

Minutes

Village Board of Trustees

June 22, 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 Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Police Chief David Kole, Clerk-Treasurer Sharron Cunningham, Planning Board Members Mike Stenpeck and Denis Kingsley, and Manager's Assistant Rachel Baer. Also present were: Martha Hauser, 407 W. Broad St.; Don and Jean Quinn, 555 Gardner Rd.; Barbara Morningstar, 109 W. Franklin St.; Penny and George Kasthuber, 519 John St.; Carol Gonzalez, 408 Bush Ave.; Jeff Gray, 922 South Ave.; Beth Grannis, 275 Scenic Dr.; Elliott Blauvelt, Jr., Fletcher St.

ABSENT: Trustee Earle Catlin

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of June 8, 2006 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the Clerk-Treasurer is hereby authorized to transfer the funds indicated on the attached sheet, and be it further

RESOLVED, that \$9,810 be appropriated from the Capital Reserve Fund for Teal Bark Bandstand renovations.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of June 7, 2006 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

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

Mayor Gross asked for some information on the next item, No Parking on S. Pine St.

Village Manager Azzarelli - we had signs up but no law to back up, so that is what we are doing now.

Atty. Groff - The Traffic Commission made that recommendation. The proposed resolution would be to authorize the adding of that to the current Vehicle and Traffic law.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads Traffic Commission met on June 7, 2006, the minutes of which are hereby received, and

WHEREAS, the Vehicle and Traffic Law, Chapter 235 of the Village Code, provides in pertinent part that the regulations and schedules adopted by the Board relating to vehicle and traffic matters may be amended and modified from time to time as deemed necessary by the Village Board via local law, resolution or motion, and

WHEREAS, the Village Traffic Commission has recommended a No Parking zone on S. Pine Street, east side, from Perry Street to Sayre Street, and

WHEREAS, this Board endorses such recommendation.

NOW THEREFORE BE IT RESOLVED, that Section 235-75, Schedule XV: Parking Prohibited at All Times, be amended to add thereto:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
South Pine Street	East	From Perry St. to Sayre St.

Mayor Gross - how long have the signs been in existence.

Atty. Groff - not sure. No way to know. As you may recall when we adopted the current V&T law the entire village was polled and we inspected streets to make sure we were establishing. No Parking zones where there was current signage. This one apparently fell through the cracks.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, on November 10, 2005 this Board authorized the submittal of a grant application through the New York State Department of Environmental Conservation for the study and analysis of the urban forest in the Village, and

WHEREAS, on June 10, 2006 the Village was notified that it was awarded a grant in the amount of \$1,850.

NOW THEREFORE BE IT RESOLVED, that Village Manager Vincent Azzarelli is hereby authorized and directed to execute any and all documents to effectuate this grant award, and to take steps necessary to commence the urban forestry study and analysis project.

Roll Call Vote:

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

Motion by Trustee Miller, seconded by Trustee Sullivan that items regarding Authorize Increase to Swimming Fees at Thorne St. Pool, and Ratification of P.B.A. Contract be added to the agenda.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Miller

WHEREAS, the Village of Horseheads is the owner and operator of a municipal swimming pool commonly known as Thorne Street Pool at Sullivan Park, and

WHEREAS, the Village Board has heretofore established a schedule of user fees associated with the use of said pool, and

WHEREAS, Village staff have recommended increases to the current rate of fees for non-resident swimmers at the pool as outlined below:

NON-RESIDENT DAILY SWIMMING FEES:

<u>12 and under:</u>	Currently \$1.00	<u>13 and over:</u>	Currently \$2.00
	Proposed \$2.00		Proposed \$4.00

and

WHEREAS, the Village Board has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that the rate of user fees for non-resident swimmers at Thorne Street Pool be increased as outlined above, effective July 1, 2006.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the last collective bargaining agreement between the Village and the Horseheads Police Benevolent Association expired on May 31, 2005, and

WHEREAS, appointed negotiators on behalf of the Village of Horseheads and the Horseheads Police Benevolent Association, Inc. have engaged in extensive efforts to negotiate a collective bargaining agreement between the Village and the Association, and

WHEREAS, a draft Memorandum of Agreement (MOA) regarding negotiated changes to the expired Agreement, with schedules and annexations, has been prepared and reviewed by the various negotiators who have respectively recommended its adoption and approval to the parties such negotiators represent, and

WHEREAS, this Board is informed that the Association has ratified the MOA having authorized and directed its President to execute same, and

WHEREAS, Village Manager Vincent Azzarelli has recommended to this Board its adoption and ratification of the MOA.

NOW THEREFORE BE IT RESOLVED, that Village Manager Vincent Azzarelli be and hereby is authorized and directed to execute the MOA with the Horseheads Police Benevolent Association to be memorialized in a collective bargaining agreement for a term of three (3) years, commencing on and retroactive to June 1, 2005, and be it further

RESOLVED, that a copy of said agreement shall be placed on file with the Village Clerk, and be it

further

RESOLVED, that the appropriate employees of the Village are authorized and directed to take such steps and action as is necessary to effectuate the provisions of the agreement.

Roll Call Vote:

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

Trustee Swartz - thanked the Manager and Village Attorney for their work on the PBA agreement.

Trustee Sullivan - I attended the grand opening of the Thorne Street pool today, lots of kids were anxious to get in. The pool looked really nice. I spoke to Al Edwards about the rate increase. West Elmira is \$5.00 for non residents. Ours is a very nice facility in its 52nd year.

Mayor Gross - Several of the pools in the Elmira area have closed - we're getting calls from people who want to bring students to this pool. If we don't do this there won't be room for residents of the Town and Village of Horseheads.

Village Manager Azzarelli - got a request from a resident that we place service flags in Memorial Park. One flag for each of the armed services. The person said he'd be willing to help with fundraising. Does the Board have any interest? Everyone agreed it's a good idea.

Mayor Gross - is there still the issue of lighting the American Flag in the park.

Village Manager - already took care of that.

Village Manager - today we met with lawyers on Fox St. incident. Spent several hours with that. Very useful meeting for everyone involved. Our legal team feels better about the information we provided.

Village Manager - been discussing the transformers at the LRC facility on South Ave. Demand requirements exceeds our needs. Worked with NYSEG to bring costs down considerably. We could declare two of them surplus and sell them.

At this time, the Board Members discussed possible dates to set up workshops to discuss several issues: Linear Park, multiple year budgeting, and clock fundraising.

Mayor Gross - is the Clock Committee going to do fundraising?

Trustee Swartz - don't anticipate having one. We have \$500 in the budget for it. I've talked to my committee.

Mayor Gross- we wanted enough money in there so there wouldn't be a burden on the taxpayers. I know we've discussed it a couple of time. We need to talk about that too.

After discussion it was agreed to have workshops on the following dates and times:

Thursday, July 6th - 8:00 a.m.
Thursday, July 27th, 8:00 a.m.
Thursday, August 24th - 8:00 a.m.

Village Manager - We received grant from Community Foundation for the Beautification Committee. It will be awarded on June 28th. Also Ross Hamilton, from the Cemetery, had a heart attack. Today he visited the garage. He's been told to stop smoking. Should be back to work in 3 weeks.

Mayor Gross - didn't the Police Department have tickets for S. Pine St.? Didn't anyone from the PD bring this to our attention about the No Parking?

Chief Kole - yes I did bring it to your attention. I did the research and found that somewhere it got lost in the shuffle. That is why your adding it now. Now we can enforce it.

Mike Stenpeck - Comprehensive Planning meeting last night, had a presentation by Code Enforcement, lots of good questions.

Denis Kingsley - Crest Painting did an excellent job on the Teal Park bandstand. Really improves the whole park.

Jean Quinn, 555 Gardner Road - I raised several issues at last meeting. I haven't received a response. Would like some answers and would like it in the minutes.

Mayor Gross - bring them forward and I'll make sure we put in the minutes.

Don Quinn, 555 Gardner Road - I would like to apologize to Howard Miller for not including him in praise for people who served their country. Hope I haven't overlooked other people. I still feel very sad and unhappy that I overlooked you Howard. I have some other comments to make tonight, but in studying the audience, I'll not make them until a later date.

George Kasthuber, 519 John St. - I got a call that there was going to be an well orchestrated attack against Trustees and the Police Chief at the last meeting, after learning that charges were dropped. What charges were filed? Did they pertain to the Chief's professional status or anything else? As far as I know the Health Dept. doesn't send out criminal citations unless its egregious. Other employees of this Village took part in that chili thing and no charges were filed against them. Did anyone do their homework in contacting the Health Department?

Mayor Gross - I'd like to give you some answers. I'll refer to our lawyer.

Atty. Groff - charges were filed based on information available to the Board at the time. They involved the Chief in his private capacity and his professional capacity. And the factual circumstances behind it were based upon facts that were then known.

George Kastenhuber - who rendered them?

Atty. Groff - the Village Manager.

Mr. Kastenhuber - did anyone contact the Health Dept.? Well I FOIL'ed the application. I asked them two things - can you with certainty say that correct information was disseminated to Chief Kole and used in his application. With a certainty they could not say yes. Second I asked if anyone inspected the food concession. They said no. On that basis alone, Vinnie can bring all the charges he wants but I think you need to do your homework a little more. This is so trivial, you can throw mud at Kiwanis all you want, but Kiwanis is a very valuable service organization to this Village. If you want to give them a black eye in this way, we are going in the wrong direction here folks.

Carol Gonzalez, 408 Bush ave. - what is going on with Bentley Place?

Village Manager - all that's happened is the Traffic Commission made recommendations based on the suggested compromise. That is going back to our Planning Board on Tuesday night. It will then come back to the Board on July 13th to set a pub hearing for August. There will be a neighborhood workshop on June 29th at 7pm, here.

Elliott Blauvelt, Jr., Fletcher St. - I would like to invite the Board up to Harris Hill this weekend, Saturday starting at 2pm until Sunday at 2pm. Amateur radio field days for 24 hours. We do this once a year. You can see what we do for the protection of the residents of the county as far as a natural or manmade disaster. That is an open invitation. Secondly, the front of the Village Hall, I brought up about the clock not being correct, maybe getting a Zim character to replace it, the horses. Has anything been done with that?

Mayor Gross - Chris Lawrick has done some work on that. He's brought in some pictures

Village Manager - Its just a matter of picking the design, and taking the clock down and ordering the sign. That is what we are working on.

Mr. Blauvelt - I have some questions to continue from last meeting. I'll give them to the Mayor to put into the minutes. I don't think things are necessarily trivial, things get swept underneath the rug. Don't think the Village should be run that way. I have the questions here.

Mayor Gross - give them to us so we can put them in the minutes. I wish I could open my mouth and tell you how I feel on what's been going on. We took a vote of 3 to 2. I don't agree with it, but I have to live with it. As minimal as it may seem to you sir, I worked at the Health Dept. If anyone had become ill this Village would have suffered greatly. So it may seem minimal to you, but had we been sued, you as a taxpayer would not consider it minimal. And I'm sorry for that. Because it was a 3-2 vote, and the two of us were not included in the discussions before hand.

Mr. Kastenhuber - I believe your going about it backwards. There are other considerations here. After last meeting I know what the FOIL laws are. I learned in the paper that you outed everyone involved on the advice of NYCOM or something, they advised you to put the names in the Executive Session minutes.

Mayor Gross - our lawyer spoke with them.

Mr. Kastenhuber - I called Mr. Freeman from the NYS Department of State. He said that the only purpose to include names in such an action is to out those people.

Mayor Gross - again I will refer to our lawyer.

Atty. Groff - people get advice from different sources. He's a recognized authority. But he's not always correct. No question about it. The fact remains I did consult with NYCOM, spoke to their counsel, and received a different recommendation. The same way you write articles for the paper, you can get different recommendations.

Mr. Kastenhuber - did anyone consult with the Attorney General's Office?

Atty. Groff - I didn't feel the need to.

Mr. Kastenhuber - if we are going to be outing people in public, that is the wrong way to do it. We shouldn't just pick and choose when we are going to include the name in an Executive Session meeting.

Mayor Gross - I don't disagree with you. I would have to say that normally that when an event has been held in the past, we have sent forms out to the contestants, and if this has changed I'm sorry, I do know we used to send the forms out and it clearly stated that all foods were to be cooked on premises. What was done this last year, I wasn't there. I was at a soccer game. If that changed, I'm not aware of it.

Don Quinn, 555 Gardner Road - if there are rules and they are broken, I don't think it's a trivial matter. We all have to obey the rules or everything falls apart. Whatever this issue is it isn't trivial. I think it is an important thing.

As there was nothing further to bring before the Board, the meeting was adjourned at 7:45 p.m.

TRANSFER LIST - JUNE 22, 2006
FINAL TRANSFERS FOR FY2005-2006

GENERAL

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>	<u>DESCRIPTION</u>
\$29.53	1110.440	1110.160	COURT OVERTIME
\$332.84	1110.440	1110.411	COURT SUPPLIES
\$332.84	1111.440	1111.411	COURT SUPPLIES
\$17.84	1230.168	1230.411	MANAGER SUPPLIES
\$930.00	1230.168	1230.440	MANAGER CONT.SERV.
\$125.05	1230.168	1230.453	MANAGER TRAVEL
\$198.74	1325.200	1325.440	CLERK CONT.SERV.
\$23.88	1990.477	1450.409	ELECTION INSPECTORS
\$318.48	1990.477	1620.410	VILLAGE HALL SUPPLIES
\$5,383.96	1990.477	1620.440	VILLAGE HALL REPAIRS
\$96.98	1990.477	1620.441	LEGAL NOTICES
\$2,865.55	1622.427	1622.423	FIRE DEPT.UTILITIES
\$505.46	1622.426	1622.423	FIRE DEPT.UTILITIES
\$367.05	1622.429	1622.428	CEMETERY UTILITIES
\$2,080.81	1623.469	1623.467	NETWORK ADMIN.
\$120.14	1990.477	3010.496	COPS PROGRAM
\$993.80	3120.128	3120.116	SERGEANT
\$169.16	3120.128	3120.117	SERGEANT
\$179.80	3120.128	3120.119	POLICE OFFICER
\$1,261.80	3120.128	3120.120	POLICE OFFICER
\$982.56	3120.128	3120.121	POLICE OFFICER
\$921.84	3120.128	3120.125	POLICE OFFICER
\$2,657.16	3120.128	3120.126	POLICE OFFICER
\$2,091.70	3120.128	3120.127	COMM.OPERATORS
\$381.56	3120.136	3120.133	POLICE OFFICER
\$3,023.56	3120.136	3120.134	POLICE OFFICER
\$3,058.12	3120.136	3120.135	POLICE OFFICER
\$2,382.72	3120.129	3120.138	NEW POLICE OFFICER
\$12,103.76	1990.477	3120.160	POLICE OVERTIME
\$350.83	3120.440	3120.411	POLICE SUPPLIES
\$912.54	3120.440	3120.443	POLICE REPAIRS
\$1,489.95	3410.100	3410.102	FIRE CHIEF
\$177.46	3410.490	3410.140	FD MAINTENANCE
\$3,131.04	3410.200	3410.440	FD CONT.SERVICE
\$1,087.41	3410.490	3410.440	FD CONT.SERVICE
\$551.63	1990.477	5110.110	STREET PT LABORER
\$3,861.95	1990.477	5110.114	NEW MECHANIC
\$200.15	1990.477	5110.160	STREET OVERTIME
\$2,859.44	5110.410	5110.440	STREET CONT.SERV.
\$382.34	7310.443	7110.410	PARK SUPPLIES
\$309.68	7310.443	7140.410	RECREATION SUPPLIES
\$250.41	7310.443	7140.443	RECREATION REPAIRS
\$156.40	7310.443	7141.100	CONCESSION PERSONNEL
\$106.28	7310.443	7141.410	CONCESSION SUPPLIES

\$34.50	7310.443	7141.443	CONCESSION REPAIRS
\$321.30	7310.443	7310.410	POOL SUPPLIES
\$336.17	1990.477	8810.173	INSURANCE BUY OUT
\$34.87	8810.443	8810.413	CEMETERY CLOTHING
\$570.89	1990.477	8988.212	HANOVER CLOCK
\$18.00	1990.477	9060.865	LIFE INSURANCE
\$61,079.93			

WATER

\$174.14	1620.200	1620.410	VILLAGE HALL SUP.
\$3,115.16	1622.430	1620.440	VIL.HALL CONT.SERV.
\$698.80	1622.429	1622.421	VIL.HALL UTILITIES
\$2,070.97	1622.430	1623.467	NETWORK ADMIN.
\$1,174.03	1990.477	1624.435	WATER BILL POSTAGE
\$165.59	8310.411	1650.471	COMMUNICATIONS
\$44.23	8310.440	8310.453	WATER TRAVEL
\$907.05	8320.443	8320.410	WELL SUPPLIES
\$806.19	8340.440	8340.160	WATER OVERTIME
\$288.82	9060.860	9040.840	WORKERS COMP.
\$9,444.98			

INCREASE EXPENSE PER REVENUE RECEIVED

\$10,220.75	1112.449	NYS FINE DISBURSEMENT
\$1,241.31	1621.505	RECREATION 65/35
\$143.10	3120.161	REIMBURSED POLICE OT
\$15,988.80	3120.203	NYS TRAFFIC SAFETY GRANT
\$40,000.00	3410.202	FEMA FD GRANT
\$485.00	7180.499	RECREATION FEES

Statement submitted by Jean Quinn, 555 Gardner Road.:

*To: The Village Board of Trustees
From: Jean Quinn (representing David Quinn)
Re: The mannequin incident in the crosswalk of Hanover Square*

At the last Board meeting I made a statement that raised the following questions:

- 1. Why was David Quinn denied the police reports regarding the incident of June 23, 2005?*
- 2. Was the investigation being done on the reports or on David?*
- 3. What were the results of the investigation?*
- 4. Why weren't all the reports in the D.A.'s hand within 48 hours?*
- 5. Why were all the police reports incorrect?*
- 6. Why did David have to file the second FOIL to obtain the police reports?*
- 7. Why, if as stated in David's report by Chief Kole that Tim placed the mannequin in the crosswalk, was David fined and surcharged?*

8. *Why does Tim's report have only his name? His birthdate is blacked out.*
9. *Why have none of his mandated suggestions to improve the pedestrian safety been implemented.*
10. *Why didn't Atty. Mustico correct the many errors in the police reports? Atty. Mustico said they would be corrected?*
11. *Why were we told that the transcripts were not done in this court? Several days later I, again, requested a transcript and was told it was in the mail but was given an incomplete transcript. The mailed one never arrived.*
12. *Who instigates a plea bargain?*

As a citizen, a tax payer and a merchant, I feel that I deserve answers to all of these questions. What will be done to correct these errors in the police reports and the procedures concerning the FOIL requests? And finally, my statement as listed in the draft minutes of the Board Meeting of June 8, 2006 is misleading and inaccurate. Why not use the whole statement that was provided to all of you instead of parts that leave you wondering who "he" is. What measures in the way of corrective action in this matter will be taken?

Statement submitted by Elliott Blauvelt, Jr., Fletcher Street:

Your Honor:

With reference to the last Horseheads Village Trustees Meeting on June 8, 2006 and the Star-Gazette news story of the following day, I still have several questions that have not been answered.

1. *When will there be a full public disclosure as to the charge and/or charges - plural - that were made against the Village Police Chief?*
2. *Why was it necessary for the three Village Trustees to bring up and support a dismissal motion of these charges? Was it the "good old boys network"?*
3. *And again I ask the same question I asked at the last meeting, what are you going to do to correct this travesty of justice?*
4. *Are you going to direct the Village Manager to pursue any additional charge or charges against the Village Police Chief and any of the several others that were involved in the Chili Cook Off wrong-doings?*
5. *Is this the only thing that is going on in this great Village that only the privileged few know about, or just what other items or things are being withheld from public knowledge?*
6. *Is this the way that the Village of Horseheads is going to continue to be run? By this small select group of individuals that may not have the best interest of the entire population of the Village at heart?*
7. *I have been amazed by the number of people who have called me, stopped to talk to me, or otherwise, that wonder how well this incident has been swept under the rug. I have been even further amazed by the number that were totally unaware of what has transpired here in the Village.*
8. *Just so there are no questions as to what I have said, copies of this will be available after the meeting for you and the others. Thank you.*

/rmb