

November 18, 2004

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 Ronald Swartz, Howard Miller and Kevin Sullivan, DPW Supt. Chris Lawrick, Clerk-Treasurer Sharron Cunningham, Court Clerk Jan Zeigler, Manager's Assistant Rachel Baer, Village Manager Vincent Azzarelli, Village Attorney John Groff, and Planning Bd. Member Mike Stenpeck. Also present were: Bernie Wiegler, 111 Boorum Pl.; Tess Banfield, 134 Catalpa Dr.; Penny and George Kastenhuber, 519 John St.; Jean Quinn, 555 Gardner Rd.; Sue Perry, 104 Renwick La.; James Lynch, 303 W. Mill St.;, and Don Zeigler, 535 Watkins Rd.

ABSENT: Trustee Earle Catlin

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of November 10, 2004 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for October, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the minutes of the Planning Board Meeting of October 26, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of October 27, 2004 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

At this time, Atty. Groff declared open a public hearing on the application of Lynch Funeral Home, Inc. for a Special Sign Permit. Nobody came forward. Atty. Groff declared the public hearing closed.

At this time the Board of Trustees reviewed and completed Part 2 of the Short Form SEQR regarding the special sign permit application, finding there to be no negative environmental impacts, and declared a negative declaration.

November 18, 2004 (cont'd)

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Lynch Funeral Home, Inc. is the owner of real property located at 318 W. Broad Street, Horseheads, NY identified as Tax Map Parcel #59.09-2-15, and

WHEREAS, said property is situate in a R-2 Residential District in the Village, and

WHEREAS, said applicant seeks approval of the installation of an exterior illuminated sign approximately 6' x 4' exceeding the size limit for such signs, requiring the issuance of a Special Sign Permit, 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 November 18, 2004 regarding the application for the special sign permit 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 Lynch Funeral Home, Inc. for a Special Sign Permit at 318 W. Broad Street be and the same hereby is approved.

Trustee Sullivan - how much larger will it be than code. Mr. Lynch - 8 sq. Ft.

Trustee Swartz - Will it be internally illuminated?

Mr. Lynch - externally by spotlights. Not intrusive to neighbors, will be on a timer.

Roll Call Vote:

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

Discussion on Planning Board Recommendation regarding Professional Office Overlay Zone - Village Manager - Planning Board wants to remove the block on Grand Central Ave. from the overlay zone.

Trustee Swartz - I am concerned because one of the zones east of this one is being eliminated because of I86, so we've lost that one too. Now if we lose this one on Grand Central, there is nothing in this area at all...hate to eliminate this if we don't have something in this lower area.

Mayor Gross - some development may occur down there, people coming to request more spaces for offices. Businesses have expressed interest in the area south of I86.

Trustee Miller - why don't they want it in the zone.

Mayor Gross - most of that street is now residential. Now they prefer that it stay that way.

November 18, 2004 (cont'd)

Mike Stenpeck - right at this moment there are only 4 houses between Dr. Nayo and the highway. Parking is an issue. Dr. May had a parking issue where cars parked on the street. So the only way to do the same with these properties is for someone to buy two parcels and make one a parking lot. The people there have maintained their properties and improved them. With the linear park that is going in, the feeling of the PB was to go back to residential.

Trustee Swartz - then I'd like to see the PB come up with something else in this area to replace it.

Trustee Miller - I think its important to have professional offices. This gives opportunities for people.

Mayor Gross - I find it interesting, we voted out a place in windsor gardens. This is a neighborhood block with 4 homes.

Trustee Swartz - then we need an alternative.

Mayor Gross - I believe below I86 will be more development. Amber Court is in discussion on what they want to do down there. Possible changes. We have an alternative.

Trustee Swartz - so lets plan for it and put the overlay zone there now.

Mayor Gross - not disagreeing with you. On Westinghouse Road, with the parking situations, you can't just buy one house and put something in there.

Trustee Miller - can we table any action on this?

Village Manager Azzarelli - I'll ask Plan Bd. to provide alternative next week.

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads Board of Trustees adopted a resolution on September 23, 2004 providing for modifications and amendments to Chapter 235 of the Village Code, Vehicle & Traffic, and

WHEREAS, it has become apparent that such resolution contains administrative errors.

NOW THEREFORE BE IT RESOLVED, that said resolution of September 23, 2004 is hereby revised and restated as indicated on the attached sheet.

AMENDED Resolution of September 23, 2004 regarding Parking Regulations

WHEREAS, the Village of Horseheads Traffic Commission met on September 22, 2004 regarding parking issues in the Village, the minutes of which are hereby received, and

WHEREAS, the Village of Horseheads Vehicle and Traffic Law, Chapter 235 of the Village Code, provides in pertinent part that the regulations and schedules adopted by the Board relating to vehicle and traffic matters may be amended and modified from time to time as deemed necessary by the Village Board via local law, resolution or motion, and

WHEREAS, the Village Traffic Commission has recommended the removal of a handicapped parking space, the designation of No Parking Here to Corner, and the amendment of tenant designated parking, and

WHEREAS, this Board endorses such recommendations.

NOW THEREFORE BE IT RESOLVED, that Chapter 235 of the Village Code, Section 235-87, Schedule XXVII: Handicapped Parking Spaces, be amended to read in its entirety as follows:

In accordance with the provisions of Section 235-46, the following described locations have been designated Handicapped Parking Spaces:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
South Main Street	West	Fourth parking space southerly of intersection of John Street

West Franklin Street	South	Fourth space west of its intersection with Main st.
John Street	North	First two parking spaces west of intersection with S. Main Street

and be it further

RESOLVED, that Section 235-75, Schedule XV: Parking Prohibited at All Times, be amended to add thereto:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
South Main Street	East	From E. Franklin St. southerly 35 feet

and be it further

RESOLVED, that Section 235-45, Municipal Parking Lots, A. Parking Lot Restrictions, subparagraph (4) be amended to read in its entirety as follows:

- (4) No person shall stop, stand, park or permit a vehicle owned by him to be stopped, standing, or parked in the following parking lots for longer than two hours per day during any twenty-hour period of time, or between 2:00 a.m. and 6:00 a.m. Mondays through Saturdays:
 - (a) All of the South Main Street Lot, excluding the two most southerly rows of parking spaces.
 - (b) All of the Franklin Street Parking Lot.
 - (c) All of the Grand Central Avenue Parking Lot, excluding those 18 parking spaces on the south end of said lot which are closest to Broad Street.

and be it further

RESOLVED, that Chapter 235 of the Village Code, Subsection 235-45, Municipal Parking Lots, A. Parking Lot Restrictions, be amended to add subsection (6) thereto which shall read as follows:

- (6) Notwithstanding th exceptions noted in §235-45 A(4), no person shall stop, stand or park a vehicle or permit a vehicle owned by him to be stopped, standing or parked in the Franklin Street, George Sullivan Park (Thorne Street Park), Grand Central Avenue, John Street, South Main Street or Village Hall parking lots for a continuous period of time of more than five days.

and be it further

RESOLVED, that the first line of Chapter 235 of the Village Code, Section 235-79, Schedule XIX: Parking Prohibited Certain Hours, be amended to correct an administrative error, and as amended shall read as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
All Village Streets	Both	2:00a.m. to 6:00 a.m./All	All

Roll Call Vote:

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

Motion by Trustee Swartz, seconded by Trustee Miller, that the item regarding an intermunicipal agreement with the Town of Horseheads for the street sweeper be tabled.

November 18, 2004 (cont'd)

Roll Call Vote:

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

Atty. Groff. noted that he is still waiting to hear back from the Town's attorney on the final agreement.

Resolution by Trustee Miller, seconded by Trustee Sullivan

WHEREAS, the Horseheads Merchants Association has submitted a Festival Permit Application to the Village Manager for a holiday festival known as Holly Days to be conducted on Saturday, November 27, 2004 from 2:00pm - 7:00pm in Hanover Square, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having conditionally recommended approval of same, and

WHEREAS, the Village Manager has thoroughly reviewed the application and approved same.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from Noon - 8:00 p.m. on Saturday, November 27th, 2004:

- (1) S. Main St. at Franklin St. south to Broad St.
- (2) Franklin St. from Grand Central Ave. to Eleanor St.
- (3) John St. from Grand Central to S. Main St.
- (4) the Main Street parking lot
- (5) the John Street parking lot

STREETS TO REMAIN OPEN TO TRAFFIC

- N. Main, southbound, turning east on Ithaca Road
- Ithaca Road, westbound, turning north on N. Main St.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Sullivan

WHEREAS, the Village of Horseheads entered into an Employment Agreement with Vincent Azzarelli on September 25, 2003, and

WHEREAS, both parties wish to renew said agreement, and

WHEREAS, the parties have mutually agreed to the benefits, terms and conditions of said renewal, same being reflected in an employment agreement prepared by Village Attorney John Groff.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized and directed to execute an Employment Agreement with Vincent Azzarelli as Village Manager, a copy of same shall be placed on file with the Village Clerk.

Mayor Gross - thanked him very much for agreeing to keep his salary at \$65,000 for the next 3 years. Appreciate that. Would like to also commend him on accepting only 30 days sick time and no buy out at end of that.

Roll Call Vote:

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

November 18, 2004 (cont'd)

Motion by Trustee Miller to add and item to the agenda regarding an appointment to the Planning Board. Seconded by Trustee Swartz.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that due to a vacancy in the membership of the Village Planning Board, Alternate Member Susan Pirozzolo is hereby appointed as a full Member of the Planning Board, filling the unexpired term of Patti Pautz. Said appointment to expire the first Monday of April, 2007.

Roll Call Vote:

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

Village Manager Azzarelli - Trustee Catlin is doing better. Expects to be back by next Board meeting. Our Village lighting contest is coming up. We need some ideas for prizes. NYSEG won't give certificates anymore.

Trustee Swartz - asked status of the pit by garage. I've checked plates of other vehicles. Seeing non-village residents dumping there. I know this happens a lot. I wish there was a way to monitor this. Surveillance camera maybe. Costs us a lot of money when other people dump there.

Discussion ensued regarding this.

Village Manager - have a price on a surveillance camera.

Chris Lawrick - To empty pit, it takes several days. Especially if we don't mulch it first. It's a good service, but the abuse is enormous. Just about 50% of the people who dump there is out of town.

Mayor Gross - need to look at this seriously. Maybe gating the area.

Village Manager - will put together a proposal for the board.

Trustee Sullivan - great job on leaf pickup. Chris Lawrick - have picked up 9,000 bags so far.

Mayor Gross - maybe we should make farmers come get the bags of leaves instead of delivering to them.

Trustee Sullivan - the Fire Dept. received a grant for a new thermal imaging camera. This will significantly help firefighters.

Atty. Groff - first amendment to employee manual to come shortly. The Fair Labor Standards Act overtime policy was revised this year. We'll be formalizing a Village overtime policy and presenting it to you to make a part of employee manual.

Mayor Gross - some Village employees went to a grant writing seminar this week. Hopefully now we can get some more grants written for the Village.

Bob Skebey - thanked the Board for the recent reception and plaque.

Tess Banfield - congratulate Mr. Azzarelli.

George Kasthuber - NYSEG approached us for new gas line. They dug up gas main. Only problem was water line disintegrated and started leaking. The Village DPW did a good job repairing it, but now I'm losing water pressure. I'm told by someone that now I have to incur an expense to repair from the curb to inside the house. Wasn't my intention to have a new natural gas line put in, then put out money to fix water line. I would urge other residents to be aware of this.

November 18, 2004 (cont'd)

Mr. Kastenhuber then asked the status of the Square Bean Café loan from the Village.

Village Manager - right now we are working through our attorney to make sure they live up to their part of the agreement.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb