

Minutes

Village Board of Trustees

August 10, 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, Howard Miller, and Ronald Swartz, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Deputy Clerk Michele Accavallo, DPW Chris Lawrick, and Police Chief David Kole.

ABSENT: Trustee Kevin Sullivan

Also present were:

Emma & Winston Tinker, 112 Bentley Pl.	Penny & George Kastenuber, 519 John St.
Alene Chaffee, 534 Perkins Ave.	Mary Ellen & John Ford, 210 Bentley Pl.
Francis & Genevieve Catlin, 529 Perkins Ave.	Don & Jean Quinn, 555 Gardner Rd.
Ken & Rita Rohrer, 530 Perkins Ave.	Deb, Kendra, Delores & Scott Shaw, 515 Highland Ave.
Michael Swasta, 411 Watkins Rd.	Jamie Gensel, Fagan Engineers
Marcia & Homer Finley, 518 Bush Ave.	Dave Baker, 141 Catalpa Dr.
Dick & Bev Moriarty, 505 Highland Ave.	Debi Hays, 520 Bush Ave.
Carly Hays, 111 Kinley Pl.	Yolanda Troccia, 530 Highland Ave.
Mary & Tom Gigliotti, 535 Highland Ave.	Daniel Brown, 536 Perkins Ave.
Cheryl Geinitz, 703C S. Main St.	Frank Nasakaitis, 626 W. Broad St.
Laurie Hanlon, 417 Highland Ave.	Don & Jan Zeigler, 535 Watkins Rd.
Michelle & Elliott Blauvelt, Jr., Fletcher St.	Martha Hauser, 407 W. Broad St.
David & April Augustine, 208 Bentley Pl.	Shirley & Ray Sullivan, 210 Taber Pl.
Jessica Starbuck, 408 Highland Ave.	Ed Bower, 519 Perkins Ave.
Mary Jo Yunis, Keuka Properties	Linda Snyder, 525 Perkins Ave.
Joyce Cole, 403 Bush Ave.	John Holchuk, 303 Normandy Pl.
Dolores & Dean Isaacs, 521 Bush Ave.	George Koliwasky, Jr., 303 Eleanor St.
Carol Gonzalez, 408 Bush Ave.	Dick Colegrove, 509 Highland Ave.
Richard Woodard, 9 Cady Dr.	Barbara Morningstar, 109 W. Franklin St.
Susan Cantando & Family, 405 Highland	Mark & Julie Wallisky, 211 Kinley Pl.
Matteo Princiotto, 111 Sunset Dr.	News Media

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of July 13, 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 audit of bills as indicated below be received and approved for payment when in funds:

General - \$157,342.04

Water - \$26,366.71
Trust & Agency - \$48,795.51

and be it further

RESOLVED, that \$999.90 be appropriated from the Capital Reserve Fund for Police Car Equipment and KVS Software upgrade.

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 Justice Reports for July 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

At this time, Atty. Groff declared upon a Public Hearing on Keuka Properties - Gardner Road Subdivision. He stated that this was not going to be a question and answer period, only to express their view. Everyone has a limit of 3 minutes. Then the public hearing will be adjourned and agenda completed. Then the PowerPoint presentation will be done.

Richard Keyser, Esq. Attorney for Ms. Yunis, and Keuka Properties. They own 22 acres of land on Gardner Road and proposes developing into subdivision for up to 43 single family homes. The phase for which we are seeking approval now is for 16 single family homes. This property is already zoned for development of single family homes. Will be compatible with neighborhoods in the area already. When application was initially made, the developer requested that it have a cul de sac. Developer would still prefer this, but is open for any options.

David Augustine, 208 Bentley Pl. - he agrees with cul de sac. Spent 20 years with Fire Department. Village used to offer retirement for volunteer firefighters. Then the Village came to us and said we would lose fire truck, etc. So we opted not to have retirement for the best interest of Village. I do not want a thoroughfare to ruin our neighborhood. Please go with cul de sac as the developer wants. Do it for the best interest of the neighborhood and residents.

Joyce Cole, 403 Bush Avenue - read letter from husband who cannot attend. Thanked Board for providing opportunity to express opinion. Concerned for safety of pedestrians and bikers. Please look at PowerPoint presentation that was prepared to show our neighborhood. This community would be negatively affected by through street. Emergency gate is also an issue because of inability to guarantee that it would always remain that way. Reason for gate would be so that new neighborhood would have another exit? Fifteen to 20 seconds saved by this gated access is outweighed by other factors. No time savings by having gate. Responders have to unlock. If it was

a through street it would increase traffic in the neighborhood, using as shortcut. Would increase accidents and injuries. Emergency vehicles will do whatever it takes to get where they need to go.

Linda Snyder, 525 Perkins Ave. - thanked all neighbors/friends for being so committed and supportive. If they were not there it would be a thru street by now. Would like to address the opposition shown by Miller St. residents. We want our neighborhood to stay closed so you can bring your children in our neighborhood. Fire Chief/Police Chief wants two accesses, after explosion on Fox St. Look at the amount of traffic that it would generate if it was a through street. Detrimental to neighborhood. Motor vehicle accidents are more often than house explosion.

Don Zeigler, 535 Watkins Road - Called Bergman Assoc. and talked to a design engineer, Dave Young. Nothing written that says that it has to be opened up. Up in Geneses NY, an apartment complex that had a thru road to another neighborhood. People opposed it and their Board passed it, as a two lane road. After several years they found the 2 lane road was intrusive and they closed the road. The traffic study did not come close to what actually happened. This Keuka project will initiate some kind of access through - whether its single lane, two lane, etc. It will degrade the neighborhood. Planning Board and Traffic Commission has recommended a second access. As far as it being compatible with our neighborhood - it does not. It is causing us problems. It is a great project but potential to ruin our neighborhood.

Homer Finley, 518 Bush Ave. - The original plan did not have thru street. Emergency exits not necessary. How did this idea get started if developer did not want it in first place.

Joyce Cole, 403 Bush Ave. - PowerPoint presentation is not going to work, equipment not compatible. We have all heard strong opposition along with petition against it. The streets are utilized night and day by kids and seniors. Halloween is a big deal in our neighborhood. Miller St. people agree that our neighborhood is safe and they like it. They bring their kids to our neighborhood. I saw that Trustee Sullivan and Trustee Swartz both made comments on your web site regarding keeping the Village safe for children.

As there was no further comments, Atty. Groff declared the public hearing closed.

A resident asked when the Board will be voting on this matter. Mayor Gross replied that it will be at the next meeting of the Board, on September 14th.

Resolution by Trustee Catlin , seconded by Trustee Miller

WHEREAS, Keuka Properties, LLC (Keuka) is the owner of premises situated in the Village of Horseheads, located on Gardner Road commonly known as Tax Map Parcel #48.20-5-8.1 comprised of approximately 23.2 acres, and

WHEREAS, Keuka has made application for Preliminary Approval for a 43-lot single family subdivision to be located off of Gardner Road, said subdivision to consist in part of several roads to be dedicated, and for final approval of Phase 2 of same, said project depicted on a site plan prepared by Fagan Engineers entitled Overall Site Plan for Gardner Road Subdivision - Keuka Properties, Job #2003.052A last revised May 31, 2006, and

WHEREAS, the Village has been informed that the application is subject to SEQR, being a Unlisted Action, pursuant to SEQR regulations, and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form, and

WHEREAS, the involved and effected agencies (Town of Horseheads Planning Board, NYS Dept. of Transportation, NYS Dept. of Env. Conservation, Chemung County Planning Board, Chemung County Health Dept., Chemung County Sewer District #1) have been contacted regarding a coordinated SEQR review of the proposed application, such agencies having designated, consented to or permitted the designation of the Village of Horseheads Board of Trustees as Lead Agency.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees:

1. Finds that the application (proposed action) is an Unlisted Action under SEQR, and subject to the coordinated review requirements of SEQR and the regulations promulgated under same, and
2. Declares its intent to be designated and assumes Lead Agency status for the purpose of conducting a coordinated review of the proposed action, having heretofore notified all known involved or effected agencies of its intent, unless appropriate objection to same is received from an involved agency within the time allotted.

Atty. Groff noted that subsequent to the drafting of this resolution the other involved agencies, specifically DEC, has indicated in writing its consent to the Village assuming Lead Agency status. All of the involved agencies have consented now to the Village being Lead Agency.

Roll Call Vote:

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

Discussion on Referendum to Change Election Date

Village Manager Azzarelli - we were directed by the Board to look into change dates of election and establishing a primary as opposed to having a caucus. The law states when election will be. Parties control whether or not it is a caucus or a primary. Both parties support having a primary. This referendum is only to change the date of the election.

Atty. Groff - the methodology of changing is done by referendum which will go on the November ballot to avoid a special election. If you approve this resolution it will go on the November ballot. When passed, the persons in office at the time will be in office another seven months and new terms will take office January 1st of the following year.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, Section 15-104 of the Election Law of the State of New York empowers the Board of Trustees to "adopt a resolution subject to a permissive referendum as provided in Article Nine of the Village Law providing that village elections shall be conducted by the Board of Elections", and that "Village elections shall occur on the date of the general election", and

WHEREAS, all Village election districts are contained wholly within the Village of Horseheads, and

WHEREAS, it appears to the Board of Trustees of the Village of Horseheads that taxpayer dollars

could be saved and voter participation in the political process could be increased if such a resolution were adopted.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Village of Horseheads, in regular session, duly convened as follows:

1. Commencing in the year 2007, the annual election in the Village of Horseheads, New York for the election of all elective Village officers shall be held and conducted by the Chemung County Board of Elections coincident with the general election to be held in accordance with and provided by the Federal Election Laws and the Election Law of the State of New York, as amended from time to time. Primary elections, if any, for the nomination of all elective Village officers of the Village of Horseheads shall be held and conducted by the Chemung County Board of Elections coincident with the general primaries held in accordance with and provided by the Election Law of the State of New York.
2. This resolution shall be subject to a permissive referendum as provided by Election Law Section 15-104(1)©.
3. This resolution shall be submitted for the approval of the qualified electors of the Village of Horseheads at a special election to be held coincident with the general election to be held and conducted by the Chemung County Board of Elections on November 7, 2006.
4. This resolution shall not take effect until approved by affirmative vote of a majority of the qualified electors of the Village of Horseheads voting on such resolution (proposition).

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Susan Pirozzolo has submitted her resignation from the Village Planning Board, said resignation being received by this Board, creating a vacancy on the Planning Board, and

WHEREAS, there also exists a vacancy for an Alternate Member of the Planning Board.

NOW THEREFORE BE IT RESOLVED, that George Koliwasky, Jr. of 303 Eleanor St., is hereby appointed as a Full Member of the Village Planning Board to fill the unexpired term of Susan Pirozzolo, said appointment to expire the first Monday of April, 2007, and be it further

RESOLVED, that David Baker, of 141 Catalpa Drive, is hereby appointed as an Alternate Member of the Village Planning Board, said appointment to expire the first Monday of April, 2007.

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 a Proposed Local Law Establishing a Six-Month Moratorium on Outdoor Wood Boilers is hereby received, and a public hearing regarding same is hereby scheduled for Thursday, September 14, 2006 at 7:05 p.m.

Roll Call Vote:

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

Jean Quinn, 555 Gardner Rd. - At the June 22nd meeting, I requested answers on mannequin issue. I received some answers, but some remain unanswered. I have mailed the lists to the people it concerns. I will present you the lists as well (presented lists to Mayor).

Elliott Blauvelt, Jr., Fletcher St. - I still have questions for the Board. People say I am attacking Kiwanis Club. Not true. They have created great benefits. Recently I discovered that the Kiwanis club has 3 groups - hardworking members that knew nothing about Chili dispute, 2nd group hardworking also however they were somewhat aware of dispute, 3rd group hardworking also but caught up in excitement. No time to get proper permits. These good ole boys did not think they have to follow rules. I do not condemn Kiwanis, only the good ole boys that knowingly did not follow rules. This is not top secret. I will publicly address Trustees Swartz, Miller, Catlin -Will there ever be full disclosure of charges made by Village Manager. Why did the three of you dismiss charges, was it a good ole boy thing. The Manager, Attorney, Mayor, and Trustee Sullivan caught by surprise. It would appear that there was an illegal meeting held by you three. I feel the three of you should resign from office or the Mayor or Attorney should ask for your resignations.

George Kastenhuber, 519 John St. - address issue of double standards. Back in November the Traffic Commission met and was asked about running a sleigh ride, on a tractor. They recommended that there was no place for this thing to run because of safety issues. Those minutes were accepted by this Board. Then on the day of event the sleigh ride was still done. There was an incident as someone complained about children being towed. Caller said it was dangerous and riding reckless. Officers were told that the Mayor overruled Traffic Commission's decision and was allowing it to take place. I don't believe you have unilateral authority to overrule their recommendation. It seems to me this was swept under the rug. Now it seems like your going after the Police Chief, why aren't some of these other issues being tackled here.

Mayor Gross - at no point was that swept under the rug. You are well aware of it. I called the Officer, spoke with him, and spoke with the Village Manager.

George Kastenhuber - but do you have the authority to overrule the Traffic Commission.

Mayor Gross - this has gone far enough, this whole incident. This should have been addressed a

long time ago. It was being done professionally. The Board directed the Attorney and the Village Manager, the whole Board, 5 members, to investigate this incident we are talking about. This whole Village does not have to be brought down on this. All that had to be is someone telling us and letting us complete the investigation. The investigation needs to be completed. I'd like to ask Mr. Miller, Mr. Swartz, and Mr. Catlin to give the due process an opportunity. Are we opposed to that. I'm asking you. Whether the charges are true or not true.

Trustee Miller read the following statement: On behalf of Trustee Catlin, Trustee Swartz, and myself. And I will ask to have this a part of the minutes. This is in response to a statement by Elliott Blauvelt and also a response to Mayor Gross. In sum and substance, charges were brought against Chief David Kole, in that at last year's Fall Festival, sponsored by the Horseheads Kiwanis Club, he dispensed chili that had been prepared in whole or in part off-site. As members of this Board, had we been aware or kept informed of what was to transpire, there never would have been charges, not because of "the good ole boys" as you claim Mr. Blauvelt, but because as members of the Kiwanis Club and elected officials, we want to do what is best for our Village. The only travesty of justice Mr. Blauvelt is that this nonsense went as far as it did, that taxpayers' money was spent to pursue a "witch hunt" against a good man, a good employee, and a good Chief of Police. What we feel is a travesty is how and why this incident, which was a discussion held in an Executive Session. became a public announcement. Never in our experience have Village personnel matters been brought to the public arena for scrutiny as you have done. There are personnel issues that are not and should not be discussed at an open and public meeting, and we want to apologize to Chief Kole that this has been allowed. We as elected officials feel it is our duty and obligation to do what's right for the public, but we also have an obligation and duty to support the employees that work for this Village. We stand behind the decision we made, and will continue to support Dave Kole in his position as Chief of Police. And we will have no further comment on this matter.

Mayor Gross - So there will be no further opportunity to pursue this. I'm really upset because this was being handled professionally and quietly as we should do with personnel issues. There was nothing else going on. I feel bad that the jeopardy of health of residents, the integrity of the Kiwanis Club, they were put in danger. Should something have happened, we could have been sued. We have to think of entire Village. I was a member of Kiwanis. I always supported Kiwanis activities. My job and your job is to look at entire Village. Its not just personnel. It is very hard to look at people in audience and know we did not do that. That is our obligation, that is why they elect us. That is why we appoint people of integrity. There is no intention to hurt Kiwanis. You've taken something to them and you have to let it go. It belongs in the Village. It's our problem, no one else's. I do not know if charges were valid or in valid because due process was stopped.

George Kastenhuber - did any one investigate the sleigh deal.

Mayor Gross - nobody asked for an investigation. Had anybody asked for an investigation it would have happened.

George Kastenhuber - this is as much a personnel issue as anything else. The sleigh ride incident. There are some ethical issues that are unanswered here.

Mayor Gross - why didn't somebody ask - I would have followed it.

George Kastenhuber - a simple apology would have been in order.

Village Manager Azzarelli - Mayor did apologize to myself and to the Village Atty.

George Kastenhuber - it would have been nice to have that on public record.

Mayor Gross - I never lied about it.

George Kastenhuber - It was never my intention to accuse you of lying.

Mayor Gross - when I was confronted with the issue, I told the truth.

Don Quinn, 555 Gardner Road - I wasn't going to attend tonight, but I was asked to. I had hoped to hear a result on my comments urging board members to resign. There is a lot of dissatisfaction in the Village. Need major restructure of organization. Should be manned by professionals which is lacking. Would be nice if the Board had engineering experience, but you are making engineering decisions anyway, i.e. renovation of the Square. Spent million dollars and the money was wasted because what we got for what we spent, we were shortchanged. It looks like a patchwork quilt - heavy traffic - surface not holding up. Needs revamping - restructuring. Need to have Town Hall type meetings. Wouldn't have time limits for talking. Need restructuring of entire Board system. We don't need four Trustees, a Police Chief, or a Department of Public Works. We can give assignments to Manager.

Trustee Catlin - I am proud to be a Kiwanian. Have we made some mistakes, yes. But the only way to prevent making mistakes is to not do anything. Kiwanis is not that way. I was very dismayed at being called a good ole boy. At least I thought I was. I looked up the definition of a 'good ole boy': "Term used mainly positively either to self identify or refer to a male who lives in a rural area, or subscribes to a traditional lifestyle. I think that is us. Character traits are being loved and highly regarded, hard working, loyal, respectful, friendly, helpful, gallant, and hospitable. They place great emphasis on close ties to one's faith, family, community, and simple dignity." If that is the definition of a good ole boy, then I'm glad to be one. Some of the things that the good ole boys have done over the last 40 years - we have worked with the Library very strongly. One of our members has been on their board for 30 years. We support Babe Ruth baseball team for 17 years. Two or three times a year we do a highway pick up for trash. For children, we have annual easter egg hunt, and a fishing derby. We are proud to be sponsors of these events.

Atty. Groff - you were presented with a proposed local law on the building code. It will be necessary to implement, as it is effective on January 1st. Draft presented, please review and give comments for final draft.

Dave Augustine, Bentley Place - last few meetings, I've heard Dave Kole's name a lot. I love the idea of a Town Hall meeting, but as far as getting rid of our Police Chief its ridiculous. We sleep better at night knowing that Dave Kole and his force are out there protecting us and the Village.

Joyce Cole - please look at paper copy of PowerPoint presentation.

As there was nothing further to come before the Board, the meeting was adjourned at 8:15pm.

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