

February 26, 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 Manager Vincent Azzarelli, Village Attorney John Groff, Public Works Supt. Chris Lawrick, Police Chief Dave Kole, Fire Chief Dick Sullivan, Assistant Fire Chief Artie Sullivan, and Manager's Assistant Rachel Johnson.

Also present were: Bernie Weigle, 111 Boorum Pl.; Tess Banfield, 134 Catalpa Dr.; Nancy Shaw, 218 Liberty St.; Eric Histed, 815 S. Pine St.; Lois Barton, 217 North St.; Scott West, 100 Church St.; Lorie and Ray Cass, 22 Redwing Lane; Elliott Blauvelt, Jr., 114 Fletcher St.; Mabelle Blauvelt, 114 Fletcher St.; Vicki and Bill Davis, 691 Ridge Rd.; Less Hartman, 527 Breesport Rd.; Bill Smith, Box 420, Hhds.; Reva Keough, Ithaca Rd.; Hila Corp, 206 William Lane; Martha Hauser, 407 W. Broad St.; Jean Quinn, 555 Gardner Rd.; Michelle Sullivan, 129 Miller St.; Royce Green, 105 Gardner Rd.; Don Baer, 110 Adams St.; Tom Sweet, 807 Center St.; Mariah Allis, 609 Center St.; Emily and Melissa Schroeder, 210 Sunset Circle; Helen Allis, 609 Center St.; Jan and Don Zeigler, 535 Watkins Road; Jason Schock, 557 E. 3rd St., Elmira; David Pierson, 609 E. 3rd St., Elmira; Robert Emmick, 709 Taylor Road; Barbara Skorcewski, 109 W. Franklin St.; Denis Kingsley, 208 Steuben St.; Eileen Patocka, 3136 Watkins Rd.; Charley Short, 2249 Grand Central Ave.; Stephen Walters, 224 Winding Way; Ryan Wheeler, 112 Canal St.; Gerald Wheeler, 107 Hilton Dr.; Robert Cundy, Jr., 209 S. Main St.; M. J. Sullivan, 2316 Grand Central Ave.; Gerald Pease, 309 Steuben St.; Thomas Johnson, 120 S. Main St.; Richard Davis, 208 Bowers Dr.; Mike Stenpeck, 2202 Grand Central Ave.; and the news media.

Resolution by Trustee Sullivan, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 12, 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

BE IT RESOLVED, that the minutes of the Planning Board Meeting of February 10, 2004 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 Catlin

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of February 11, 2004 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 Sullivan

BE IT RESOLVED, that the minutes of the Zoning Board of Appeals Meeting of February 11, 2004 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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At this time, Atty. Groff opened the Public Hearing on Proposed Local Law on Festivals and Parades. Atty. Groff explained that this is not a question and answer session. This Board hears your comments and take your comments into consideration. If you raise issues, don't expect a dialogue. Additionally, considering the number of people who want to speak, please limit comments to 3 minutes. The law is essentially a prior notification law. It requires someone who wants an event to notify the Village in advance so that Village staff can have an opportunity to develop public safety programs relevant to the events. I would note that there are a couple of instances where concepts have already been put into application successfully last year. Those of you who may have gone to the chili chocolate festival reflected the concepts of these laws. It allows information to be communicated to other agencies who need to have prior notice of areas blocked off so that they can respond to incidents and emergencies.

Atty. Groff recommended closing this public hearing temporarily in order to have the other scheduled public hearing. He then closed this hearing, and then opened the public hearing on the Proposed Local law on Restructure of Departments.

Atty. Groff declared open a public hearing on proposed law restructuring the departments. As nobody came forward, Atty. Groff closed the public hearing. He noted that this law moves the Cemetery Department into Department of Public Works. Law allows us to follow what we are already doing.

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, the Village is considering a local law to amend Chapter 40 of the Village Code restructuring departmental organization, and

WHEREAS, this proposed local law was presented to this Board on February 6, 2004, 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 February 26, 2004, and

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

NOW THEREFORE BE IT RESOLVED, that said Local Law Amending Chapter 40 of the Village Code Restructuring Departmental Organization 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

Atty. Groff reopened the public hearing on the Festival Law.

Vicki Davis - wanted clarification on communication of the law. There are 16 points on the application. Seems to me to be more than just communication.

Barb Skorcowski, President of Merchants Association - Would like Board to reconsider law and just have guidelines. Developing guidelines in conjunction with representatives from the organizations that have sponsored events in the past so that we can all come to the table. In support of this, we have a petition with over 400 signatures.

Eileen Patocka presented the petition to the Board.

Tom Johnson - thought our problems with Holly Days were settled and pushed aside. I think that there is more going on then just what has been here. Some people don't want Holly Days for some reason. Don't think it needs to be politicized.

Lois Barton - 217 North St., I take affront with the helmet on your desk. I was raised in Horseheads. I'm very proud of this Village. The Village is here for the people. The Square is the hub of our Village. You've made it beautiful, let us use it that way. This is the Board that passed the crematory in a residential area. Our Mayor did not vote on that, Trustee Sullivan abstained. There are a number of us who are against that. Don't make the same mistake this time.

Ken Davis, 208 Bowers Drive - Holly Days is great. My family looks forward to it. With all the problems today, people like to go to the festival, it's a great thing. I hope it can stay. If there is any volunteering needed, if it was put in the paper I'm sure that a lot of people would pitch in and help out.

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Elliott Blauvelt, Jr. - Fletcher St. - lot of money spent to redo Hanover Square. So it could become more user friendly. We have to admit most of us are very happy with the way it turned out. We really think this law is onerous to providing events in the square. Secondly I have some pictures taken in the 1800's of Hanover Square. The street is full of people. There is a long history of people being in the square. I have asked for the guidelines for this law. Where are they. Why do we need this when other places don't. There doesn't seem to be something right. I agree with guidelines. They are much better. We have way too many laws.

Martha Hauser, 407 W. Broad St. - I've come to meetings in the past. I somehow came away from those meetings thinking that Hanover Square would be a center of interest. Its not a wish to go backward. It is fun to come to the parade, etc.

Don Zeigler, 535 Watkins Road - got these guidelines when we did the chili/chocolate event last year. It has to do with leaving a lane open for emergency personnel, etc. map layout. That is all this is. It is not an issue of whether or not to hold events. Two years ago there was a function in Montour Falls where a man was attacked. Took law enforcement a while to get through the crowd, then the ambulance. They had no guidelines like this. This year the same event went flawless, and they used guidelines like these. These guidelines will not stop or deter events. These are just rules. I did the same thing for our function. Its not intrusive. I'd be happy to help any other organization. This is just common sense for safety.

Mel Schroeder, 210 Sunset Circle - we moved here because of festivals you hold. I would hope that somehow you find your way so that these still continue to happen. This is why we love living here in Horseheads. I am a resident who lives in the Town who has to plan ahead when you do have a festival. But I think that there is a still strong benefit. I appreciate these guidelines. Nice to know that they plan ahead for emergency vehicles to get through.

Violet Corp, William Lane - I would like to not ask a question. But is this a state or county law.

Atty. Groff - It is a Village law that incorporates state laws and requires compliance with those laws. The health dept. already regulates many activities of this nature. Those regulations will continue. This does nothing to those but to make applicants aware that those laws exist. As far as the state laws concerning mass assemblies and public gatherings, there are state regulations under the Fire and Building Code for safety related functions - routes, areas utilized, how people are proposing to have alternate routes, etc., loss of life and loss of property.

Ms. Corp - we went through Watkins Glen during the NASCAR race. Took 3 hours to get through because streets were shut off.

Vicki Davis - This isn't a question on whether or not we are having events. It is how easy is it going to be to have a function when laws such as this, requirements, things have to be applied for. There are in my opinion too many points that are open ended and open for interpretation, and points at the discretion of Village Manager. There are many places where it says you have to apply 90 days out, but doesn't say how long Village Manager can take to respond. How long do we have before the Board makes a decision. Then you get so close to your event, then you have to round up vendors. I just think some of these things make it hard for people. We want to have these events, but will this make it more difficult for people who want to sponsor these events.

Jean Quinn - As far as emergency vehicles, I'm sure if the alarm goes off and a fire engine goes down the street, people will get out of the way quickly.

Lois Barton - I live on North Street, seen emergency vehicles cut through the holding point. They don't need to go through the square.

As nobody care forward to speak, Atty. Groff closed the public hearing.

Resolution by Trustee Sullivan, seconded by Trustee Miller

WHEREAS, the Village is considering a local law regarding Festivals and Parades, and

WHEREAS, this proposed local law was presented to this Board on February 6, 2004 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 February 26, 2004, and

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

NOW THEREFORE BE IT RESOLVED, that said Local Law on Festivals and Parades is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

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Trustee Miller - I make a motion to table the voting on this law. Trustee Catlin seconded the motion.

Trustee Catlin - because of the deep involvement and wide concern about this law, I'm going to vote to table this law to a future meeting.

Trustee Swartz - I agree. I want to state that I do not want to stop festivals and parades in this Village. I have been asked by the merchants to help on festivals and I think they are great. What we have to address is liability. We had a workshop and I thought we answered these questions. It looks like from what we are hearing, you'd like to just see guidelines instead of a law. I vote to table this so that we can get together.

Trustee Miller - I agree. We do want festivals, we do want parades. That is why I want to table for now.

Trustee Sullivan - I believe we need to address these concerns.

Mayor Gross - I love the suggestion of tabling and going back and taking a look at it. We need to take a look at this so that the Village is protected.

Roll Call Vote on tabling action on the law:

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

Mayor Gross - I like some of the things in there, so that the Village is protected. If we don't have that, the Village is liable and could be sued. Don't want to run the risk of emergency vehicles not getting in and out of the Village. Nice to know that everyone has the same concerns. What we need are the comments in writing so that they can be addressed. Do we want another workshop? How do we want to address this.

Village Manager Azzarelli - if that is what you want to do, table it for 30 days. We could give people 10 days to submit their comments in writing.

It was agreed that all comments are to be submitted in writing by March 12th. We'll then set up a public meeting.

Barb Skorcowski - people organizing events should be a part of the development. Maybe the workshop be the place where that dialogue takes place.

Resolution by Trustee Swartz, seconded by Trustee Catlin

BE IT RESOLVED, that a proposal local law on Porches and Decks is hereby received, and a public hearing regarding same is hereby scheduled for Thursday, March 11, 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 Miller, seconded by Trustee Catlin

BE IT RESOLVED, that Officer Burgess is hereby authorized to attend the North American Police Work Dog Association Training, May 2-7, 2004, in Yates County, NY with all expenses paid as are allowed under Section 77B of the General Municipal Law.

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 Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the Proposed 2004-2005 Village Budget prepared by Village Manager Vincent Azzarelli is hereby received, and a public hearing regarding same is hereby scheduled for Thursday, March 11, 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 Swartz, seconded by Trustee Miller

BE IT RESOLVED, that an item regarding probationary appointments to the Fire Department be added to the agenda.

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 this Board hereby approves the one-year probationary appointments of Charles W. Lathrop, 201 W. Mill Street; Adrian H. Smith, 304 W. Mill St.; and Kasey Ann-Marie Slater, 1017 Hullett Street to the Village of Horseheads Fire Department.

Roll Call Vote:

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

Rachel Johnson noted items put in the Board's packet.

Trustee Sullivan - thanked everyone for coming and giving us your comments.

All trustees thanked everyone for coming and giving this Board comments on the Festival Law.

Trustee Sullivan - we do have a fireman that is going to be deployed overseas shortly. Phil Mazzareese. There will be a party for him on Sunday at 2pm. He thanked everyone for coming tonight. We all feel this law will lead to a safer community. Although there is no fail safe plan, this will certainly be a good effort.

Atty. Groff - thanked everyone for coming and showing an interest in the law. The law is lengthy and not an easy read. There is a facility for waiving the time frame already in the law. One of the challenges the Village has in responding to people is when they are not made aware of the event or magnitude until the last minute, then it becomes difficult for them to plan. Your comments are very valuable.

Chief Kole - I commend everyone for coming and voicing opinions. Officer Ruhmel is slowly getting better, but out 2-3 more weeks.

Artie Sullivan - St. Patricks Day Parade still on, 3:30, March 17th. Also will be having dinner to follow at the fire station.

Chief Sullivan - I filled out forms already, not a problem, got it approved. I think we can all work together.

Bob Cundy - I understand for safety for people, and for liability, my question is if we pass a law, are we still liable if something happens.

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Mike Stenpeck - if you have something better, submit it. Don't just talk and complain.

Tess Banfield - was a very enlightening meeting.

Mayor Gross - all of us truly want the events to stay. We want memories for our children. That is what it is all about.

A resident asked about bus safety for St. Patricks Day parade. Said that is when school students will be exiting that parking lot.

Mayor Gross - We've made arrangements with the school district. We've notified people. They are well aware of this.

Discussion ensued.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmj