

Minutes

Village Board of Trustees

March 23, 2006

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, and Howard Miller, Village Manager Vincent Azzarelli, Fire Chief Dick Sullivan, DPW Chris Lawrick, Police Chief David Kole, Officer Joseph Runyan, several members of the Horseheads Police Department Village Justices Dick Moriarty and Bill Driscoll; Court Clerk Jan Zeigler, Plan. Bd. Member Mike Stenpeck, Clerk-Treasurer Sharron Cunningham, and Manager's Assistant Rachel Baer. Also present were: Paul and Diane Beach, 218 Bowers Dr.; Nancy Heineman, 432 Hibbard Rd.; Melissa Gentry, Elmira, NY; Deborah Lynch-Kuklis, 105 Fletcher St.; George Kastenhuber, 519 John St.; Don Zeigler, 535 Watkins Road, and John and Cheryl Runyan.

ABSENT: Trustee Kevin Sullivan, Village Atty. John Groff

At this time, Mayor Gross conducted the swearing In of Officer Joseph Runyan, joined buy his parents John and Cheryl Runyan.

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of March 9, 2006 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 Catlin

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of March 22nd, and the Zoning Board of Appeals Meeting of March 15th, 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

At this time, the Board conducted the SEQR Review on the application by Deborah Lynch-Kuklis for a Special Sign Permit at 105 Fletcher St.

Village Manager Azzarelli stated that the Traffic Commission reviewed the updated application, there were dramatic changes.

The Board completed Part 2 of the Short Environmental Assessment Form, finding there to be no significant negative environmental impacts and authorizing a Negative Declaration.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Deborah Lynch-Kuklis is the owner of real property located at 105 Fletcher Street, Horseheads, NY, identified as Tax Map Parcel #59.14-1-9, and

WHEREAS, said property is situate in an R-3 Multi-Family Residential Zone, and

WHEREAS, the applicant has applied for a Special Sign Permit to install a 4' x 7' sign at said location, 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 March 9, 2006 regarding the application for a 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 denial of same, and

WHEREAS, the Village Traffic Commission reviewed the application and requested more information from the applicant, and

WHEREAS, the applicant has since submitted additional information and has altered the proposed location of the sign, and

WHEREAS, the Village Traffic Commission conducted a second review of the application on March 22, 2006, said Commission having recommended approval of the request for a Special Sign Permit, 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

Deborah Lynch-Kuklis for a Special Sign Permit at 105 Fletcher Street be and the same hereby is approved. The location, dimensions, lighting, and landscaping of said sign is to be installed and maintained per the amended application submitted by the applicant on March 21, 2006.

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 a Proposed Local Law Establishing a No Standing Zone on portions of Fletcher Street is hereby received, and be it further

RESOLVED, that a public hearing regarding said law is hereby scheduled for Thursday, April 13, 2006 at 7:05 p.m.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that Village Justices Moriarty and Driscoll are hereby authorized to attend the following training programs with all expenses paid as are allowed under Section 77B of the General Municipal Law:

- Office of Court Administration: Satellite Broadcasts - April 11 and June 19, 2006
- CCC Municipal Training - April 13, 2006
- Chemung/Schuyler County Magistrates - monthly meetings

Roll Call Vote:

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

Item #7, receiving and awarding a sidewalk contract, needs to be tabled. The Director of Public Works is still researching the bidders.

Motion by Trustee Miller, seconded by Trustee Swartz, that Item #7 on sidewalk contracts is hereby tabled.

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 Village of Horseheads advertised on March 4, 2006 for the submission of bids for the Supply and Laying of Bituminous Asphalt to Streets in the Village of Horseheads, and

WHEREAS, bids were opened and examined on March 20, 2006, and

WHEREAS, the following bids were received:

		(All Prices Per Ton)		
		<u>Type 3</u>	<u>Type 6 True/Leveling</u>	
1)	Austin Construction	\$59.00	\$60.50	\$62.00
2)	Narde Paving	\$51.25	\$54.00	\$54.00
3)	A. L. Blades	\$47.50	\$49.50	\$49.50

and

WHEREAS, said bids have been examined and determined to be in order, the lowest responsible bidder being A. L. Blades, and

WHEREAS, the Director of Public Works and Village Manager have submitted their recommendations regarding the bids and the award of a contract, the same recommending award to A. L. Blades.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of A. L. Blades, and be it further

RESOLVED, that Village Manager Vincent Azzarelli is hereby authorized and directed to execute an agreement with said company to effectuate this resolution.

Roll Call Vote:

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

Resolution by Trustee Swartz Catlin, seconded by Trustee

BE IT RESOLVED, that an Organizational Meeting for the Village of Horseheads is hereby scheduled for Monday, April 3rd, 2006 at 7:00 p.m. in Village Hall.

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Roll Call Vote:

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

Motion by Trustee Miller, seconded by Trustee Catlin that two items be added to the agenda:

- Receive Police Department Annual Report for 2005
- Receive Proposed Village Budget for 2006-2007 and Set Public Hrg.

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 the Police Department Annual Report for 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 Swartz , seconded by Trustee Catlin

BE IT RESOLVED, that the Proposed Budget for the Village of Horseheads for FY2006-2007 is hereby received, and a public hearing regarding same is hereby scheduled for Thursday, April 13, 2006 at 7:15 p.m.

Roll Call Vote:

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

Presentation by Justices Moriarty and Driscoll - Proposed Legislation. At this time Village Justices Moriarty and Driscoll made a presentation to the Board regarding proposed NYS Legislation that the Magistrates Association is asking for support.

Justice Moriarty - amendments proposed by magis assoc statewide. First one is opposed by the **Village Board of Trustees**
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Municipal Mayors Assoc. It proposes that Village Court Clerks cannot be fired without consent of the justices. We are interested in this. Town law has already been like this for years. We aren't concerned with ourselves, but statewide there are problems. Last year there was a case on Long Island, new administration came in and first act they fired all the court clerks. Caused quite a problem. That is why Magis. Assoc. has been pushing this.

Next is an amendment to the Judiciary Law to increase reimbursement by county for interpreters. We do use interpreters sometimes. I had a case that required several court appearances for same guy. Needed an interpreter numerous times. And at \$25.00/day it doesn't cover it. We need a court approved interpreter from Binghamton. We also get a lot of Canadian truckers, speak foreign languages.

Trustee Miller - do we pay it now.

Jan Zeigler - It goes through the County, they only pay \$25, but I don't think we've ever been billed.

Justice Moriarty - that is why they are asking for your support for those Counties that don't pick it up.

Next two - ABC law. If person doesn't pay penalty assessed under this law, there is nothing we can do. Also a similar amendment for Penal Law, for unlawful poss of marij. Right now only penalty is fine, if they don't pay we have no recourse. NYMA is asking that they change the law so that at least their license is suspended if they fail to pay fines. We have \$11,000 outstanding in fine so far for people convicted of unlawful poss of marijuana.

Trustee Swartz - what kind of support are you looking for.

Justice Moriarty - resolution to send to sponsors, Assemblyman O'Mara and Senator Winner. A lot of the unlawful marijuana cases, they don't even appear in court. They don't even show up.

Mayor Gross - I had no idea about this. Maybe once every six months we should meet and go over issues like this.

Chief Kole - Governors Traffic Safety Committee grant, we got awarded \$22,000 to put computers in 3 cars. It will have a new tracking system, electronic ticketing, definitely a big assistance to officers. Will be able to scan license and print accident reports right there in the car. Then just download everything to computer in the station. It will streamline a lot of work for Courts too.

George Kastenhuber - appalled at condition of pavement in Hanover Square, loose bricks, etc. I don't know if you are planning on addressing this or what. Really noticeable in last few weeks.

Mayor Gross - this has been brought to our attention.

Village Manager - this week we tested pavement, took boring samples.

Mayor Gross - they are no longer using that type of pavement, but that doesn't help us now. Its been discussed at length by this Board, and we are working with Chemung County to fix it.

Mayor Gross - how is the clock fundraising committee coming along.

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Trustee Swartz - working on that.

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

/rmb