

April 14, 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 and Ron Swartz, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Police Sgt. Dan West, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer.

ABSENT: Trustee Sullivan

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 4, 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

Resolution by Trustee Swartz, 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 -	\$126,620.88
Water -	\$ 24,780.40
Trust & Agency -	\$ 3,488.63

Roll Call Vote:

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

Resolution by Trustee Catlin, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for March 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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that a proposed Local Law Imposing a Utility Tax is hereby received, and a public hearing regarding same is scheduled for Thursday, April 28, 2005 at 7:05 p.m.

Roll Call Vote:

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

Trustee Swartz - need a meeting to discuss this first. We should totally understand this law. Also need supporting documentation.

Mayor Gross - I think that is a very good idea.

Discussion on when to have workshop. It was agreed to have a workshop in the proposed Utility Tax on Monday, April 25th, at 5:00 p.m.

Discussion on Date for Cemetery Commission Meeting - It was agreed to have a Cemetery Commission Meeting on Thursday, May 12th, at 5:30 p.m., before the regular meeting.

April 14, 2005 (cont'd)

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that a meeting of the Cemetery Commission is hereby scheduled for Thursday, May 12, at 5:30 p.m.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the members of the Village of Horseheads Fire Department at a General Convention thereof did on April 7, 2005 hold an election at which the following individuals received the most votes for nomination for appointment to the respective identified offices:

<u>Office</u>	<u>Nominee for Appointment</u>
CHIEF	Richard Sullivan
FIRST DEPUTY CHIEF	Arthur F. Sullivan
SECOND DEPUTY CHIEF	Thomas Margeson
THIRD DEPUTY CHIEF	Brad Davies

WHEREAS, the by-laws of the Department empower the Board of Fire Commissioners to consider the nominations and appoint such persons to the offices to which they are nominated, and

WHEREAS, this Board has considered the nominees and the offices they are nominated to fill.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees, acting as Fire Commissioners of the Horseheads Fire Department does hereby appoint the above-mentioned individuals as officers of the Department to hold the office noted for a term of one year or until a successor is appointed or a vacancy otherwise occurs in such office.

Trustee Swartz - is there a way to consider extending term for more than one year. Seems to be quite repetitive.

Atty. Groff - I don't believe Village Law or corporation law allows for such extensions.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of March 22, 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

Discussion on Recommendation of Planning Board on Moratorium for Signs -

Village Manager - Planning Board recommended a six-month moratorium on signs, we got very concerned with new highway that people would go crazy with high signs. We did research. New highway height on south side will only be 25 ft. so at 35 ft. will be ok. Criteria is still ok.....going to recommend to the Planning Board to maintain law....it is adequate. No need to extend moratorium. We will discuss at next Planning Board meeting.

Discussion and Possible Action on Recent Planning Issues:

a. Proposed Definition of Professional Office. Atty. Groff - We're not making fundamental changes on definition we currently have. Refining it and expanding a little bit. Distinguishing prof. services

April 14, 2005 (cont'd)

from those associated with trade, craft or business. Learned profession that required special training and advanced degrees....continuing education. Defined in NYS Education Law....does not mean that every occupation regulated by education department is considered a prof. office. Our definition still includes insurance and real estate brokers. The elements we added are - distinguishing occupation from trade or practice, also noting that professions have advanced degrees and continuing education requirements. You already have insurance and real estate in earlier definitions.

Trustee Swartz should we put in that these are listed as an example only.

Atty. Groff - I don't feel its necessary because it already says 'such as'.

Mayor Gross - what if someone who is, for example a massage therapist.....would they be a prof. office.

Atty. Groff - I would say no because they aren't a learned profession...that is a specific term. Massage therapy doesn't require special education or advanced degrees. My view that it is not a learned profession...more of a business or a trade.

Mayor - will this hold up in court.

Atty. Groff - this is an issue we have had for 2 years. If you want to list occupations outright and only limit to those defined, that can be done very easily.

Mayor - If we made a strict list, someone could always come to the board and ask that we change the law. That way they have to come to us...if they are not on the list.

After discussion, the Board agreed to have the law amended to include specific lists of occupations.

b. Porches - Atty. Groff- Original version would not have allowed any structures invading front setback. Then we expanded code to permit the covered entryways of a limited dimension. In response to a series of requests to expand that dimension...now it would be a front porch, along entire length of residence.

Mayor Gross - the concern expressed that many times the front of the building, in small homes, the end of the porch would end under a picture window.....people come in to request variances.

Discussion....all agreed to amend law to extend length. Atty. Groff to draft law.

Rachel Baer - update on sister city.

Trustee Swartz - I talked with John Furstoss...car wash looks good. Taken a long time though.

Atty. Groff - We had an arbitration hearing this week. Grievance by PBA regarding court overtime. Eventually we will have a determination from arbitrator. When that is rendered, we will advise.

Mike Stenpeck - linear park...I think we should change this name. Discussion.

Mayor Gross - Daffodils on Grand Central look wonderful. Thanks to Chris and his crew. And today I got a call from a merchant, complimenting on the work. Tomorrow we will have Youth Bureau students doing cleanup around the village - behind pool...walkway. They are going to clean that up too.

Mayor Gross - goals and objectives and visibility of police dept. Talked a little about that. Not sure if Chief discussed that with you. If you would take that back to the chief and other officers, maybe he could speed this up. We would like to see that.

Sgt. West - I'll let the Chief know.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb