks, and

WHEREAS, Village Law Section 3-300 and Public Officers Law Section 3 have been held to require that the Court Clerk be a resident of the Village of Horseheads, and

WHEREAS, the Justices have found it nearly impossible to identify individuals qualified for this position via civil service regulations and other qualifications who are residents of the Village of Horseheads, and in some cases even residents of Chemung County New York, and

WHEREAS, the Justices have requested that the Village Board consider modifying the residency requirements of the above laws for Court Clerks, opening up the position to otherwise eligible candidates who are residents of Chemung County and adjoining counties in New York State, and

WHEREAS, Village Manager Herbst has strongly recommended honoring this request having experienced significant difficulties in identifying qualified candidates who can satisfy the Village residency requirement.

NOW THEREFORE BE IT RESOLVED, that individuals holding the position of Court Clerk for the Village of Horseheads Justice Court need not be a resident of the Village of Horseheads at the time of his or her appointment nor throughout his or her term of office so long as such person is a resident of Chemung County New York or an adjoining county in New York State.

Atty. Groff explained, I sent the Board a memo on this issue. NYS state law requires that Court Clerks be residents of this community. The law allows for expansion of this from Chemung County and also adjoining counties. You have a court clerk now, they want to make her a permanent employee. It will be necessary for her to be a resident of the Village, or you need to expand your residency requirement. She is a currently resident of Schuyler County. The Village Manager is requesting that you consider expanding it to allow the person to live in Chemung and adjoining counties. There are a also number of other positions in the Village like this, recently you did this for the Code Enforcement Officer position.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

At this time, the Board completed Part 2 of the SEQR form regarding the application of the Church of Christ, 165 Miller St., for a Special Sign Permit, finding there to be no adverse environmental impacts, and Mayor Zeigler was authorized to complete a Negative Declaration regarding same.

Resolution by Trustee Clark, seconded by Trustee Swartz

WHEREAS, the Church of Christ ("Applicant") is the owner of lands at 165 Miller St. in the Village of Horseheads, commonly known as Tax Map Parcel No. 48.20-5-13, and located in an R1 Residential Zone, and

WHEREAS, Applicant has applied to the Village of Horseheads for a Special Sign Permit to install a 6' x 8.5' ground sign structure at said location, and

WHEREAS, a public hearing was held on the application before the Village Board of Trustees on March 28, 2013 at which time all involved or interested parties were afforded an opportunity to comment, and

WHEREAS, the project has been reviewed by the Village Traffic Commission for traffic impact assessment, such review resulting in no safety concerns relative to traffic; as well as to the Village, Town and County Planning Boards, all of whom recommended approval of the application or returned for local determination, and

WHEREAS, on April 11, 2013 this Board tabled final action of this matter for further consideration of the application, and

WHEREAS, the applicant has since amended the size of the proposed sign - reducing it from a 6' x 8.5' sign to a 4' x 6' sign, and

WHEREAS, said application is subject to SEQR and has been classified as an Unlisted Action pursuant to SEQR regulations, and

WHEREAS, the Village Board is informed and believes that it is the only involved agency relative to SEQR, and

WHEREAS, the Applicant has submitted a Short Environmental Assessment Form; Part 2 of said form having been reviewed by this Board, and this Board has found that there are no significant adverse environmental impacts of the proposed application.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is hereby authorized and directed to execute the SEQR form for this project determining that the action will not have any significant adverse environmental impacts, and be it further

RESOLVED, that the application of the Church of Christ for a Special Sign Permit for the construction of a 4' x 6' ground sign structure to be located at 165 Miller St. per the site plan and application as amended be and hereby is approved.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Motion by Trustee Koliwasky, seconded by Trustee Swartz, that the following item be added to the agenda:

- Receive Application from: Colonial Manor Apartments, 1073 Sing Sing Road, for a P.U.D. Amendment - New Signs

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the application from Broad Street Apartments, LLC, owner of Colonial Manor Apartments, 1073 Sing Sing Road for an Amendment to their current Planned Unit Development for installation of two signs is hereby received, and same is to be forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

Trustee Swartz	Aye
Trustee Skroskznik	Aye
Trustee Clark	Aye
Trustee Koliwasky	Aye
Mayor Zeigler	Aye

Trustee Clark - thanked Sign Committee for new sign policies - Mike Stenpeck, David Radin, Walt Herbst, Bob Young. We've come up with something that will benefit the Village. Going to look at commercial signs too.

Trustee Skroskznik - parade was success; attended an informational meeting regarding gas leases, very educational; attended follow up meetings with Horseheads Supt. Ralph Marino on SRO program, and attended a school bd mtg.; there were follow up mtgs. at First Baptist Church as well as Church of Christ regarding their signs.

Atty. Groff reported on the following items:

- Working on Identify Theft Policy. Required because we sell water. Deals with preservation and protection of data.
- Updated the authorization form for release of medical information.
- Updating Village Manager local law, to clarify it
- Distributed paper copies of a draft Social Media Policy. This has been worked on for some time. IT personnel has looked at this. It addresses the issue of employees putting comments on social media sites. Please review.

Mayor Zeigler - Erie County Executive is having a statewide mtg. on sharing services. I would like as many people to attend.

As there was nothing further to bring before the Board, the meeting was adjourned at 7:33 p.m.

/rmb