**Minutes  
Village Board of Trustees**

**February 12, 2024**

A Meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. virtually via the Zoom platform and in-person at Horseheads Village Hall, 202 S. Main Street, Horseheads, NY.

Present were:

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| **Village Board and Staff** | |
| Mayor Kevin Adams  Trustee Pat Gross  Trustee Bill Goodwin  Trustee Mike Skroskznik  Trustee Mark Cronin  Village Manager Nate Nagle  Attorney John Groff | Clerk-Treasurer Donna Dawson  Manager’s Asst. Hannah Riley  Fire Chief Arthur Sullivan  Chief Mike Suhey  Code Enforcement Jamie Burgess  Code Enforcement Bob Young  Planning Bd. Chairman Mike Stenpeck  Planning Bd. Member Marc Terpolilli  Police Chief Mike Suhey  Code Enf. Officer Bob Young |
| **Others Present** | |
| News Media  Steve Cronin  Lloyd McWilliams  Daniel Morter  Gary Morenus  Dale and Genia Cole | Ron Finefrock  Atty. Matt Buzzetti  Tom Rupp  Melanie Smith  Mary Beth Jansen  John Cronin |

Mayor Adams welcomed everyone. He advised that this meeting will be recorded Livestream via Zoom. Also recorded for posting to our site.

Resolutions by Trustee Cronin, seconded by Trustee Gross

BE IT RESOLVED, that the following minutes of meetings are hereby received and approved:

Board of Trustees: January 8, 2024

Planning Board: January 22, 2024

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

At this time, Manager Nagle introduced Hannah Riley, his new Manager’s Assistant.

FIRE DEPARTMENT APPOINTMENT

Resolution by Trustee Goodwin, seconded by Trustee Gross

BE IT RESOLVED, that this Board hereby approves the probationary appointment of Richard Kimball, 225 Sunset Circle, Horseheads, to the Village of Horseheads Fire Department.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

PROPERTY TAX CAP OVERRIDE LAW

Resolution by Trustee Skroskznik, seconded by Trustee Goodwin

BE IT RESOLVED, that this Board is in receipt of a draft local law authorizing overriding of the NYS Property Tax Cap, and be it further

RESOLVED, that a public hearing regarding said draft law is hereby scheduled for February 29, 2024 at 6:05 p.m.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

7:05 – PUBLIC HEARING: Draft Local Law on Signs

Atty. Groff declared open the public hearing regarding the Sign Law. As nobody came forward, Atty. Groff declared the public hearing closed.

AUDIENCE PARTICIPATION

Llloyd McWilliams, Westlake St. – issue about policing on Westlake St., it is turned into a racetrack between the Square and Westinghouse Rd. Tractor trailers every day. Nobody paying attention to the 5 ton limit signs. Also on Westlake St., the stop sign at Gardner and Westlake, lots of cars don’t stop. They take off fast too. Including an Elmira school bus. He goes full throttle. Bus #437, at 2:30 daily. Mr. McWilliams added the Neighborhood Watch committee, this was established by the Sheriff’s Office. It’s not meant to be a division of local government. This board taking over this will take the control of that away from citizens. I vehemently disagree with this.

Mayor Adams stated that we are not taking over Neighborhood Watch. You’ll be very happy with what we decide.

DISCUSSION AND POSSIBLE ACTION – SIGN LAW

Mayor Adams stated his concern regarding Section 12 – temp signs, Subsection A, “.......provided that written consent of property owner is obtained.” My concern is about political signs, obtaining written permission. It would be very likely with the way political signs are put up that this would make this law weaponized. The ability for someone to go and put up a sign in someone’s yard, with verbal consent, should be maintained. If we take that away and make it written, then anyone can demand from the Village a list of written permissions.

Trustee Goodwin – they can remove the signs if they didn’t want them. I think we cut back on the time for political signs, isn’t it 30 days now.

Bob Young – that is correct.

Trustee Goodwin – so this is making it harder on politicians. I agree with Mayor Adams, it’s hard enough to get people to agree. I think we should change that part of the law. Keep the 30 day limit, but remove the written permission.

Manager Nagle noted that this isn’t just political signs, it includes all temporary signs. Political signs are temporary, and this is what we’re talking about. It would apply to all temp signs.

Manager Nagle – signs placed on vacant properties is also a problem. We hear from people about why are the signs there, etc.

Bob Young – we have a hard time under current law, it would take additional people moving signs, picking signs up, etc.

Trustee Goodwin – temp signs I have a problem with are the businesses by the mall that had their signs on Broad St. and Westinghouse for six months.

Trustee Skroskznik – I think if we are going to get a signature to put up a sign that is too much government. If someone wants to knock on your door, talk to you, and put a sign up. If someone asks for a signature, I might think twice. Having signatures on file, etc. Is there a system to keep track of temp signs, a log, etc.

Bob Young – historically no. We try to just keep track.

Trustee Skroskznik – lets start there, make a tracking system or something.

Trustee Gross – are there regulations for someone to put up a sign, do they have to come into Village Hall.

Bob Young – not for a temp sign.

Discussion ensued regarding removing the written permission from temporary signs.

Atty. Groff – it’s not a major change. It’s easy to accomplish. We can make the change, but the law has to go the process all over again. We have to have another public hearing though. We’ll make the change and provide it to the board.

After further discussion, the Board agreed to table this matter until the next meeting on February 29th.

3312 S. MAIN ST. – SPECIAL USE PERMIT, CANNABIS CULTIVATION

Trustee Skroskznik noted that he received a call from someone saying the agenda for tonight’s meeting was not on our website until today. Isn’t that a violation of the 72 hr. rule.

Atty. Groff said that it was.

Trustee Skroskznik suggested we table action on this until the next meeting because of this violation.

Village Manager Nagle stated we will then not take any further action on agenda items tonight.

Atty. Groff noted that you can continue discussion even if you’re not taking action. Could do the SEQR.

Everyone agreed that we should do the SEQR anyway tonight.

At this time, the Board answered the questions from Part 2 of the Short Form Environmental Form:

***#9 – Mayor Adams stated he wants to discuss potential moderate impact as far as air quality.***

At this time lengthy discussion ensued.

Atty. Matt Buzzetti came forward. He said that these are just plants. Under state rules there will have to be air purifiers onsite. Its no diff than other plants. There will be some pollen, but this will be inside. There are no windows and only one door. None of the pollen can even come out of the building. They will be subject to air quality testing before they can obtain the license. We’re talking about a handful of plants. In terms of air quality there will be no impact. If its transported it has to be done in vacuum sealed packaging. If the worry is what if people accidentally ingest air of pot plants, you cannot be under the influence. You have to light the product. This is not a consumption facility or dispensary or sales. No way in which it can even be transformed into and air quality worry.

Mr. Buzzetti continued – as far as a ventilation system, it depends on size, but I don’t believe ours is big enough. Not totally sure, but I believe the places required to have that are larger.

Trustee Gross stated there is also a concern for the people working inside of the building.

Trustee Goodwin – I had a person call me regarding the smell of cannabis plants. Was told they smell like a skunk.

Mr. Buzzetti – possibly, many different types of cannabis plants, etc.

***#11- “….hazard to human health” – Trustee Skroskznik stated he can say yes to this question, scenarios on things that could happen.***

Trustee Skroskznik - I've been around this for a long time, see effects it has on people, and on children. This is a yes for me.

Atty. Groff – if you think there is an impact, the first part is to say if it it is small, or moderate, or large. If you determine an impact, then what is the measure of it.

Trustee Skroskznik – I can’t decide what the measure of impact is. We need the facts on this.

Trustee Gross – I would say yes probably, but I don’t know this for a fact.

Atty. Groff - keep in mind the action is for an indoor greenhouse -for cannabis. Our state government approved the consumption of cannabis, the sale, the cultivation, processing. etc. So it may be fair to say that with the resources that our government has available, they must have come to the conclusion that there is not a moderate or large adverse environmental impact on human health.

Trustee Skroskznik – that is the state opinion, I have my opinion. My answer to #11 is yes.

Atty. Groff – what is the size of the impact.

Trustee Skroskznik - I don’t know.

Atty. Groff – The Board has to come to a conclusion. If you require addit’l info to the applicant, then tell him what info we require.

Mayor Adams – we're asking will the cultivation create a hazard on human health. That is what we’re down to. And at what level would the cultivation have a hazard on human health.

Trustee Cronin – this is for growing not consuming. As far as human health, there will be 2 employees there. Sort of same on cigarette smoking in public places. Fraternal organizations decided if employees chose to work there it was on them. As far as human health, it’s not just the state’s opinion on cannabis. It would be doctors who have prescribed cannabis in various forms to patients for a variety of reasons.

Mayor Adams – that is for consumption. This question is in regard to the 2 employees there, for the cultivation and only the cultivation. Does that pose a hazard to human health.

Atty. Groff – yes also the processing. There is a processing component between cultivation and consumption. There will be some form of processing on site, i.e. the packaging of it.

Mayor Adams – what does your clients have in place to mitigate any health risks in the cultivation or processing.

Atty. Buzzetti – no health risks at this facility. This isn’t a substance like fentanyl or heroin where if you touch it you can ingest it. It’s not like that. It’s a plant. In terms of breakdown or processing, just using their hands. Cutting it and putting it in a bag. There are no hazards to the health of the people working there.

Mayor Adams – as far as the impact, I think I'm siding with No or Small impact just because of the volume of the operation.

Trustee Gross – This may be on the same level as cigarettes, etc., deaths.

Trustee Skroskznik – cocaine comes from a plant. Heroin comes from a plant. Would you touch those.

Mayor Adams – if we did a SEQR on a heroin farm we’d have different conversations.

Trustee Cronin – I would say No to Small impact, but I understand everyone’s opinion. Are there any protections used here by the employees – personal protective equipment.

Atty. Buzzetti – my understanding is that there is no protective items required for cultivation.

Trustee Goodwin– can we reach out to OCM and find out if there is a risk. I’m not saying anything yes or no, but none of us are scientists. We’re all guessing here. Can’t we ask the state. They should have the answers. They designed this law.

Mayor Adams – we are already not taking action tonight, so at this point unless Atty. Groff says no, we can suspend the SEQR review pending further information on this. We will get that info from the state.

Atty. Groff – your action is based on info provided by applicants. Maybe they can submit additional information.

Mayor Adams – I'm asking for applicant to provide this information on hazardous impact on human health, also with Board’s endorsement I would like to have the Village Manager reach out to OCM to also ask this question.

Trustee Skroskznik – I agree. Let’s go visit a cultivating farm.

Motion by Trustee Cronin, seconded by Trustee Skroskznik, that this matter be tabled until the March 7th meeting.

Roll Call Vote:

Mayor Adams: Aye

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Skroskznik: Aye

Trustee Cronin: Aye

Manager’s Report

- Will receive and extra $85K in Chips money.

- Attended NYCOM Legislative Conference.

- DOH inspected our water system, need to separate fluoride from chlorine, means building a second building. Also have to build a containment area. Other minor things that have been taken care of.

Mayor and Trustee Comments

Mayor Adams – Since Feb 1st we had many meetings here. We will be creating a business roundtable program. Deputy Mayor Goodwin and I are going to look at creating a survey of our businesses. Also I attended the NYCOM Legislative Conference.

It was noted that we cannot do further board action due to 72 hr. agenda rule.

Deputy Mayor Goodwin - I attended the Planning Board meeting with the Mayor. Attended Neighborhood Watch mtg. too. And the Citizens Preparedness Mtg. in Big Flats.

Trustee Skroskznik – I encourage the Board to think about drafting a law regarding the dispensaries, cultivating, etc. See if there is a register on file here so we can be equipped on who is building owner, who is business owner, and allows us to do code inspections, etc. Also, want to talk about cannabis right and wrong. State has defined it. Just because its legal does not make it right. Those are my standards when I took an oath as Trustee.

Mayor Adams – On January 25th, I did an interview with Mountain Home Magazine. They will be writing an article about Horseheads.

The Mayor added that there is NYCOM information in your packet on the Governor’s budget. Has something on unlicensed sale of cannabis. Municipalities can establish their own local laws on this. Violations would be civil penalties. My issue is for the unlicensed part - Sticker Shops. It is my hope that the trustees share my opinion that NYS comes to a conclusion on this, that some of the roll out was not in the best interest of its residents. If this gets passed by State Assembly, I hope this Board joins me in passing a local law making sticker shops illegal. Also, as we go into the budget, I ask the trustees to read from cover to cover the findings from the County Health Department, and to go through the SRBC report on our water system, infrastructure repairs, etc. Decay of our water system did not happen overnight. Over decades. And be prepared to increase our water rates.

Atty. Groff – I need to correct a mistake. The 72 hr agenda notice, that is actually 24 hrs. The agenda is supposed to made available 24 hrs before the meeting.

As there was nothing further to come before the Board, the meeting was adjourned at 8:25 p.m.

/rmb