

Minutes

Village Board of Trustees

June 8, 2006

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 pm. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Manager's Assistant Rachel Baer, Fire Chief Artie Sullivan, Jerry Wheeler-Hhds. Fire Dept., Mike Stenpeck- Village Planning Board, Police Chief David Kole, DPW Chris Lawrick.

Also present were:

Don and Jean Quinn, 555 Gardner Rd.
Becky Stock, 507 Perkins Ave.
Ed Frycek, 602 N. Carroll St.
Rick Quinn, 896 Sing Sing Rd.
Dolores & Dean Isaacs, 521 Bush Ave.
Barry Sawester, 349 Marshall St.
Pat & Harry Schulz, 531 Highland Ave.
Yolanda Troccia, 530 Highland Ave.
Jennie & Dominick Tomassi, 418 Perkins Ave.
George & Penny Kastenhuber, 519 John St.
Jessica Starbuck, 408 Highland Ave.
Roger & M. Whiting, 515 Bush Ave.
Joseph Sawester, 404 Bush Ave.
Brad Cole, 403 Bush Ave.
John Holchuk, 303 Normandy Pl.
Kerry & Jeff Gush, 539 Highland Ave.
Charles Orsil, 211 Bentley Pl.
Linda & Lance Snyder, 525 Perkins Ave.
Richard Colegrove, 509 Highland Ave.
Carol & Ed Gonzalez, 408 Bush Ave.
David Augustine, 208 Bentley Pl.
Glenn Campbell, 414 Highland Ave.
Susan Cantando, 405 Highland Ave.
WETM TV WENY TV

Alene Chaffee, 534 Perkins Ave.
Emma & Winston Tinker, 112 Bentley Pl.
Steve Frycek, 53 Terry Hill Rd.
Kenneth Rohrer, 530 Perkins Ave.
Marcia & Homer Finley, 518 Bush Ave.
Anna D'Elia, 519 Highland Ave.
Francis Catlin, 529 Perkins Ave.
Mary & Tom Gigliotti, 535 Highland Ave.
Barb Snyder, 302 Bentley Pl.
Tom Sweet, 807 Center St.
Julie Wallisky, 211 Kinley Pl.
Don Zeigler, 535 Watkins Rd.
Don Temple, 409 Bush Ave.
Scott & Deb Shaw, 515 Highland Ave.
Jim Sullivan, 412 Perkins Ave.
John & Mary Ford, 210 Bentley Pl.
Elliott Blauvelt, Jr., Fletcher St.
Shirley & Ray Sullivan, 210 Taber Pl.
Ed Bower, 519 Perkins Ave.
Virginia Connelly, 413 Perkins Ave.
Richard Moriarty, 505 Highland Ave.
Martha Hauser, 407 W. Broad St.
Star-Gazette

At this time Mayor Gross presented a proclamation to Meghan Cleary, a 4th grade student from St. Mary's School, for her efforts in helping to save a fellow student from choking. Present were Meghan, her parents Joseph and Jenine Cleary; Emily Seeley- the student she assisted; Emily's mother, and Mrs. O'Brien- a teacher at the school.

Atty. Groff declared open a public hearing regarding the Proposed Local Law on Information Security Breaches. He explained that it is a law in case of a possible computer hacking. It outlines the duties and responsibilities on the Village to notify effected people. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the Village is considering a local law addressing information security breaches and notification to effected consumers, and

WHEREAS, this proposed local law was presented to this Board on May 18, 2006, and notice of a public hearing regarding this matter was published in the official newspaper of the Village, and a public hearing regarding same was held on June 8, 2006, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Addressing Information Security Breaches and Notification To Effected Consumers is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of May 25, 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
Trustee Sullivan: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

FINAL MAY BILLS

General - \$138,123.88
Water - \$ 3,714.99
Trust & Agency - \$10,346.58

JUNE BILLS

General - \$104,171.04
Water - \$71,011.99
Trust & Agency - \$1,775.20

and be it further

RESOLVED, that \$4,003.35 be appropriated from the FY2005-2006 Capital Reserve Fund for new police vehicle accessories.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the Justice Reports for May 2006 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
Trustee Sullivan: Aye

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the minutes of the Planning Board Meeting of May 23, 2006 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
Trustee Sullivan: Aye

The next item is the Chemung County Hazard Mitigation Plan, which was tabled from the last meeting.

Trustee Swartz - I've read it, I have no questions.

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads with assistance from the County of Chemung has gathered information and prepared the Chemung County Hazard Mitigation Plan (the "Plan"), and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and

WHEREAS, the County of Chemung held a public hearing affording all citizens an opportunity to comment and to provide input in the Plan and the actions in the Plan, and

WHEREAS, the Village Board of Trustees has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees hereby adopts the Plan as this jurisdiction's all Hazard Mitigation Plan and resolves to execute the actions in the Plan.

Trustee Sullivan - have all of the dept. heads been made aware of the flow in information. Village Manager - yes.

Roll Call Vote:

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

Village Manager Azzarelli - please bring your calendars to the next board meeting. We only have one meeting in July and August. There are several issues we need to go over - reviewing recommendations of NYSDOT on Broad St. and Westinghouse Rd., multi-year planning proposals, and the issue of outdoor wood boilers.

All Trustees were polled regarding the wood boiler issue - everyone agreed that Atty. Groff should pursue this.

Mike Stenpeck - Linear Park should have a better name. Perhaps a contest to name the park.

Mayor Gross - that is just what the state calls it.

Village Manager Azzarelli - we should name it before we assume responsibility for it. One year after highway project is done is when we are responsible. I can talk to the engineer tomorrow on naming it before that time, however.

Mayor Gross thanked Kevin and Vinnie for the clock dedication ceremony during the parade. The Montes who gave us the clock were very pleased with the presentation.

Mayor Gross opened up public participation.

Dave Augustine, 208 Bentley Place - recommendation for emergency access road goes back to the Village Planning Board. I don't understand why if a developer is putting in a development, why two entrances aren't taken off Gardner Road. Also, putting access road at Bentley, increases in traffic to neighborhood, makes no sense. Why don't they just go into Gardner Road on two spots. Developer's responsibility prior to submitting plans. The project is 1/3 done and we're still talking about where we're going to put roads.

Barb Snyder, 302 Bentley Place - emergency entrance for emergency vehicles. I've seen emergency vehicles come down Westinghouse Road from Jubilee. We don't need to open up the end of Bentley Place to destroy our neighborhood.

Jeff Gush - residents don't want street to be shortcut. I am saddened by loss of property behind our neighborhood. Over the years I've seen many games of basketball and hockey at the end of Bentley. We don't have sidewalks. Increase in traffic would be damaging to our tight knit

community. Any road, whether temp or permanent, would be devastating to our area. We're here together to represent what we believe is a good thing. We stand together and there are a lot more than what is sitting here today.

Linda Snyder, 525 Perkins Ave. - We're here to talk about compromise. We did in fact recommend a compromise. At that time, it was in lieu of other solutions. I feel like you have blinders on and ran with it. So the plans came back with emerg. access through Bentley. That is not what we wanted. We want nothing. You didn't bring anymore solutions to the table. Nobody said why not two accesses on Gardner Road. Oakhill development only has one access. Why does there need to be two accesses. Why can't there be two on Gardner road. We have 3 to get out of our own neighborhood. This compromise played into hands of the Village, and eventually it will just be paved. There is a rumor that phase 3 of the development will be front and back stores at the plaza. That is what I heard. Why can't we look to the developer and utilize some of the Jubilee area and make a place through there. Ambulance, fire, did a study regarding time savings - 15 seconds difference to go up Watkins to Bentley, etc. Its not that busy. Not as busy as Watkins Road. We don't want an emerg. access...unless you can guarantee that it will never be opened up.

Brad Cole, 403 Bush Ave. - We are all concerned with safety. Village is looking at safety for emergency vehicles. How about safety for pedestrians. I would implore you to look at safety and frequencies of both. If we increase the traffic, number of walkers, children, should look at the safety of that too.

Jim Sullivan, 417 Perkins - has the public safety addressed this group and explained their reasoning? They should be able to give their reasoning. I would like to hear from public safety. Is it time saved issue, or easier access for equipment?

Ken Rohrer, 530 Perkins Ave. - who is requesting the emerg. access? Police Dept. or the developer? Assuming its emerg. services, last I knew if you go to Appleridge, there is only one entrance. Barrington Road off Sing Sing only one entrance. I agree with prior comments. Most logical is two entrances on Gardner Road. That will take care of the whole thing.

Don Zeigler, 535 Watkins Road - What about Phase 3, advantageous to have future plan about Phase 3 to make sure that a road is not built that you want to change later. That kind of situation could come up. Hate to have this whole thing be profit driven .

Dave Augustine - how do we go about getting answers to our questions. Nobody here wants this. We've got to be careful about mis information. I understood what they said was they wanted to put in an access road, a back up plan if Gardner Road was blocked. Now all of a sudden we're talking about all emergency purposes. We're not getting all the facts. How do we get them.

Mayor Gross - what we need to do now is take all this information back. Have we been able to talk about this as a group - no. I would assume from what we've heard that we need to go back and absorb all this, look at the plans, and talk with developer and with the Traffic Commission members. They didn't do it out of malice. They did it out of concern. I will have to say that through all of this, the developer didn't come in with an access road onto Bentley. She didn't do that. At no point has this developer said no she won't do this.

Linda Snyder - all we are asking for is looking at other options.

Ken Rohrer - a lot of us were here for Traffic Commission. It would have helped if we could have had

some of our questions answered. We were cut off. They alienated every one of us at that meeting.

Mayor Gross - some meetings are just of that specific commission, its their meeting. You're there to hear what they say. We apologize if you couldn't hear. In meetings of that nature, its not an interactive meeting. Maybe we should have explained that before the meeting.

Mr. Cole - these will be higher end houses. They can't want a throughway in their new neighborhood. Ball fields are there, if you look at Jubilee as a major grocery store for Horseheads, you will have all the traffic from south of our neighborhood shortcutting through there. Like Miller St.

A resident asked about putting trails through the new development.

Mayor Gross - That is not our property to develop. That is the responsibility of the developer. We have no control over what she does with the trails. We don't own that property. She can put whatever she wants in there. She may be planning to. If she is going to do it, or not, I don't know - you'll have to talk to her.

Elliott Blauvelt, Jr., Fletcher St. - read the minutes from the last Executive Session of the Village Board. He stated that the Kiwanis Club ran the Chili/Chocolate Festival and didn't get a health permit. We are outraged that the good old boys network is in charge. Those people have violated their oath of office. They should resign or be forced to. In the motion to withdraw charges against Police Chief Kole, the word charges is plural - are there other charges that are not public information?

Penny Kastenhuber, John St. - during the Memorial Day Parade, they closed part of John Street. People were using our yard and driveway, is there another road that they can use for an access. Or maybe next year, don't just close half of John street.

Jean Quinn, 555 Gardner Road - Regarding the mannequin incident, her son was denied police reports. He was told he couldn't have them. He was given them on his court date. He filed a second FOIL. Tim Kings' report is blank with birth date blacked out. The Village Manager did not give David permission to put it out there. He didn't lie, and David didn't lie. The police reports were full of errors. Today David received a threatening phone call and he hung up on the person.

Mrs. Skrosnik, Center St. - I'm here because of safety on Center Street. Problems with speeders, running the stop sign, high school students. At the same time, we have elementary students coming home from school. High school students are smoking in front lawns, moving from lawn to lawn. I think the speed should be 15 miles per hour. The stop sign is either ran or just paused. Its very unsafe for children out on the sidewalks. We have to clean up our yards from the cigarette butts and packets. We have talked to the Police and the school, they have done what they can. I do think that somebody from the high school can be out there. There has to be a teacher that can monitor the front yards or something.

Don Quinn - 555 Gardner Rd. - I took the liberty of checking the qualities of the board members collectively as a whole. I concluded that in a lot of instances I would give you a failing grade. One of the major problems for this organization is that it is infected with Kiwanis. I don't think they should enter into the politics of the Village. I was infuriated when I read the minutes of the Exec. Session. I had a question for Mr. Miller, who made the motion to dismiss the charges against Chief Kole. Are there more charges, we deserve to know what is going on. As a result of my personal unsolicited review, my recommendation is that certain members of the board who voted to dismiss

the charges should pass the baton to someone else and resign and try to get the Village of Horseheads back on course. I hate to be this critical, but after viewing and hearing all that is going on, you have to stand up and say your peace. I recommend that everyone involved in the Kiwanis should just back out, leave the scene, and let us get back to business.

A resident again asked about walking trails in the new development on Gardner road.

Mayor Gross - I don't know whether the trails will be there. There will also be houses in there.

Atty. Groff - a message was given to the developer to take that concept into consideration. The Village isn't designing the project. All we have is opportunity to make suggestions. She can take them into consideration. The Traffic Commission is not a meeting where public participates. It's a meeting of just those members. It's a meeting conducted in the public. The developer took their recommendations, and may do something with their project that will reflect trails of some nature. There is no green space other than people's lawns. As a practical matter, those green spaces will be someone else's yard. Not likely to be trails, but may be walking spaces, but we can't comment yet. We can't speculate at this point. The developer is consulting with its engineers. The Traffic Commission and the Planning Board do not make decisions, only recommendations to this Board. This Board takes the recommendations of those boards into consideration, as well as recommendations from Chemung County Planning and they embody them against your concerns. The developer is likely to come back with a revised set of plans, but at this moment they don't exit. It is anticipated that there will be some form of a revision. The Traffic Commission recommended that should the project be revised that it be sent back to the Planning Board for further review. When it will occur will be determined on when they get a revised plan.

Resident - what if they want to put in low-income apartments.

Atty. Groff - The Mayor's statement may have been an overstatement. They can't do anything that they wish. They have to abide by guidelines. As is stands right now, its single family. If they apply for a variance, it could be other than single family, but would require a variance.

Tom Gigliotti, 535 Highland Ave. - I'd like to see the new area have two accesses on Gardner Road.

Don Quinn, 555 Gardner Road - I have much respect and regard for those who served in the armed services. I didn't mean to insult Trustee Catlin, or the Village Manager, as they both served this country. The reason our son David isn't here isn't because of the threat, he's just disgusted with this whole operation.

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

/rmb