**Minutes
Village Board of Trustees**

**March 21, 2024**

A Meeting of the Village of Horseheads Board of Trustees was held on the above date at 4:00 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 AdamsDeputy Mayor Bill Goodwin Trustee Pat GrossTrustee Mark CroninTrustee George KoliwaskyVillage Manager Nate Nagle | Clerk-Treasurer Donna DawsonPolice Chief Mike SuheyAttorney John GroffCode Enforcement Jaime BurgessDPW Don GaylordParks and Recreation David PierceManager’s Assistant Hannah RileyClerk Kelby Benedict |
| **Others Present** |
| Steve CroninRachel BaerMark TerpolilliRyan WheelerMatt MusticoPaul RessiStephen MickmchScott WoodhouseDale ColeMandy Louisell | News MediaMike StenpeckTom NagleSean LohmullerGreg LaneTom Rupp Kevin McFallJonathan MihercheCarol Gonzalez |

**4PM - BUDGET**

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

Roll Call:

Deputy Mayor Goodwin: Present

Trustee Gross: Present

Trustee Cronin: Present

Trustee Koliwasky: Present

Mayor Adams: Present

**DEPARTMENT HEAD BUDGET - WATER**

Lengthy discussions ensued.

**ADJOURNMENT FOR DINNER**

Resolution by Trustee Gross, seconded by Deputy Mayor Goodwin

BE IT RESOLVED, that this meeting be adjourned until 6:00 p.m.

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

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**6:00PM – BOARD OF TRUSTEES**

**RECONVENING**

The Board reconvened at 6:01 pm.

Roll Call:

Deputy Mayor Goodwin: Present

Trustee Gross: Present

Trustee Cronin: Present

Trustee Koliwasky: Present

Mayor Adams: Present

**AUDIENCE PARTICIPATION**

No one stepped forward.

**ZONING BOARD OF APPEALS APPOINTMENTS**

Resolution by Trustee Gross, seconded by Deputy Mayor Goodwin

WHEREAS, Village Law Section 7-712 provides that the Mayor shall appoint members to the Zoning Board of Appeals subject to the approval of the Board of Trustees, and

WHEREAS, such laws further provide that the Board of Trustees may designate a Chairperson of such Boards, and

WHEREAS, George Koliwasky, Chairperson of the Zoning Board of Appeals, has submitted his resignation from the Zoning Board of Appeals, leaving a vacancy on the Zoning Board of Appeals.

NOW THEREFORE BE IT RESOLVED, that the following appointments by Mayor Adams be approved:

- **Ronald Finefrock,** 540 Highland Ave., Horseheads**, as Zoning Board of Appeals Chairperson,** for a term which will expire on **December 4th,** **2028**.

**- Melanie Smith,** 902 S Ave., Horseheads, **as Zoning Board of Appeals Member, to fill the unexpired term of George Koliwasky ending on December 1st, 2025.**

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

**STC CORNING LEADERSHIP CONFERENCE**

Resolution by Trustee Koliwasky, seconded by Trustee Gross

BE IT RESOLVED, that the following people are hereby authorized to attend the STC Leadership Conference at Corning Community College on April 4th, 2024, with all expenses paid as are allowed under Section 77B of the General Municipal Law:

* Mayor Kevin Adams
* Thomas Rupp
* David Helsing
* Douglass Baker

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

**6:05PM PUBLIC HEARING – 950 CHEMUNG ST., CANNABIS DISPENSARY**

Attorney John Groff opens the public hearing.

Attorney Groff discusses the overlay zone, time, place, and manner restrictions.

Steve Mickmch – of 940 Chemung St., owns property directly to the east of 950 Chemung St. States that if it was anyone else besides Kevin, he would have some opposition. But knowing him and the way he does business, he is financially responsible and morally upright. I believe he is the person to rep cannabis into the Village. I am in favor; he will bring lots of money into the Village.

No further comments. Attorney Groff closes the public hearing.

**950 CHEMUNG ST: SEQR REVIEW AND POSSIBLE ACTION**

\*\*\*Board to complete Part 2 of SEQR Form\*\*\*

SEQR RESOLUTION:

All Board members answered no to SEQR questions, Part 2.

Attorney Groff – based on the answers to the questions posed on the environmental review, it would be appropriate for the issuance of a negative declaration - being that there are no adverse environmental impacts form this permit.

No further discussion on the SEQR.

Resolution by Trustee Cronin, seconded by Trustee Koliwasky

WHEREAS, Kevin McFall (“applicant”) is the owner of real property known as 950 Chemung Street, Horseheads, NY (Tax Map Parcel #58.16-1-43.2) which is located in a C3 Highway Commercial District and Cannabis Overlay District, and

WHEREAS, the applicant has applied for a Special Use Permit to establish, operate and maintain an adult-use cannabis retail dispensary at the above noted site, and

WHEREAS, such application requires approval by the Village of Horseheads Board of Trustees, and

WHEREAS, it has been preliminarily determined that the application is subject to the provisions of the NY State Environmental Quality Review Act which requires that a “lead agency” be established to review the Action pursuant to the Act and rules and regulations promulgated thereunder, and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (SEAF) as part of his application, and

WHEREAS, the Board of Trustees has reviewed and considered Parts 1 and 2 of the SEAF.

NOW THEREFORE BE IT RESOLVED THAT, pursuant to and in accordance with the provisions of NY State Environmental Quality Review Act (SEQR) and regulations 6 NYCRR Part 617, Section 617.6, Initial Review of Actions and Establishing Lead Agency, the Village of Horseheads Board of Trustees hereby makes the following determinations and classifications with respect to the proposed Special Use Permit (“Action”):

1.            The Action is subject to SEQR

2.            The Action does not involve a federal or state agency as this level of land use

Regulation, but does require approval by the Office of Cannabis Management for issuance of a license for an adult-use cannabis retail dispensary.

3.            The Action is preliminarily classified as an Unlisted Action.

4.            The Board of Trustees is and will be the Lead Agency with respect to adoption and approval of the Action.

5.           The Village Board finds and determines a) it has considered the Action, reviewed the Short Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has considered all of the potential environmental impacts and their magnitude in connection with the proposed Action; b) the Action will not result in any moderate to large environmental impacts and therefore is one which will not have a significant impact on the environment, and c) the reasons supporting this determination are set forth on Part 3, Determination of Significance, of the Short Environmental Assessment Form with respect to this Action.

6.           The Village Board, as Lead Agency, hereby adopts a Negative Declaration pursuant to 6 NYCRR 617.7 with respect to the Action and authorizes the Village Manager to sign a Determination of Significance finding that the Action will not result in any significant adverse environmental impacts.

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

APPROVAL RESOLUTION

No discussion on the action or approval of the permit was had.

Resolution by Trustee Cronin, seconded by Trustee Koliwasky

WHEREAS, Kevin McFall (“applicant”) is the owner of real property known as 950 Chemung Street, Horseheads, NY (Tax Map Parcel #58.16-1-43.2) which is located in a C3 Highway Commercial District and Cannabis Overlay District, and

WHEREAS, the applicant has applied for a Special Use Permit to establish, operate and maintain an adult-use cannabis retail dispensary at the above noted site, and

WHEREAS, it has been determined that the Application is subject to consideration of the Village Board under Village Code Chapter 245, Zoning, and

WHEREAS, all necessary reports, recommendations and comments regarding the Application have been filed with this Board, and

WHEREAS, pursuant to GML Section 239m the application was referred to the Chemung County Planning Board for review and recommendation and its determination was “no significant county-wide impact, local determination”, and was further referred to the Town of Horseheads Planning Board for its review and comment, and its determination was “no impact upon the Town of Horseheads and is returned for local determination”, and

WHEREAS, the Village Clerk-Treasurer has caused publication of a Notice of Public Hearing scheduled for March 21, 2024, pursuant to a resolution of this Board, and

WHEREAS, notice of the public hearing was sent to the effected property owners within 200 feet of the subject property, and

WHEREAS, the Village of Horseheads Planning Board has carefully considered the Application and relevant reports, recommendations, and comments, and has recommended granting the Application, and

WHEREAS, the Application is subject to SEQR, was classified as an Unlisted Action and a Determination of Significance was issued by the Village of Horseheads Board of Trustees finding no significant environmental impacts, and

WHEREAS, this Board has carefully considered the Application, reports, findings and recommendations of all other boards and agencies which have considered the Application, the testimony and other relevant evidence presented at the public hearing and afforded all interested parties the opportunity to be heard, and finds that granting the application is in the public good and best interests of the Village and its residents.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby make the following findings and approves the application for the Special Use Permit to establish, operate and maintain an adult-use cannabis retail dispensary at 950 Chemung Street, Horseheads, NY as requested, with the following considerations and conditions:

Considerations:

-              Depiction of Existing water courses is waived as not applicable, site not materially impacted by surface water.

-              Buffer areas and landscaping are waived.   The site is already improved and has existing vegetation which is adequate.

-              General description of provision of other community facilities is not applicable due to the site already being improved.

-              Compatibility with comprehensive plan is established by the Village Planning Board.

-              Certified economic analysis of project is accepted.

-              The project does exceed $100,000.00 in construction costs.

-              Applicant has confirmed in writing that the site is served with municipal sewer and

water, and there will be no changes to same.  Its method of sewage disposal is Chemung County Sewer District, its solid waste disposal via private hauler, and source of water is Village of Horseheads Water Department.

-              Conditions, the violation of which shall render this approval null and void:

The applicant’s receipt within one year of this approval and maintenance of an adult-use cannabis retail dispensary license by the Office of Cannabis Management (OCM).

Operation shall be conducted as defined by and fully compliant with OCM rules and regulations.

Establishment of a cannabis microbusiness, including an operation in addition to an adult-use cannabis retail dispensary, is prohibited.

The adult-use cannabis retail dispensary shall not be expanded to exceed the square footage of the masonry building shown on the Weiler Associates survey dated 10/13/75 lasted revised 12/07/93 job # 5404.1.

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

Attorney Groff – I will be taking my leave at this time. Welcomes George Koliwasky to the Board.

**POLICE DEPARTMENT: DEPOSIT UNCLAIMED MONEY**

Chief Suhey – we updated the evidence area, went through property extending 30 years. Thanks to Sergeant Murray and Scott Zelko for devoting countless hours. The system is up to date now.

Trustee Koliwasky – will there be a uniformed process going forward?

Chief – yes, we have updated our policies and procedures, so part of this is setting this right so we can move forward and be in compliance with NYS evidence and accreditation standards.

Discussion ensued. Chief Suhey described the difference in collecting evidence today vs. 30 years ago. He also discussed the barcode evidence procedures.

Resolution by Deputy Mayor Goodwin, seconded by Trustee Gross

WHEREAS, from time to time the Village of Horseheads Police department has occasion to acquire custody of lost property as defined in the NYS Personal Property Law Article 7 B, and

WHEREAS, such lost property may be in the form of cash and is stored by the Department in it's evidence room, and

WHEREAS, the Police Department recently reorganized its evidence room and in doing so identified a number of envelopes of unlabeled and undocumented cash and is therefore unable to determine the source of such funds nor in most cases establish how long such cash has been in the custody of the Department, and

WHEREAS, the Department cannot identify the person depositing the cash, cannot identify the place where they cash was found, cannot identify the occupant of the premises where the property was found or to the person in charge of such premises, and the Department cannot otherwise determine or has reason to believe that a person has an interest in the found property, all of the above so as to give notice to parties having an interest in the property, and

WHEREAS, the Department has reason to believe that the cash has been held by the Department for a period of time well in excess of 3 years and no action is pending to determine the rights to such property, and

WHEREAS, Personal Property Law Article 7B provides in pertinent part that under the above circumstances such property shall be paid into the Treasury of the Village.

NOW THEREFORE BE IT RESOLVED, that the above lost property, in the total sum of $5,626.16, shall be paid into the Treasury of the Village effective immediately, and credited to Fines and Forfeitures, Account No. 01.0000.2610.

Roll Call Vote:

Deputy Mayor Goodwin: Aye

Trustee Gross: Aye

Trustee Cronin: Aye

Trustee Koliwasky: Aye

Mayor Adams: Aye

**CONTINUE BUDGET DISCUSSIONS**

Lengthy discussion ensued about the budget.

**ADJOURNMENT**

Discussion ensued on CSEA and PBA negotiations.

The Board discussed future meeting dates and times.

As there was nothing further to discuss, the meeting adjourned at 7:33 pm.

/hmr