

January 22, 2004

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, Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Attorney John Groff, Village Manager Vincent Azzarelli, Clerk-Treasurer Sharron Cunningham, Director of Public Works Chris Lawrick, and Manager's Assistant Rachel Johnson. Also present were: Jeff Gray, 511 John St.; Terry Bolt, 233 Lee Ave.; Mark Margeson, 85 Talarico Road; Ray and Lorie Cass, 22 Redwing Lane; Tess Banfield, 134 Catalpa Dr.; Mike Stenpeck, 2202 Grand Central Ave.; Jamie Johnson, STEG; George & Penny Kastenhuber, 519 John St.; Carolyn Miller, 122 Sunset Dr.; Bonnie Swartz, 117 Renwick Lane; Donald and Jan Zeigler, 535 Watkins Road; and Evelyn Catlin, 204 Kennedy Drive.

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 8, 2004 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 Miller seconded by Trustee Sullivan

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of municipal employees with a commercial drivers license who operate what are defined under federal law as commercial motor vehicles, and

WHEREAS, the Village has enacted a random drug and alcohol testing policy, and

WHEREAS, the Village has heretofore contracted with Memorial Hospital Inc. for administration of the required random tests, and for assistance in implementing the Village policy as well as compliance with the Act, and

WHEREAS, the current agreement expires February 29, 2004 and the Village Manager has recommended renewal of the Village's agreement with Memorial Hospital, Inc. for a term of two years effective March 1, 2004.

NOW THEREFORE BE IT RESOLVED, that Village Manager Azzarelli is authorized and directed to enter into an agreement with Memorial Hospital, Inc. for random drug and alcohol testing of various Village employees who possess and use commercial drivers licenses as part of their duties of employment, said agreement to be filed with the Village Clerk-Treasurer upon its complete execution.

Mayor Gross asked how many are tested. Village Manager Azzarelli - CSEA members, and equipment operators.

Chris Lawrick - its random. On a average of about 4-6 per year.

Atty. Groff - the law requires 25% be tested each year. Its random for not just the village, but for the county and bus drivers also.

Chris Lawrick - we pay for all whether they get tested or not.

Roll Call Vote:

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

At this time, Atty. Groff declared open a public hearing on the Relocation of James Sewall Company into Elmira Empire Zone.

James Johnson, STEG - we manage the empire zone. The proposal in front of you is a proposal

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allowing the James W. Sewall company, who purchased mapping portion of Weilers, to go into the Elmira Empire Zone. Proposal will allow them to begin receiving tax benefits, not eligible for sales tax benefits because they are moving from a Zone to another Zone. The reason for the move is that there was not a lot of room where they were previously located.

Village Manager Azzarelli - If the Board were to vote no, what happens.

Jamie Johnson - The company will not be eligible as a certified empire zone business. Could not take advantage of incentives. This kind of resolution is in place to keep zone communities from stealing businesses from other communities. We do this a couple times a year, when we get a business who for various reasons needs to relocate.

As there was nobody else who came forward to speak, Atty. Groff declared the public hearing closed.

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, the James W. Sewall Company was located at 206 Gardner Road, and

WHEREAS, the existing facility was inadequate for their needs, requiring the company's relocation, and

WHEREAS, the company proposes to expand into a new facility at 150 North Main Street, Suite 400, in the Elmira Empire Zone, and

WHEREAS, the Village Board has conducted a public hearing to hear comment.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Horseheads consents to the relocation of the James W. Sewall Company to the Elmira Empire Zone.

Mayor Gross - what will their increase in employment be.

Jamie Johnson - Its now around 15, will increase by 10-15. Almost doubling it. Olther issue is that this new building can house their whole networking operations from their Maine location.

Trustee Sullivan - Portions of the holding point is part of the empire zone. Where else in the village.

Jamie Johnson - The zone was starategically placed by large manufacturing areas. Just recently put the old Pepsi facility on Lake Road, Thomas and Betts, etc. Does extend through Town and Village.

Trustee Sullivan - is there a Board that decides these areas.

Jamie Johnson - yes, the Zone Administrative Board. Each municipality has a representative on the board, including the Village. Meets on a quarterly basis. They direct where boundaries go. Now working on new development policy which will set some focused guidelines on what we will and won't put in the zone.

Trustee Swartz - is it a separate Board from STEG. Jaime - Yes. Made up primarily of reps from all effected municipalities, education, organized labor, community organizations, etc.

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 Sullivan

BE IT RESOLVED, that the Horseheads Village Board of Trustees hereby appoints the following Inspectors of Election for the ensuing year:

REPUBLICAN

Theresa Brown

DEMOCRAT

Julia Ames

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Theresa Banfield
Evelyn Catlin
Carolyn Ammerman

Mary Christofaro
Mary Smith
Dorothy Meisner

Alternate:
Marilyn Chapman

Alternate:
Mary Kennedy

BE IT FURTHER RESOLVED, that Theresa Brown and Julia Ames will serve as Chairpersons of Election on March 16, 2004, and be it further

RESOLVED, that the Inspectors of the Election will be compensated at the rate of \$65.00 per day for each day's service during the year.

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 a proposed Local Law Amending Local Law #3 of 2002 Regarding Fishing Regulations is hereby received, and a public hearing on said law is hereby scheduled for Thursday, February 12, 2004 at 7:05 p.m.

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 a proposed Local Law on Fire Insurance Proceeds is hereby received, and a public hearing on said law is hereby scheduled for Thursday, February 12, 2004, at 7:10 p.m.

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 following monies be transferred from the 2003-2004 General Capital Reserve Fund for acquisition of the following items:

<u>Line Item</u>	<u>Amount</u>	<u>For Acquisition of</u>
Computer Upgrade	\$799.98	computer monitor - PD
Computer Upgrade	\$553.97	computer monitor - Court
Police-Office Equipment	\$805.00	Dispatch chair
Police-Shotguns	\$1,020.00	shotguns
Police-Radio Upgrade	\$1,566.50	radios

Roll Call Vote:

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

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At this time, Mark Margeson, President of Youth Advisory Board gave a presentation regarding services of the Youth Bureau.

- Publicly wants to let people know we want to open the lines of communications at the youth bureau.
- Mission is to provide free, inexpensive, and fee-based programs. School systems aren't as open as they should be to youth bureau.
- We provide delinquency prevention which started in 1976, longest running youth court in the country. Designed to help kids who have been in trouble. Brought into a court of their peers. Sentences are based on what their peers believe should happen. Costs \$40,000-/year to operate. Everytime we keep a young kid from going to jail, it saves the community about \$80,000.
- Summer cohesion program. 360 kids are in the program. Costs about \$3,000, rest is fee based. We also employ counselors for the program.
- Youth development - employ kids from school to teach younger kids activities. 120 kids per weekend.
- youth employment
- candy/wreath sale
- youth counsel program
- weekend lockin program
- Recreation/leisure activities. Our pool sees about 110 kids a day. Basketball program - 280 kids. Lacrosse program - 270 kids. Adult exercise class. Tai chi. Field trips, tennis lessons, swimming lessons, 10 concerts a year in teal park.
- Village and Town both support us, fee programs, sponsorships. We also assist in little league, softball, soccer, and small fry football.
- Future requirements - we need to find a better facility. We are cramped in our current facility and would like to expand. Putting together a plan that will be brought to the Village.

Trustee Miller - Why can't we have a rep from the youth bureau at our meetings. That would certainly help communication.

Mr. Margeson - I will bring that back and make sure someone starts coming.

Trustee Swartz - I'm excited to see how enthused you are. I was on advisory board for years. They do a lot of great things. The way your talking is going to really help people know what they do.

Mr. Margeson - one of my concerns is that perception is reality. People think youth bureau means troubled kids. We are trying to show that this isn't the case. Would like to bring the youth bureau to the forefront.

Trustee Sullivan - Do you have any short term or long term goals.

Mr. Margeson - yes, immediately is to get a plan put in place. A plan that is one year, then move to a 3-year. Need an economically feasible plan that makes sense.

Village Manager Azzarelli - When will the presentation be.

Mark - not sure yet.

The Board thanked Mr. Margeson for his presentation.

Village Manager Azzarelli - I ask the Board to move into an Executive Session to discuss the financial history of a particular person.

Rachel Johnson reported that they met with the Sister City organization. Bato will be sending a

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delegation in March, the first since 9-11. We are also planning on sending a group over to Japan in April. More details to follow.

Village Manager Azzarelli - I would like to commend the Fire Department and Water Department on their recent ISO classification - it remains a 4. Top 10% in the country, which reduces fire insurance rates.

Discussion on setting a budget workshop. The Board agreed to meet on Thursday, January 29th, immediately following the festival workshop.

Vinnie Azzarelli - Received a challenge by Relay for Life cancer walk - they are asking us for a team. Trustee Sullivan volunteered to organize this.

Trustee Swartz - the workshop for the festival law, are we inviting merchants, legion, etc...will it be open to the public.

Mayor Gross - We as a board haven't even talked about it yet.

Trustee Swartz - Do we want to meet first and go through the questions we have, and then invite the public in at 1.

Mayor Gross - I'd like to have a least an hour before everyone else is coming. And we also need Don Coates there.

The Board agreed to meet at 11:30 on Thursday, then everyone else can come in at 1pm. Then we'll meet on the budget.

Trustee Catlin - I'd like to comment on free election that we had last night. We take it for granted. So many people in many countries would die for that freedom.

Trustee Sullivan - Anything new on the Time Warner issue.

Village Manager Azzarelli - It's a 10 yr. contract, which expires in 2008. We have been talking to Time Warner and their attorney to further define the billing and revenue process. If your referring to the way the bills are broken out, they put in a new software program that simply showed what they had been doing all along, as far as we know. If anything we're working toward getting more revenues from them - according to 'favored nation language'.

Atty. Groff - All of Time Warner revenue isn't necessarily a consumer based revenue. They also get revenue from sale of services, advertising. The franchise fee is a percentage of the gross revenues. The efforts we are taking is to insure that the revenue we are receiving is based on all of their revenue. If we derive a franchise fee as a percentage of advertising, that is not reflected on your cable bill. The point is, these franchise fees and these efforts to make sure we are getting appropriate money, does not necessarily put an additional burden on taxpayers.

Trustee Sullivan - Its obviously positive. I didn't know if cable users were notfield. If I see my cable bill go up a little, I want to know why.

Village Manager Azzarelli - they do have an obligation when they raise their rates. Their controller misappropriated the fee bases for the different communities. Billing showed up in the wrong places. That was corrected and that individual was fired.

Chris Lawrick - grant money from Senator Kuhl for paving, finally got paperwork. Should be simple to apply for the funds. \$30,000.

Tess Banfield stated that she does not agree with the Zim Center sign. That is no longer the Zim Center.

Atty. Groff - we can only regulate size, location, etc., not content. Sign law is administered by code enforcement officer.

Discussion ensued.

Dick Sullivan - about the ISO inspection, this is the third one I've done. When they notified us we had about a month to prepare. There are many things we'd like to improve on. I was pleased that we maintained a 4. Only one other volunteer department in the state that is higher, and they are a 3. The homeowners won't realize the effect of this as much as businesses. If we had been rated

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at a higher number, they could have 25-35% increase in their fire insurance.

Don Zeigler - festival guidelines, when we come to the workshop I think its important that the board know which guidelines are state mandated and which ones we can change. We should figure this out in advance. Might make the meeting go quicker.

George Kastenhuber - regarding Time Warner, the cable system has been expanded, does this change the favored nation status. Atty. Groff - no, we can only use communities within Chemung County. But good to keep in mind for future franchise agreements.

Mayor Gross - thanked the Manager and Attorney for their efforts regarding the telephone lines in Windsor Gardens. They wrote a letter to the phone company, they are replacing those lines. Thank you.

Mayor Gross - congratulated Ron and Howard on last night's caucus.

Motion by Trustee Miller, seconded by Trustee Swartz, that this Board move into Executive Session to discuss the financial history of a particular person.

Roll Call Vote:

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

The Board, Manager and Village Attorney moved into Executive Session, the minutes of which are attached hereto.

At 9:00 p.m., the Board returned to the regularly scheduled meeting of this date.

Upon motion of Trustee Catlin, seconded by Trustee Swartz, the regularly scheduled meeting was adjourned.

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmj

EXECUTIVE SESSION

JANUARY 22, 2004

The Village of Horseheads Board of Trustees moved into Executive Session at 8:15 p.m. from its regular meeting of this date, after a motion by Howard Miller, seconded by Ronald Swartz. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller and Kevin Sullivan, Village Attorney John Groff, and Village Manager Vincent Azzarelli.

The Executive Session was called to order. The Board commenced to discuss the financial history of a particular person. After much discussion and without coming to a definitive determination, upon motion of Trustee Catlin, seconded by Trustee Swartz, the Executive Session was adjourned at 9:00 p.m.

The Board then reconvened to its regular meeting of this date.

/rmj