

Minutes

Village Board of Trustees

January 24, 2008

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst and George Koliwasky, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Recreation Director Nate Nagle, Police Chief Mike Barton, Fire Chief Arthur Sullivan, DPW Chris Lawrick, Justice Bill Driscoll, Planning Board Members Denis Kingsley, Guy Reed and Mike Stenpeck, ZBA Chairman Dave Radin, and Manager's Assistant Rachel Baer. Also present were Martha Hauser, 407 W. Broad St.; Tess Banfield, 134 Catalpa Dr.; and the news media.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 10, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Miller, seconded by Trustee Koliwasky

BE IT RESOLVED, that the application by Conifer Realty LLC for a Planned Unit Development Amendment on a 5.4 acre vacant parcel on Grand Central Avenue for a proposed development of a retail/commercial building and retail pharmacy is hereby received, and same is to be forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Swartz

BE IT RESOLVED, that the application by ReRob LLC for a Special Use Permit and Special Sign Permit at 2150 & 2152 Grand Central Avenue for a proposed convenience store, gas station, and fast food restaurant with drive through service is hereby received, and same is to be forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Mayor Zeigler noted that this Board is just receiving these applications tonight, and forwarding them to other agencies first.

Motion by Trustee Miller, seconded by Trustee Swartz, that the following items be added to the agenda:

- Declare Land Surplus - Blostein Blvd.
- Appoint Counsel for Labor Arbitration

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads believes itself to be the owner of a parcel of land approximately 50 ft. wide and 875 ft. long, bounded on the north by Blostein Blvd. and the west by lands now or formerly of Pennsylvania Lines LLC (Conrail), and

WHEREAS, this Board has been informed and believes that said property is no longer necessary to the Village for governmental purposes so long as the Village can maintain ingress, egress, and utility line extension rights over, along, under and through said property to other lands owned by the Village, and

WHEREAS, Director of Public Works Chris Lawrick is familiar with the property and its uses by the Village and has reported to this Board that said lands are not necessary for the operations of his department so long as access, etc. is retained over same, and

WHEREAS, Village Law Section 1-102(1) permits the sale of unnecessary property of the Village.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby declare said premises surplus to the Village of Horseheads, subject to retention of the above-noted access and uses, and be it further

RESOLVED, that Mayor Donald Zeigler is authorized and directed to procure a market value appraisal of said property prior to the offering of said premises for sale to third parties.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Swartz, seconded by Trustee Herbst

WHEREAS, the Village of Horseheads has been named as a Defendant/Respondent in proceedings brought against the Village by Christopher Robbins (CSEA) alleging among other things misconduct or violation of his rights by the Village in the termination of his employment, such matter being a grievance under the Village/CSEA collective bargaining agreement, and NYS Department of Labor Unemployment Insurance claim, and

WHEREAS, it appears that Village Attorney John Groff may be called as a witness in such proceedings.

NOW THEREFORE BE IT RESOLVED, that Mayor Donald Zeigler is authorized to consult with attorneys and special counsel for representation of the Village's interest in said matters. He is further authorized to retain special counsel upon such terms and conditions as he deems in the best interests of the Village.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Atty. Groff reported on the following items:

- Time Warner franchise renewal expires in the next few months. Will be discussing in the near future.
- Newsletter and advertising to support publication costs - contacted NYCOM and rec'd materials. If the activity is a government function, as opposed to proprietary, advertising is not a permitted use. It may be that you won't be able to utilize advertising. If you want to go through establishing a newsletter, its appropriate to adopt a local law establishing method for this publication. Trustee herbst is involved in this project, I will be discussing these items more thoroughly with him.
- Sale of property on Blostein Blvd. does not require a public notice or hearing. Could be a private negotiated sale if you choose.

Chief Barton - visited by Gov. Traffic Safety Committee - audit of our seat belt grant. Overall satisfied. Our tickets were up 1000 over last year, accidents down. Could be from increased enforcement. So this year we are eligible for special programs. Pedestrian issue in Hanover Square may make us eligible for enforcement equipment. Only neg thing was the lack of visibility for crosswalks, they recommended some changes to make them stand out, special paint, etc.

Chris Lawrick - crosswalks near the highway has white paint and glass sand that makes it glow in the dark almost. We will be paving the square soon, we will do the same there.

Motion by Trustee Swartz, seconded by Trustee Miller that the Village Board and Village Attorney move into executive session to discuss a personnel matter involving a particular person.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

At 7:20 p.m. the Board and Village Attorney moved into an executive session, the minutes of which are attached hereto and made a part hereof.

At 8:55 p.m. the Board returned to its regularly scheduled meeting of this date.

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

/rmb

Village Board of Trustees

EXECUTIVE SESSION

January 24, 2008

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 7:20 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Howard Miller, Walter Herbst, and George Koliwasky, and Village Attorney John G. Groff, at which time they discussed a personnel matter involving a particular person.

At 8:55 p.m., upon motion by Trustee Swartz, seconded by Trustee Herbst, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye