

November 10, 2005

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, Ronald Swartz, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief Dave Kole, DPW Chris Lawrick, Deputy Clerk Michele Accavallo, and Manager's Assistant Rachel Baer. Also present were:

Bob Skebey	415 Watkins Road
Ray Cass	22 Red Wing Lane
Elliott Blauvelt, Jr.	114 Fletcher St.
Robert Cordeil	3374 Maple Ave.
Bob Richer	718 Ridge Rd.
Tess Banfield	134 Catalpa Dr.
Art Smith	307 W. Mill St.
Paul & Diane Beach	218 Bowers Dr.
Loretta Larser	911 S. Main St.
Don Zeigler	535 Watkins Rd.
Ray Fortier	210 Shull Lane
Andy Bodewes	Conifer Realty
Michael Smith	Chemung Co. Emergency Mgmt.

Resolution by Trustee Miller, seconded by Trustee Sullivan

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of October 27, 2005 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 Catlin

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

General -	\$70,778.73
Water -	\$16,247.17
Trust and Agency -	\$ 5,096.46

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 Miller

BE IT RESOLVED, that the Justice Reports for October 2005 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

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Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the minutes of the Planning Board Meeting of October 25, 2005 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 Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of November 9, 2005 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 Sullivan, seconded by Trustee Catlin

WHEREAS, the Horseheads Merchants Association has submitted a Festival Permit Application to the Village Manager for a holiday festival known as Holly Days to be conducted on Saturday, November 26, 2005 from 2:00pm - 7:00pm in Hanover Square, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having conditionally recommended approval of same, and

WHEREAS, the Village Manager has thoroughly reviewed the application and approved same.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from Noon - 8:00 p.m. on Saturday, November 26th, 2005:

S. Main St. at Franklin St. south to Broad St.
Franklin St. from Grand Central Ave. to Eleanor St.
John St. from Grand Central to S. Main St.
the Main Street parking lot
the John Street parking lot

STREETS TO REMAIN OPEN TO TRAFFIC

N. Main, southbound, turning east on Ithaca Road
Ithaca Road, westbound, turning north on N. Main St.

Trustee Swartz - last year one of the concerns was restrooms.

Village Manager Azzarelli - talked to Barb, merchants have agreed to open their restrooms, and will put signs out.

Mayor Gross - I talked to her about using portables. If its too cold, they might not use those. But I suggested that to them.

Roll Call Vote:

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

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Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the next General Election of Officers will be held on March 21, 2006, and

WHEREAS, the Board of Trustees must designate by resolution and publish offices which are to be filled in such election and terms thereof.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees designates the following offices as vacant at the end of the current official year to be filled at the Village Election to be held on March 21, 2006 for the following terms:

Village Justice	Four Years
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and be it further

RESOLVED, that the Village Clerk is hereby directed to publish this resolution in the official newspaper of the Village.

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 Village Manager Vincent Azzarelli, or such person's successor in office of the Village of Horseheads is hereby authorized and directed to file an application for funds in an amount not to exceed \$1,850, and upon approval of said request to enter into and execute a project agreement with the Ne York State Department of Environmental conservation for such financial assistance to this Village of Horseheads, for the study and Analysis of the Urban Forest in the Village of Horseheads.

Trustee Swartz - need an explanation of this.

Village Manager Azzarelli - It is an initial grant to inventory our trees, know their age, condition, help us in planning. NYSDEC to help plant more trees and replace some. We are working with Cornell Cooperative Extension on the grant application.

Mayor Gross - UCP House is helping out with this too. They will be matching the volunteers in kind.

Trustee Sullivan - this idea was brought up by the judges for the America in Bloom.

Roll Call Vote:

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

Presentation by Horseheads Housing Development - At this time, Art Smith from Horseheads Housing Development make a presentation to the Board.

Art Smith - Thank the village for letting us use this room for our monthly meetings, Village employees, and Atty. Groff. We built those apartments to the low bidder. Money that we had was a grant for planning, development, etc. We've had to repair, replace roof and siding. Original seed money is down to less than \$1,000. We still have money to operate. Baldwin Management, very good job managing the building. What we're here for is to ask you to give us a place in your budget so we can improve the lifestyle up there. We are asking for \$10,000 over a five-year period.

Art Smith continued to outline the problems they've had with repairs to the building, and how the residents would like a roofed, screened patio to sit outside, but they don't have the money to do

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that. There are 24 apartments up there, mostly singles, some handicapped. They have a waiting list, and have tried to build another facility, but can't get more financing from the government because they feel we are in an area that doesn't need assistance. We don't do fundraising per se, all Board members volunteer as it is. Only paid staff is a part-time director, and some maintenance people.

At this time, Atty. Groff opened a public hearing on the application of Conifer Realty for Rezoning of 3.5 Acres on Grand Central Avenue from R-3 Residential to C-3 Commercial.

As nobody came forward, Atty. Groff declared the public hearing closed.

Atty. Groff read the questions from Part 2 of the Short Form SEQR relating to this application.

Question C1: Trustee Swartz, I would be concerned about traffic if it were zoned commercial. Noise might be an issue too. I would say it may result in an adverse effect. All agreed.

Mayor Gross - don't have enough information for C1, traffic. So that answer would be yes.

C2: No

C3: No

C4: Mayor Gross - change in intensity of use of land, don't know what is going to go in there - traffic, etc. That might be an issue also for us. Yes.

C5: Mayor Gross - yes, subsequent development.

C6: No

C7: No

E: No

Atty. Groff - you have concerns on Questions C1, C4, C5. You can ask applicant to submit a Full SEQR Form.

Mayor Gross - yes, I think that is what we want.

Andy Bodewes, Conifer Realty - where are we in the process right now? You are asking for additional SEQR information?

Atty. Groff - yes they feel some areas need more info - traffic patterns, change in use and intensity of use, elements related to development of the property. It does appear that they are asking for a full environmental assessment form. That would be on the premise that this info would help them make an informed decision.

Mr. Bodewes - is my application still pending then.

Atty. Groff - There is a timeline we have to follow. I would draw the conclusion that they are seeking addit'l information. If they go forward with application as presented, without addit'l info, might have to deny to still meet timeline. On the other hand, you can grant them more time to submit more info, and to request that they table taking any action while your in the process of doing that.

Andy - I might request that, but I'd like to say I'm confused because throughout the process we've been down here, met with Vinnie, Village officials, etc. One of the aspects is to be able to develop strong commercial use on northern end of project. We've put \$3.5 million into apartments. We can't charge rents to allow us to make this commitment without having some ability to recover monies on commercial side. It is an extremely important piece to this whole thing. I'm confused about concerns over traffic, when all along we've been talking about this and nobody said don't move forward until we knew who users would be. It really just doesn't make sense to me that we went along with what Plan Bd. said about changing to a PUD. Its like starting to put our project into something that doesn't fit. We are only trying to do a small comm dev. If we had done that, I feel we wouldn't be hearing about traffic. You can't raise that question with one, and not the other. These same issues would be there with a PUD. So it doesn't make sense. If I look at the Village zoning code, it speaks specifically for C-3, which is currently adjacent to Bob's Car Wash, and HEP. We are asking to extend it south. We are trying to fit within the Village code and regs. If I am mistaken in some way, let me know. This is not a situation that speaks of a PUD. I understand if you want site plan approval, I'd be more than

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happy to make that a condition for this. We proposed that as a compromise. What I heard back was first yes, then no.

Trustee Swartz - one of my concerns is that we put conditions and you sell that property, these other people can do whatever they want once its commercial.

Atty. Groff - the Village does not have site plan review for this zoning class unless the end use falls within a few select categories. Closest thing is the PUD. So offering to give us site plan review when our law doesn't currently have it, doesn't address the Village's concerns. There are strong similarities between site plan review and PUD. Your application is for a zoning use for the entire parcel. You said you will subdivide and sell off.

Lengthy discussion ensued. Afterwards the applicant agreed to, and requested the Board to table action. A meeting will be set up with the applicant, and Village Manager and Village Attorney.

Motion by Trustee Miller, seconded by Trustee Swartz, that action on this matter be tabled until the next Board meeting.

Roll Call Vote:

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

Presentation by Mike Smith - Chemung County Emergency Management

Mike Smith came forward and gave a presentation on disaster and emergency procedures:

County, towns, villages will be punished by fed gov because of shortcomings of southern states after these hurricanes. Proprietary care homes, nursing homes, given until 12/31 to develop evacuation plans, etc. They will be hard pressed to come up with that kind of planning in such short time.

You adopted NIMS recently. If you failed to do so you couldn't get fed disaster relief. Further ramifications for everyone - increased requirements for training. Elected officials will be asked on a limited level. Over-arching managerial system in the event something happens, your prepared to interact with other agencies.

Fed and state vigorous in comprehensive emerg. plans. County updated ours. Recognition that we will assist other towns in doing their own. Needs to include some elements to comply. One of the things that will be crucial is evacuation plan. You don't face flooding troubles, but you are at the center of all of the transportation. Routes 13, 14, 17, 86, airport, overhead railroad lines. Trucks carrying haz mat. Can effect Village. This will be a big part of this. Talked to city manager on railroad lines. Goes right through the city. Potential for derailment of cars. That will be a big issue. Provide education for in the event of the derailment.

For the Village, will be a lot more asked of you. Just did disaster drill at EFA. Premise was possible release of chlorine gas. In that facility they use liquid chlorine. That is not large volume compared to what is hauled on the railroad through here. That scenario with two 1 ton cylinders, a similar thing in Kentucky created a 5 mile wide gas cloud. The day we did a drill, the weather, winds, it would have gone northeast and would have gone and headed for the Heights and Horseheads. Five mile range would have been into the Village. If it went south, would have had to evacuate 30,000. Would have compromised our ability to use the shelter facilities. That would mean we would turn people to Horseheads. We've got the Red Cross looking into agreements with schools for their facilities. Transportation, drivers, buses, a lot of what we need to do is in place. We just have to think differently. more globally at what might effect our neighbors can effect us.

We'd like to engage you in this process. Have you considered developing a disaster committee. Start dialogue and talking about things that might occur.

Mayor Gross - appreciate you coming. We definitely need a committee.

Mike Smith - I gave the Village Manager a book on this.

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Tess Banfield, Catalpa Dr. - Regarding the Horseheads Housing Development. I am on the Board. We have tried very hard to keep Fairport Terrace one of the nicest housing facilities around. It may be small but the people are very happy there and I do think that we like other housing facilities, could have some nice things for them, crafts, exercise, in the community room. We don't have any way of getting money. We had to abide by the new company to have a 35 member board. There are people on that board that are in your organization, and it seems to be they could help us with our problem. I think that anything the Village could do would be an asset to the Village to have this facility up there. As much as you do so many things for other organizations. I think that we should be allowed to have some assistance.

Chief Kole - Next Wednesday between 8-4, we will assist DOT moving eastbound traffic to south side of I86 project.

Ray Cass, 22 Redwing Lane - disappointed with cemetery cleanup. Flowers were not the oldest or faded, very secure on headstone, and they were gone. Thought they were just taking old stuff off, and they took off only certain ones. So many on the top that were bad. Also very disgusting to see American flags laying on the ground. My question is why was stuff taken off and others left. By the new section, hardly anything was taken off. I've been watching this whole clean up. They have the same things on top of theirs, and it wasn't taken off. I've talked to the legion about leaving the american flags laying on the ground.

Mayor Gross - You or anybody could have picked up the flags and put it back in the ground. It doesn't have to be anybody in particular, out of respect.

Robert Cordeil, 3374 Maple Ave. - Maple Grove Cemetery, I think they do a good job. They had a lot of problems with things that were there, people not taking care of them, etc. Can you or I put the wreaths on the second week of November and take them off by March, and can you put flowers in crocks in the second week of April and take them off by August.

Mayor Gross - yes, you can bring stuff back after the clean out. It was amazing how many people came and did clear stuff out. They did a good job.

Tess Banfield, Catalpa Dr. - on the cemetery, I didn't know if the saddle was on the headstone that this was ok. They took the saddle off. I just thought it was at the bottom that they would remove things. I misunderstood that.

Tess Banfield - on the guy from Conifer I felt very with him in his remarks because they have done a super job cleaning up those apartments. They were really going downhill. It will look great when it is all done. I feel this is a plus for the Village.

Mayor Gross - I agree, we just need to have some control on traffic issues.

Elliott Blauvelt Jr., Fletcher St. - would be happy to work on the emergency management committee with the Village. On the cemetery, to see american flags laying the ground, was terrible. Vinnie said he'd take care of it, and he did. But I disagree with the Mayor. People working in the Cemetery should know better than to pull flags out and throw them on the ground. As far as the flowers, people are pouring full concrete pad full length of the lots. We had flowers sitting on concrete. They were silk and nowhere near faded. And they are gone. They are not cheap. This will be a loss of business to florists if this continues. Especially to people from out of town who order it be there, and then its gone. They won't do it anymore. I know some people get carried away. But last thing I want is to have a sterile cemetery. What people put up there makes this a cemetery for people to be proud of.

Don Zeigler, 535 Watkins Road - I will educate my customers. The brochures help getting them educated on the clean out cycle. Mistakes may have been made, but I think that lessens greatly. I have a concern on truck traffic from the north coming south on Watkins Road. There is no signage directing them. Trucks are coming straight down and entering the south entrance of the holding point.

Chief Kole - had officers up there and it was 18 hours, we found one violation. Its hit and miss. I'd love to be able to do it all the time up there. A lot of the traffic was for I86, doing the best we can.

Don Zeigler - what about signage. The trucks are supposed to turn on Wygant and go in the north entrance, but there is no signage.

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Chris Lawrick - would have to put signs on Route 14 before Wygant Road. The state would have to put it in.

Motion by Trustee Sullivan, seconded by Trustee Miller, that this Board, the Village Manager and Village Attorney moved into an Executive Session to discuss the employment history of a particular person.

Roll Call Vote:

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

At 8:40 p.m. the Board, Village Manager, 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 reconvened back into the regular meeting of this date.

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

Village Board of Trustees

EXECUTIVE SESSION

November 10, 2005

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:40 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, 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 Miller, the executive session was adjourned, and the Board reconvened to its regular meeting of this date.

Roll Call Vote:

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb