

October 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, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Police Chief David Kole, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer. Also present were: Sue Kambeitz, 518 John St.; Raymond Stewart, 31A Lorraine Blvd.; Paul & Diane Beach, 218 Bowers Dr.; Bruce Hayes, 214 Bowers Dr.; Ray and Lorie Cass, 22 Redwing Lane; Loretta Larser, 911 S. Main St.; P. Bauer, 207 W. Mill St.; David Bauer, 207 W. Mill St.; Kristyn Geiser, 303 William Lane; Rodney Brewer, 184 Catalpa Dr.; Penny and George Kastenhuber, 519 John St.; Jim Lynch, 303 W. Mill St.

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 29, 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 Swartz

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

General - \$143,659.93
Water - \$14,022.46
Trust & Agency - \$3,546.46

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 Sullivan

BE IT RESOLVED, that the Justice Reports for September 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 Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of September 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

October 13, 2005 (cont'd)

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, a Proposed Local Law on Animal Control was submitted to this Board on June 23, 2005, and

WHEREAS, this Board conducted workshop sessions, a public hearing, and has reviewed the written comments of interested parties, resulting in several substantive changes being made to the proposed law, and

WHEREAS, based on those changes, a revised Proposed Local Law on Animal Control was submitted to the Board on September 9, 2005, and

WHEREAS, a thorough review of the revised law has been conducted by the Board and staff of the Village, and has been found to be in final form, and that all issues have been addressed.

NOW THEREFORE BE IT RESOLVED, that a public hearing regarding the revised Proposed Local Law on Animal Control is hereby scheduled for Thursday, October 27, 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 based on the recommendation of the Village Traffic Commission, the hours for Halloween in the Village of Horseheads, will be on Monday, October 31st, 2005 from 5:30pm - 8:00 p.m.

Trustee Swartz - don't they do something different in Hanover Square.

Mayor Gross - haven't heard anything from them this year.

Village Manager - last year they didn't realize we already established hours and they made up their own, which caused safety problem. So we thought getting it out early this year, they could plan accordingly.

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 regarding the application by Conifer Realty for a Special Use Permit to construct a community building at their apartment complex on Grand Central Avenue is hereby scheduled for Thursday, October 27, 2005 at 7:15 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 Catlin

BE IT RESOLVED, that a public hearing regarding the application by Conifer Realty for Rezoning of 3.5 acres on Grand Central Avenue from R-3 Residential to C-3 Commercial is hereby scheduled for Thursday, October 27, 2005 at 7:25 p.m.

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Roll Call Vote:

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

Trustee Swartz - our Planning Board recommend denial, and to do a PUD instead.

Village Manager - yes, the Commercial zoning section of our code doesn't allow for site plan review, but a PUD does. At the recommendation from Code Enf., we will have a local law on site plan review, but at present we can't. After this public hearing, if you decide to approve, you will not have site plan review.

Atty. Groff - The reason for the recommendation from our Planning Board is to have more influence over configuration of the parcel once its in development. Right now they are just seeking to make it commercial - no layout, no design, no particular user either. Accordingly you have no way of regulating ingress, egress, parking, interior layout, etc. A PUD would afford you opportunity for you to influence it.

Discussion and Possible Action on Special Board for Comprehensive Planning

Village Manager Azzarelli - The last comprehensive plan was in 1969. Since then the State has mandated a new law and format for comprehensive plans. They are providing some funding to help municipalities do a master plan to prepare for the future. The City has a current plan, Town of Veteran does, Big Flats starting to work on one. This is one of the things I was told to do. As we move forward, most grants for development, etc., ask for a comprehensive plan. Other thing is it's the basis and foundation for any zoning and development. This resolution allows appointing a special committee, broader spectrum of people to be involved. I have notified some of them. They will get back to me.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, one of the most important powers and duties granted to Village government is the authority and responsibility to undertake Village comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens, and

WHEREAS, the comprehensive plan fosters cooperation among governmental agencies planning and implementing capital projects, and municipalities that may be directly effected by same, and

WHEREAS, the comprehensive plan creates a blueprint for the future development and preservation of a community, guiding not only the physical and economic development of the Village, but also accommodating its social, environmental and regional concerns, and

WHEREAS, the process of developing a comprehensive plan should progress toward a picture or vision for future growth and development, judged most appropriate and reasonable by a consensus of the Village and public officials, and

WHEREAS, Village Law Section 7-722 provides for comprehensive planning, and

WHEREAS, the Village of Horseheads Planning Board has requested that the Village of Horseheads Board of Trustees take action to amend or supplant the Village of Horseheads Comprehensive Plan developed in 1965, and further has requested that said Trustees establish a special board comprising a cross-section of the Village of Horseheads community not to exceed 12 persons, and consisting of at least one member of the Planning Board, be appointed by the Board of Trustees to prepare a proposed comprehensive plan or amendment to the Village's existing comprehensive plan.

NOW THEREFORE BE IT RESOLVED, that in accordance with Village Law Section 7-722, the Village of Horseheads Board of Trustees does hereby establish a special board comprised of 12 persons and charges such board with the duty and responsibility of preparing a Proposed Village Comprehensive Plan or amendments to the existing Comprehensive Plan. At the conclusion of its preparation, same to be presented to the Board of Trustees in accordance with law for the Trustees' review and approval. Said special board shall meet with appropriate groups, agencies, and entities, public, governmental and non-profit or otherwise, to develop a planning strategy and to investigate funding sources for development of the comprehensive plan, and be it further

October 13, 2005 (cont'd)

RESOLVED, that Village Manager Azzarelli is authorized and directed to pursue any and all reasonable funding sources for development of said comprehensive plan and to report back to the Board of Trustees at his earliest convenience relative to the results of his research for approval to apply for same, and be it further

RESOLVED, that the special board shall be comprised of individuals or officials appointed to same by the Mayor. Same shall be chaired by a member thereof designated by the Mayor. The special board shall meet at the call of the chairperson or a majority of the special board and same may adopt rules and procedures for its meetings. Said special board shall meet at least once every two months and continue until it has developed a comprehensive plan and recommended same to the Village of Horseheads Board of Trustees. The members of the special board shall receive no compensation for their services as members thereof, and be it further

RESOLVED, that Village Manager Azzarelli may present a budget to the Village of Horseheads Board of Trustees for the operation of the special board, and propose to the Board of Trustees methods and sources of payment for such cost and expense of operation, after which the Board of Trustees may establish a budget for the operations of such special board. Same to be a part of the general budget for the Village of Horseheads, and be it further

RESOLVED, that in general the special board shall proceed in accordance with the white paper prepared by T. Skebey dated November 12, 1998 entitled "Master Planning Process", a copy of which is on file with the Village Clerk, and which shall be provided to each of the members of the special board.

Roll Call Vote:

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

Discussion on Scheduling of Goals & Objectives Meeting

Discussion on when to have a meeting.

It was agreed to do 1:00 p.m. on Friday, October 21st for G&O.

It was agreed to set a second date in case we don't finish on that day - Wednesday, October 26th, 3:00 p.m.

Discussion on Scheduling of Emergency Procedures Meeting

Village Manager Azzarelli - In the wake of Hurricanes Katrina and Rita, we pulled the emergency plans down to look at them. A requirement of federal NIMS program - needs to have right terminology. We were also made aware by the school supt. that the county has numerous plans that we might not be aware of, where they use our facilities. I have a meeting with Mike Smith next week. He said that I could meet with him Monday, or not again until November.

Mayor Gross - schedule for him to come in at the November 10th meeting. If not maybe we could schedule a special meeting.

Village Manager - I've already met with Mike Hastrich with Cornell Coop. Extension for a grant request to fund the comprehensive plan committee. Cornell Coop. will be drafting the grant request. We got a letter from Kevin Keely asking how we are handling the library tax. I'd like to tell him that we funded them through the end of the year and that we have no budget line after that.

Village Manager Azzarelli - I would like to request an executive session at the end of this meeting to discuss personnel issues.

Trustee Sullivan - open house at fire dept. tomorrow....and nice job to the clock committee.

George Kastenhuber, 519 John St. - questions on comp. plan, who answers to who and what is the protocol.

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Atty. Groff - it is a special committee that reports to the Board of Trustees. It communicates with the Planning Board, but ultimately the Board of Trustees will be presented the opportunity to approve the plan, disapprove, or approve with modifications.

George Kastenhuber - When you have experts in different fields, what I perceive is conflicts of interest. Real estate professionals will know what is going on, another level of bureaucracy. The more pieces of the pie, then the process becomes more onerous. If your getting experts, they will know the Village business, and if they want to grab opportunities, they will have first crack at this. Its not ethical.

Bruce Hayes, 214 Bowers Drive - when will it go into effect.

Atty. Groff - its not adopted, it goes into effect after it is filed with Department of State.

Bruce Hayes - the animal control officer, according to the Agric. and Market Law, any law officer can enforce that, is that right?

Atty. Groff - not any law officer. Agric. and Market Law is enforced by Code Enf., DEC, also by officials designated by local municipalities for that purpose.

Mayor Gross - don't forget the firemans harvest dinner next week.

Motion by Trustee Sullivan, seconded by Trustee Swartz, that this Board, the Village Attorney, and the Village Manager, move into executive session to discuss the employment history of a particular person.

Roll Call Vote;

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

At 7:45 p.m., the Board of Trustees, Village Attorney and Village Manager moved into Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:31 p.m., the Board reconvened back into the regular meeting of this date.

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

**Village Board of Trustees
EXECUTIVE SESSION
October 13, 2005**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:45 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, Kevin Sullivan, Village Attorney John Groff, and Village Manager Vincent Azzarelli at which time they discussed a personnel matter involving a particular person.

At 8:30 p.m., upon motion by Trustee Swartz, seconded by Trustee Miller, 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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb