

Minutes

Village Board of Trustees

March 13, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George F. Koliwasky, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, DPW Chris Lawrick, Officer Seth Zawko, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer.

Also present were: Adam Hepburn, 412 Normandy Pl.; Steve Wandel, 1199 Maple Ave., Elmira; Sarah Campbell, Esq., Express Mart; Mark Maher, Express Mart; Wendy Ferrie, Express Mart; David Pasquale, Express Mart; Todd Hamula, DDR; Laura Hutchinson, 474 Old Ithaca Rd.; Steve Micknich, Cameron Fab.; Denise Whitty, NYSEG; Jamie Gensel, Fagan Engineers; Steve Wilber, 471 Old Ithaca Rd.; Bill Paladino, Rite-Aid; George & Penny Kastenhuber, 519 John St.; Andy Bodewes, Conifer Realty; and the news media.

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 28, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

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

General -	\$346,011.72
Water -	\$ 28,141.13
Trust & Agency:	\$ 1,549.99

AND BE IT FURTHER RESOLVED, that \$4,482.00 be appropriated from the Capital Reserve Fund for the acquisition of John Deere parts for the Public Works Department.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for February 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Planning Board Meeting of February 26, 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

7:05 p.m. - At this time Atty. Groff declared open a Public Hearing on the Application by Conifer Realty LLC for a Planned Unit Development Site Plan Review of a proposed development of a retail/commercial building and retail pharmacy on a 5.4 acre vacant parcel on Grand Central Avenue. As nobody came forward Atty. Groff declared the public hearing closed.

D&A: Dedication of Electric Parkway

Trustee Swartz - we received a letter from Andy Avery of Chemung County that they agree to plow this area.

Chris Lawrick - Yes. We asked them to send letter to agree in principal to do the plowing. NYSEG has agreed to do mowing of the ditch on either side.

Trustee Swartz - as far as I'm concerned, that is what we wanted. I make a motion that we accept the dedication.

Howard Miller seconded

Atty. Groff - consensus of the board is to accept offer of dedication. This is a tentative agreement.

Trustee Herbst - I move to amend motion to include the letter and understandings contained therein.
Trustee Koliwasky seconded motion to amend.

Roll Call on the amendment:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Roll Call on Resolution as amended:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the Tentative 2008-2009 Village Budget is hereby received, and a public hearing regarding same is scheduled for Thursday, March 27th at 7:05 p.m.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Koliwasky

WHEREAS, the Village of Horseheads is the owner of property commonly known as 901 South Avenue, Horseheads, NY (former LRC Manufacturing), and

WHEREAS, the Village has declared this property to be surplus to the Village's needs, and

WHEREAS, the Village has listed the property for sale through Pyramid Brokerage Company, a commercial real estate firm marketing properties in the southern tier both locally and regionally, and

WHEREAS, an offer to purchase the property has been received which was reviewed and resulted in further discussions and negotiations with the prospective buyer, and

WHEREAS, the Village has received a counter-counter proposal which this Board deems to be attractive and worthy of acceptance.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the purchase offer of Klugo Enterprises, LLC for the above described real property

dated March 3, 2008, and be it further

RESOLVED, that Mayor Donald Zeigler is authorized and directed to sign said offer, accepting same on behalf of the Village, and that all officials and staff of the Village are authorized and directed to take such actions as are within their powers and duties, to effectuate such sale once all contingencies to same are satisfied or removed.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

7:15 p.m. - Atty. Groff declared open a Public Hearing on the Application by ReRob LLC for a Special Use Permit and Special Sign Permit for a proposed convenience store, gas station, and fast food restaurant with drive through service at 2150 & 2152 Grand Central Avenue.

Sara Campbell, Atty. for ReRob - should applicant address the board now?

Atty. Groff - wait till deliberative process.

Resolution by Trustee Miller, seconded by Trustee Koliwasky

WHEREAS, Veronica Herrick, d/b/a Casa Blanca, is a tenant of premises known as 912 Chemung Street, Horseheads, NY, and has represented to this Board its intention to apply for its liquor license at said restaurant,

WHEREAS, Ms. Herrick has asked this Board to waive the 30-day waiting period required under NYS ABC Law Section 64.2(A), and

WHEREAS, this Board is informed and believes that the sale of alcoholic beverages from this location will be for on-premises consumption and incidental to a restaurant.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized and directed to submit a letter to the NYS Liquor Authority advising that the Village requests waiver of the statutory 30 day notice and waiting period.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Keuka Properties LLC - Letter of Credit for Phase 2B

Atty. Groff - they want to continue next phase of development. As you know they offered a LOC for construction of infrastructure that were to be dedicated to the Village in connection with Phase 2A. They now wish to proceed with 2B for infrastructure improvements. Chris Lawrick has reviewed and is comfortable with proposed LOC and has recommended acceptance of it. Upon doing so, the project would proceed and contractors would engage, and LOC would be posted during construction process. There is still a portion of original LOC still remaining. The resolution for this will be on your next agenda.

Public Participation

Adam Hepburn, 412 Normandy Place - is selling several things to raise funds to go to New Zealand, Australia and Fiji. In the 5th grade and beat out several to win this program. People to People is project founded by Dwight D. Eisenhower. Need to raise \$7,100. Will be studying their governments.

Atty. Groff reported on the following items:

- sent memo on the merit of regulating portable storage units
- there has been discussions lately on parks, etc. being maintained by outside services, specifically Garden Club, etc. You may want to consider taking action like NYSDOT in permitting groups to do those things. I provided you with some materials regarding regulations of this.
- beginning process to put together bid documents re: repaving of Hanover square.

Motion by Trustee Herbst, seconded by Trustee Miller, that this Board and the Village Attorney move into executive session to discuss possible sale of property.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

At 7:45pm the Village Board and Village Attorney moved into an executive session to discuss possible sale of property. The minutes of which are attached hereto and made a part hereof.

At 9:05pm the Board reconvened back into its regular meeting of this date.

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

/rmb

Village Board of Trustees

EXECUTIVE SESSION

March 13, 2008

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 Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George Koliwasky, and Village Attorney John G. Groff, at which time they discussed a possible sale of property. Discussion ensued, no action was taken.

At 9:05 p.m., upon motion by Trustee Swartz, seconded by Trustee Herbst, the executive session was closed, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye