

**June 23, 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 Howard Miller, Ronald Swartz, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief Dave Kole, DPW Chris Lawrick, Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Baer. Also present were: June and Barry Sawester, 349 Marshall St.; Pat Pastrick, 3296 S. Main St.; Sue Kambeitz, 518 John St.; Bruce Hays, 214 Bowers Dr.; Mike Stenpeck, 2202 Grand Central Ave.; Elton and Nancy Shaw, 218 Liberty St.; Addie Kelley, 115 Myers Dr.; Jean & Don Quinn, 555 Gardner Rd.; Virginia Connelly, 413 Perkins Ave.; Janette Bauer, 385 E. Franklin St.; George and Penny Kastenhuber, 519 John St.; Theresa Waters, 118 Miller St.; Elliott Blauvelt, Jr., 114 Fletcher St.

Resolution by Trustee Miller, seconded by Trustee Sullivan

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 9<sup>th</sup>, 2005 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 Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds indicated on the enclosed sheet.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of June 15, 2005 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 Bargain Outlet for a Special Sign Permit. As nobody came forward, Atty. Groff declared the public hearing closed.

At this time the Board completed Part 2 of the Short Form SEQR relative to this application, finding there to be no significant negative environmental impacts, and authorizing a negative declaration.

Resolution by Trustee Miller, seconded by Trustee Sullivan

WHEREAS, Grand Central Plaza, Inc. is the owner of real property located on Chemung Street, Horseheads, NY identified as Tax Map Parcel #59.13-3-3, and

WHEREAS, said property is situate in a Commercial District in the Village, and

WHEREAS, Grossman's Bargain Outlet is a tenant of said property, and has made application for the installation of new signs exceeding the square foot limit allowed 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

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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 June 23, 2005 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 Planning Boards of the Village of Horseheads, Town of Horseheads, and Chemung County, such Boards 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 Grossman's Bargain Outlet for a Special Sign Permit at their retail store on Chemung Street be and the same hereby is approved.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, Horseheads Family Night is an event sponsored by the Village of Horseheads Recreation Department, and

WHEREAS, this event will take place in Thorne Street Park on July 9, 2005, and

WHEREAS, the Recreation Department has requested to sponsor a fireworks display in the evening at Thorne Street Park as part of the event.

NOW THEREFORE BE IT RESOLVED, that 1) the Recreation Department is authorized to apply for a Permit for Public Display of Fireworks, 2) Village Manager Vincent Azzarelli and other Village personnel are authorized to execute the Permit and an agreement with Fireworks Productions, Inc. providing for a fireworks display in Thorne Street Park on July 9, 2005.

Trustee Sullivan - This is at the high school field. Do we have to get anything from them.

Rachel Baer - we receive a certificate of insurance from the fireworks company naming the Village and the School District as additional insureds.

Mayor Gross - these are the best fireworks in the area.

Roll Call Vote:

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

Discussion on Proposed Fishing Amendments:

Village Manager - in your packet is a proposed local law as a result of meetings we've had on the fishing at Mill Street Pond. We are proposing to restrict to children only at the request of people

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using it and the Sportsmen Federation. We've also provided some restrictions to assisting children, and guidelines for groups of handicapped people.

Trustee Swartz - how will this effect our fishing derby.

Village Manager Azzarelli - it will not effect it.

Mayor Gross - I was amazed to hear that it costs them \$10,000 a year to stock it. This law will be encouraging catch and release again with a two fish limit. But it was getting fished out because people were not doing what they should be doing. It is supposed to encourage kids to fish. We will be setting a public hearing at our next Board Meeting.

Discussion on Noise Control Law:

Atty. Groff - We submitted the proposed law for your review and comment. This law utilizes an approach called reasonable person. There is no utilization of decibel meter. It uses standard of complainant to convince court that level of noise generated is unreasonable under the circumstances. If judge determines this, then it would be appropriate to find that the law has been violated. Also deals with lesser noise levels during evening hours. The law also deals with particular types of noises, anticipates permits being granted. If somebody wanted to have a block party, or a parade, or function occurring in a park or planned events of that nature. Deals with regulation of construction noise, allows for a permit issuing process to occur. We are looking for input if you want us to adopt this.

Mayor Gross - question on last section, DPW sending application to chief of police. Emailing might hold this up.

Chief Kole - I request we receive a hard copy so we can put in patrol vehicles.

Trustee Sullivan - would like to read it further.

Discussion on setting a public hearing or not. It was agreed to set the public hearing and in the mean time the Board will decide if changes are warranted. If so, a new public hearing will be scheduled.

Resolutions by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that a Proposed Local Law on Noise Control is hereby received, and a public hearing regarding same is scheduled for July 14, 2005 at 7:05 p.m.

Roll Call Vote:

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

Discussion on Animal Control Law:

Atty. Groff - first article of this law deals with animal control. Farm animals are not permitted. Fish and reptiles are permitted. Not acting in an obnoxious or objectionable manner. Article 2 of proposed law deals specifically with dogs. Relates to control of dogs in sense of noise control, behavior control, cleaning up after dogs in public and private areas, keeping animal under control. It recognizes obligation of dog owner to observe the law regarding licenses, etc. It is an enhancement of existing animal control laws the Village has had for many years. Specifically deals with obligation of dog owners to clean up after their dogs if they leave feces on the ground. Does regulate kennels, etc. Provides that kennels per se are not allowed without special authorization unless its in connection with vet operation. Defines it as more than 2 adult dogs. Doesn't seek to regulate cats, doesn't license them, or limit the number of cats.

Trustee Swartz - what about definition of kennel.

Atty. Groff - It is defined twice in the law for our discussion tonight. Which version do you feel is more appropriate.

Trustee Miller - if you had 2 cats, can you have dogs too.

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Atty. Groff - you can have 2 cats and 2 dogs. Any more of each and it's a kennel, unless you want to change the definition.

Trustee Swartz - I think this should include cats.

Trustee Miller - I feel it should include cats too.

Mayor Gross - would they get the permit from the Village. Atty. Groff - yes.

Atty. Groff - The 'fee' reference means whether the dogs or cats are being harbored for a fee.

Discussion on what is considered a kennel.

Mayor Gross - Have the judges also looked at this. Atty. Groff - yes.

Mayor Gross - I think the decision of this Board is to go with the one that includes the cats.

Motion by Trustee Miller, seconded by Trustee Sullivan that the definition of kennel be inclusive of both dogs and cats, being more than two of each.

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 a Proposed Local Law on Animal Control is hereby received, and a public hearing regarding same is scheduled for July 14, 2005 at 7:10 p.m.

Roll Call Vote:

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

Discussion on Scheduling of Cemetery Commission Meeting:

Village Manager - We would like to discuss this soon, implement some new procedures and policies.

It was agreed to have a Cemetery Commission Meeting on Wednesday, July 6<sup>th</sup>, at 4:00 p.m.

Clock Committee Report:

Trustee Swartz - the resolution kind of speaks for itself. You've received the report. It recommends that we accept a gift from Mr. and Mrs. Monte for the cost of the clock. We still have to apply for grant money. The two locations that committee has recommended is near the rock, or in the island in the square.

Mayor Gross - when do we hear about the grant.

Village Manager - Assemblyman O'Maras office said it will be in the second round in the fall.

Mayor Gross - so we don't know the cost of installation yet.

Trustee Swartz - not yet.

Village Manager - His office says there was a spring round of money, so they pushed it to the fall. The resolution authorizes bids for installation.

Resolution by Trustee Miller, seconded by Trustee Sullivan

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WHEREAS, the Village of Horseheads Board of Trustees has heretofore established a committee to pursue the merit of acquiring, locating and installing a clock tower in the Village of Horseheads, and

WHEREAS, such Committee was chaired by Trustee Ronald Swartz, and

WHEREAS, the Committee has reported to the Board of Trustees its findings relative to location, clock suppliers, installation and manner of financing, including grants and gifts, and

WHEREAS, the Committee has determined and recommended that an appropriate clock, exclusive of installation costs, is likely to approximate \$24,000-\$25,000, and

WHEREAS, that Committee reports that it has received an offer of a gift from Joseph and Dorothy Monte for the entire cost of acquiring the clock, i.e. \$24,000-\$25,000, and

WHEREAS, the Committee has applied for a grant from New York State through Assemblyman Thomas O'Mara and is waiting for a response to said application, and has further offered to pursue a fundraising program to otherwise pay for the costs of installation of the clock and any other unanticipated costs associated with this project,

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby:

1. commend the Committee and its Chairperson for their diligent efforts;
2. requests that such Committee report back to this Board regarding its first and second proposed location for the clock;
3. authorizes Village Manager Vincent Azzarelli to solicit proposals for the design and supply of a clock for the two proposed locations once received;
4. authorizes Village Manager Vincent Azzarelli to secure proposals for the cost and expense of labor and materials for installation of the clock at the aforesaid locations;
5. accepts the offer of gift of Joseph Monte and Dorothy Monte in the approximate amount noted above for the cost of said clock, etc.;
6. directs Clerk-Treasurer Sharron Cunningham to establish all necessary accounts and funds for this project and directs that monies received from Mr. and Mrs. Monte be deposited in such to be used exclusively for this project;
7. authorizes Village Manager Azzarelli to proceed with any and all steps needed to bring this project to fruition once the first installment of Mr. and Mrs. Monte's gift in the approximate amount of \$13,000 is received together with a pledge for the balance of the offered amount subject to the following conditions:
  - a) The Board of Trustees shall give final approval of the clock location.
  - b) Satisfactory arrangements are made for a fundraiser to finance the balance of the project not covered by the Monte gift and any awarded grants.

Mayor Gross - Will there be a fund for maintenance.

Trustee Swartz - hopefully with grant money and a fundraiser we would establish a separate account for that.

Mayor Gross - not sure grant money would do it. You should sell replicas of the clock, so that we can keep it going. I personally want to thank Trustee Swartz and the committee for their time and effort, and Mr. Monte for his donation.

Roll Call Vote:

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

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Motion Trustee Swartz, seconded by Trustee Sullivan, that an item regarding Receipt of Application for PUD Site Plan Review, Gardner Road Apartments and Set Public Hearing be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Sullivan

BE IT RESOLVED, that an application by Belosky Construction for Site Plan Review of their parcel on Gardner Road zoned as Planned Unit Development is hereby received and forwarded to the Village Planning Board for its review and comment, and be it further

RESOLVED, that a public hearing regarding this application is hereby scheduled for Thursday, July 14, 2005 at 7:15 p.m.

Roll Call Vote:

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

Village Manager Azzarelli - report from Hunt Engineering on use of LRC building is in your packets. The figures are pretty staggering. We can discuss this another time, but please take a look at it. Most of foot print of building is possible, but final cost will decide what to do with the property. Some good news the chamber of commerce runs a training course called Leadership, submitting the Clerk-Treasurer to attend this leadership training course. She will bring a lot of information for all of us.

Village Manager - We've always had a problem with the last house in the Village out on Gardner Road. As far as I know they are the only house in the Village that doesn't get Village water. There are people who are willing to work with us to get an easement to get water down there.

Elliott Blauvelt, Fletcher St. - this Saturday and Sunday our emergency communication group will be running a 24 hour operation on Harris Hill, area officials are welcome to come up. It's a field day exercise operation, we run for 24 hours, also having slow scan television, digital modes of communication. To show what we provide in an emergency.

Mike Stenpeck - The maintenance on the Village clock, they recommend doing it twice a year, this is not like the mall clock in center court.

Theresa Waters, 118 Miller St. - does everybody hate animals, with the number of animals that are killed and don't have homes. Is this not big brother. I don't see the whole purpose of this. If the animals are not being objectionable, what is the problem. So I can't have 3 cats, but I can have 2 cats and 2 dogs. That doesn't make any sense.

George Kastenhuber - your trying to legislate something people have no intention on following. Something should be done about controlling cat population. City of Elmira took in 900 stray cats last year. They have to spay or neuter every one. A barking dog is one thing. If cats are an issue, then you should address cat population. Just saying you can only have 2 cats or 2 dogs....The Agriculture and Markets Law has no restrictions on how many animals they can actually own. If we had a control mechanism like licensing cats, shots, spay, that would be another issue altogether. Dogs have to be licensed, if cats are the problem then the legislation is missing. I hear people complaining about cats all the time. I think that more directly if you think this is going to make a pet owner more responsible, your not going in the right direction.

Mr. Sawester- kennel thing doesn't make sense. I'd rather see situation of controlling cats. I have neighbor who lets dog out. I've complained about it. Now she has another dog and she's doing the same thing. Cats run loose on Marshall Street. I think this kennel thing doesn't make sense - I'd rather see that cats are regulated.

Theresa Waters - animal control should deal with individual problems, instead of imposing laws on

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every single person.

Mr. Sawester- you can call Frank Rosplock all you want, but unless you sign a form they don't do anything.

Elliott Blauvelt - I think we have way too many laws already. However, I have complained about dogs, but cats are another issue. In my neighborhood there is at least 20 cats that belong to nobody. People who have moved out of apartments and just leave the cat there. Something needs to be done, but I don't think your going in the right direction. Cats need some special attention.

Don Quinn, 555 Gardner Rd. - I'm a compassionate person. I have 9 cats who were strays. All have been neutered, etc. Costs 1300 dollars just to do that. Cost 100 month to maintain, etc. It disturbs me to hear that now as a result of trying to solve a problem, that I will now have to have a permit to have these cats. I'm going to have to pay a permit fee to maintain these animals. My cats are controlled, they don't roam the neighborhood.

Atty. Groff - draft law does not provide a fee, simply requires applying for permission. Also requires that neighbors within 200 feet be consulted to see if there were objections in the neighborhood. There is no fee.

Don Quinn - I don't think it would be fair if there was a fee associated with this.

Atty. Groff - your situation is the exception rather than the rule. There aren't that many people who do what you do.

Addie Kelley, 115 Myers Dr. - since this all came about in my neighborhood, I respect people who take care of their animals, but I'm talking about people who don't. I don't hate animals. But I hate their droppings in my yard.

Mayor Gross - I firmly believe that this Board feels the same way. I know that several of us have animals.

Mr. Hayes - this kennel law is not telling you you can't have animals, but we need more help to control.

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

/rmb

<u>MAY 2005</u> <u>TRANSFER LIST</u>			
<u>GENERAL</u>			
<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$72.41	1110.453	1110.160	COURT OVERTIME
\$184.87	1110.111	1110.172	COURT SECURITY
\$276.84	1110.453	1110.411	COURT SUPPLIES
\$169.13	1110.200	1110.440	COURT CONTRACTED SERV.
\$72.41	1111.111	1111.160	COURT OVERTIME
\$437.92	1111.453	1111.172	COURT SECURITY
\$178.13	1111.200	1111.411	COURT SUPPLIES
\$245.38	1110.453	1111.440	COURT CONTRACTED SERV.
\$2,364.05	1230.102	1230.110	MANAGER SECRETARY
\$293.57	1325.200	1325.411	CLERKS SUPPLIES
\$1,337.55	1620.420	1620.410	VILLAGE HALL SUPPLIES
\$1,155.97	5110.440	1620.440	VILLAGE HALL CONT. SERVS.
\$28.80	1620.200	1620.441	VILLAGE HALL LEGAL NOTICE
\$4,720.59	5110.440	1620.442	SHARED SER. GAS/OIL
\$408.83	1620.420	1620.443	VILLAGE HALL REPAIRS
\$4.03	1620.200		
\$300.00	1640.445	1640.420	GARAGE UTILITIES
\$177.08	5110.440		

\$222.00	9040.840	1910.472	LIABILITY INSURANCE
\$173.50	3120.123	3120.128	POLICE OFFICER
\$371.15	3120.127	3120.155	CROSSING GUARDS
\$10,159.51	3120.137	3120.160	POLICE OT
\$193.00	3410.411	3410.140	FIRE DEPT. MAINT.
\$623.29	3410.440	3140.200	FIRE DEPT. EQUIP.
\$524.17	3410.413		
\$338.30	3410.141		
\$132.93	3410.452	3410.410	FIRE DEPT. SUPPLIES
\$442.10	3410.420	3410.443	FIRE DEPT REPAIRS
\$21.06	3410.482		
\$2,183.56	5110.440	5110.110	STREET PT LABORERS
\$730.00	7140.200	7110.200	PARKS EQUIPMENT
\$309.55	7110.420		
\$63.95	7110.443		
\$361.68	7110.443	7110.410	PARKS SUPPLIES
\$436.88	7110.100	7140.100	REC. ASSTS. PT
\$269.30	7140.420	7140.410	REC SUPPLIES
\$84.73	7141.200	7141.410	CONCESSION STAND SUPP.
\$27.48	7310.440	7310.410	POOL SUPPLIES
\$10.25	1310.440	7310.411	POOL OFFICE SUPPLIES
\$130.00	8160.410	8160.440	REFUSE CONT. SERV.
\$227.91	8810.420	8810.173	CEMETERY INS. BUYOUT
\$981.00	8810.200	8810.410	CEMETERY SUPPLIES
\$242.20	8810.440		
\$26.92	8810.420	8810.413	CEMETERY CLOTHING
\$199.73	8810.420	8810.443	CEMETERY REPAIRS
<b>TOTAL</b>			
<b>\$31,913.71 GENERAL</b>			
<b><u>WATER</u></b>			
\$1,022.61	1620.420	1620.440	VILLAGE HALL CONT. SERV.
\$412.87	1620.420	1620.443	VILLAGE HALL REPAIRS
\$1,294.50	8310.111	8310.411	WATER OFFICE SUPPLIES
<b><u>AMOUNT</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>	<b><u>DESCRIPTION</u></b>
\$547.14	8310.440	8310.450	WATER POSTAGE
\$676.85	8320.420	8320.443	WELL REPAIRS
\$958.67	8340.106	8340.410	WATER SUPPLIES
<b>\$4,912.64 TOTAL WATER</b>			

Respectfully submitted,

Sharron Cunningham  
Clerk-Treasurer

/rmb