

April 28, 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, Ronald Swartz, Howard Miller and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, DPW Chris Lawrick, Planning Board Members Denis Kingsley and Mike Stenpeck, Police Chief David Kole, and Manager's Assistant Rachel Baer. Also present were the news media, and the following residents:

| | |
|----------------------------|--------------------------|
| Don and Jean Quinn | 555 Gardner Road |
| Ed VanKirk | 303 Gardner Road |
| Joe Ruhmel | 318 Gardner Road |
| Elton and Nancy Shaw | 218 Liberty St. |
| Rich and Chris Davis | 208 Bowers Dr. |
| George Koliwasky | 303 Eleanor St. |
| Raymond Stewart | 31A Lorraine Blvd. |
| Ken Rohrer | 530 Perkins Ave. |
| Joe Nisco | 1008 South Ave. |
| Elmer Storch, Jr. | The Center At Horseheads |
| Philip Owens | Thomas & Betts Corp. |
| Don Baer | 110 Adams St. |
| Mike Barton | Miller St. |
| Tom Sweet | 807 Center St. |
| Jan and Don Zeigler | 535 Watkins Road |
| Tess Banfield | 134 Catalpa Dr. |
| Ray and Lorie Cass | 22 Redwing Lane |
| Nan Hertel | 4 Grenhart Dr. |
| Ray Zeigler | 417 Shelbourne St. |
| Penny & George Kastenhuber | 519 John St. |
| Allen & Linda DelPriore | 141 Camelot Dr. |
| Addie Kelley | 115 Myers Dr. |
| Bob Fischer | 209 Normandy Pl. |

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of April 14, 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 Sullivan

BE IT RESOLVED, that the Clerk-Treasurer is authorized to transfer the funds indicated on the enclosed sheet.

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 Mayor Patricia Gross is hereby authorized to execute a Tax Warrant directing the Village Clerk-Treasurer to receive and collect taxes in the amount of \$1,126,528.

Roll Call Vote:

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

Communication from Village Manager Vincent Azzarelli to the Board of Trustees:

I hereby appoint Don Coats and Richard Sullivan as Fire Inspectors, each for terms which will expire on the first Monday in April, 2006.

Discussion Regarding Fire Commissioners - Village Manager Azzarelli - John and I have done research. Could do things to take pressure off board members with a separate set of commissioners. Could provide info at next meeting.

At this time, Atty. Groff declared open a Public Hearing on Proposed Local Law Implementing Utility Tax, which would put a 1% fee on utility sales. This public hearing is not a dialogue with questions and answers. Just an opportunity for you to express your opinion on the law to the Board. There have been written comments received which will be taken into consideration. You will be asked to identify yourself by name and address, and if you are representing someone. Because of the interest, comments limited to 2 minutes.

Tom Sweet, Chemung Co. Legislator, 807 Center St. - I understand need to raise taxes to keep the Village going, I understand fear that County might take away sales tax revenue. I fear the state will. This is the wrong revenue source. We are stretching funds to the breaking point in trying times. Taxes going up, energy going up. Food going up. But every business will have to increase their prices also. Ultimately, not only I will pay energy tax but also for businesses since they will raise prices. If school has to pay, then the school taxes will go up. If church has to pay, my weekly contribution will have to increase. Putting additional tax burden on industry will hurt. Please give full consideration, please include sunset law so that future Boards will have to reconsider this law.

Philip Owens - Thomas and Betts Corp. - We employ 300 full time employees, our payroll is over 10m. This tax could cost us \$16,000 per year. We would like to know what services have increased to warrant this. This type of tax represents an anti-business environment. That has stagnated development in this area. We must raise costs when expenses increase. Could end up cancelling donations to charities. We have made many cuts already. This is unfair, the Village has a surplus. I hope the Village has looked at other areas of spending. We suggest establishing an outside review board, with business people to participate. If I lived here I would definitely prefer a real estate tax because that is tax deductible. This tax should be defeated like it was in 1997.

Tess Banfield, 134 Catalpa Drive - Gas and electric is something we have to have. If you do this you should have done it before you passed the budget. This is already included in budget passed on April 4th. You have no other choice because you voted the budget on this. If you need more money, when your fund balance runs out, you'll have to do what I have to do. You'll have to borrow. This board should do that.

George Koliwasky, 303 Eleanor St. - been a resident 28 years. I enjoy this town, but seen services reduced. Trash pickup, brush pickup limited now. I've seen everything else go up. Now you passed a budget with this tax. I've been retired, many others on fixed incomes. Where does this end. When will Village learn they have to live within their means. I enjoy police, fire, DPW services. But at some point everyone has to give in like everyone else. Average age in Horseheads is oldest in the County.

Allen Hurtell, NYSEG - NYSEG serves 848,000 electricity, 253,000 gas customers Throughout New York. In the Village we have 3,392 electricity customers, and 2,989 gas customers. Safe and reliable delivery are very important to us. Company takes pride in customer service. We are trying to control prices. We certainly understand financial challenges. Many are costs beyond our control. It demands creativity both for revenues and expenses. This may seem fair, however the imposition of this runs counter to efforts to control energy costs. Village residents need to understand it would be directly passed through to them. We are concerned that utility tax projections have been only for electric and gas customers. Residents need to understand that all utilities would be subject to this tax. We urge you to oppose the adoption of this tax.

George Kasthuber, 519 John St. - We are at a crossroads - what we are paying is what we need to survive. Estimated revenue from this tax is 150,000. But my question is where does it stop.

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Franchise with cable, now impose utility tax. I ask the Board to reconsider its proposal on this tariff and think about all families in this community. We just need to ask where does it end.

Ray Cass, 22 Redwing Lane - I feel sorry for Village people. Our school taxes will also go up. I wish Mr. Azzarelli would move into this Village. I feel sorry for the Village people.

Ken Rohr, 530 Perkins Ave. - heard a lot about controlling costs. I'm pleased industry is here tonight. I've heard Mr. Azzarelli on talk shows talking about cost controls. He has to control health benefits for employees. You can control costs. Your employees now have far superior plans to anyone in this room. You should ask for higher employee contributions, higher deductibles and higher copays. This is also a problem with state, county, and every school district. That message has to be adhered to.

Ray Zeigler, 417 Shelbourne - we don't want anymore taxes. More 'for sale' signs are going up. How many people get a dollar raise to pay these taxes. I hope this Board is hearing what these people are saying.

Elmer Storch, Center at Horseheads. I have to worry about bringing businesses in. The tax makes it less attractive. If costs go up we might lose them.

Ray Stewart, 31A Lorraine Blvd. - I'm against the utility tax. I'm on social security. If we get a raise medicare takes it away. Haven't had any new industry. I've been here 36 years. Fixed income.

Addie Kelley - 115 Myers Dr. I agree with everyone. I feel that there are ways to cut. I don't get anymore money on social security. Everyone who has spoken tonight has done a good job. Board should think about this.

Don Quinn, 555 Gardner Rd. - Pretty good showing of people's opinion. Can appreciate financial problems. I would hope that the Board is listening very carefully to these people.

Richard Davis, Bowers Dr. - I have lived in Connecticut. I didn't get forced out, but some of the same things happened there. Bridgeport has been near bankruptcy. I hate to see anything happen here. My wife and I are thinking of moving to Florida. I'm struggling with my medical benefits. In my job I was given the task of finding ways to cut. Maybe these things are being done now, but if there are others areas I wish the Board would look at that.

Motion by Trustee Miller, seconded by Trustee Swartz, that 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 |

Mayor Gross - your comments are all good. I am very glad to see that people who work for the Village are here and can hear what you are saying. There are many things we can't control. But maybe we can begin to control it. This is very difficult for us. Many areas we will look at. Possible sunset law.

Atty. Groff - A sunset clause in the law would make it temporary and expire at a designated time.

Mayor Gross - that is another option we could look at. I've had many calls on this. People are rightfully concerned. This sunset law would make us look at it again. I don't think anyone wants to see people move out of the Village because we overtaxed them. We were told 5 years ago that the state was in trouble and that it would filter down - it happened. I'm hoping we can look at many things. We have having meetings on consolidated services for highway departments, consolidation of police agencies. May take away direct services from the Village. Board will setup a workshop to discuss this further.

Discussion ensued on when to have the workshop. It was agreed to postpone the Cemetery Commission meeting of May 12th at 5:30, and in its place have another workshop on the Utility Tax.

Mayor Gross - Please note that at a workshop, the board discusses back and forth, but does not

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invite comments. We will vote on the tax at the regular meeting of the Board at 7pm on the same date.

Discussion on Changing Date for Village Election - Village Manager - the Board has discussed and directed us to look at us going to a primary system and changing the date of the Village election as same as November election. John has done research. Had discussions with County chairs of both registered parties. They seem to favor it. It's a matter of taking action by resolution, if the Board so desires.

Trustee Miller - I would like to do this to tie in with November election.

Atty. Groff - we are looking for direction to the staff. Continue to investigate or discontinue.

Everyone agreed to pursue changing the primary to September and election to November.

Discussion and Update on Recent Planning Issues:

a. Elimination of Prof. Office Zone on Grand Central Avenue - Village Manager - Planning Board has discussed, we discussed moving zone over to south side of GCA. Based on conversations we had with Conifer Realty. Planning Board decided that until Conifer makes a decision, we will do nothing until they decide what they are doing.

b. Definition of Professional Office - Atty. Groff - looking for direction. You had draft of new def., you expressed interest in approaching the definition with specific occupations. If an occupation was not on list, it would be not included. We're looking for input from the Board regarding your preferences.

Mayor Gross - this list you provided, is that the list you want? Atty. Groff - Its up to you. That is list of occupations regulated by Department of State. There are other occupations controlled by other state agencies.

Trustee Sullivan - every year a new occupation will come in. Won't it be easier by just having characterizations in the definition, a broader definition with discretion of Board. I don't like listing all these occupations.

Atty. Groff - I took Board comments from last meeting, utilizing an exclusive list of occupations.

Trustee Swartz - I think it should be more broad.

Atty. Groff - that is what has been offered to you already. We'd be happy to do what Board wishes.

Everyone agreed to use broader definition.

Atty. Groff - we'll proceed that way.

Trustee Catlin received many comments and congratulations on his receiving the Bronze Star.

Trustee Sullivan - thanked residents for coming. Before I took this office, I promised I would listen to everyone.

George Kasthuber - Manhole cover by post office is very bad. Chris - we asked the sewer district to look at. We will repair when asphalt plants are open.

Addie Kelley - what is the status of a cat law.

Village Manager - done a lot of research. Hard to enforce. Still trying to figure out best way to enforce.

Mrs. Kelley -licensing would be great idea.

Village Manager - then we'd have to pick up all unlicensed cats.

Mrs. Kelley - what about health hazard.

Village Manager - that is different, we can report that.

Chief Kole - used to have contract with SPCA. But we would have people dump cats at our

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backdoor, then we would get charged 25.00 per cat by the SPCA.

Mike Stenpeck - Daffodils on Grand Central look great.

Mayor Gross - Would like to thank the America in Bloom Committee, and students of Horseheads High School who volunteered to plant the 2700 daffodils.

Village Manager - I'd like someone to make a motion for an executive session for a personnel matter.

Motion by Trustee Miller, seconded by Trustee Swartz, that this Board, the Village Manager and Village Attorney adjourn into an Executive Session to discuss a personnel matter of a particular person.

Roll Call Vote:

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

At this time, the Board of Trustees, Village Manager, and Village Attorney adjourned into an Executive Session, the minutes of which are attached hereto and made a part hereof. At 8:12 p.m. the Board reconvened back to its regularly scheduled meeting of this date. As there was nothing further to bring before the Board, the meeting was adjourned.

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb

**Executive Session
Village Board
April 28, 2005**

An Executive Session of the Village Board was held on the above date at 8:05 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller and Kevin Sullivan, Village Manager Vincent Azzarelli, and Village Attorney John Groff.

Discussion ensued regarding a personnel matter involving two particular persons in the employ of the Village of Horseheads.

Motion made by Trustee Swartz, seconded by Trustee Miller, to adjourn the meeting and reconvene back into the regular meeting of this date.

Meeting ended at 8:12 p.m.

JGG

TRANSFER LIST
4/28/05

GENERAL

| <u>AMOUNT</u> | <u>FROM</u> | <u>TO</u> | <u>DESCRIPTION</u> |
|----------------------|--------------------|------------------|---------------------------|
| \$1,200.00 | 1990.477 | 1110.172 | COURT OFFICER OT(JURY) |
| \$500.00 | 1111.440 | 1111.172 | COURT OFFICER OT |
| \$4,722.00 | 1990.477 | 1230.110 | MANAGER OFFICER |
| \$200.00 | 1230.440 | 1230.411 | MANAGER OFFICE SUPPLIES |
| \$6,328.14 | 1990.477 | 1620.200 | VILLAGE HALL EQUIPMENT |
| \$2,200.00 | 1910.472 | 1620.200 | VILLAGE HALL EQUIPMENT |
| \$1,500.00 | 1910.472 | 1620.440 | VILLAGE HALL CONT.SERV. |
| \$5,133.35 | 5110.440 | 1620.442 | GAS/OIL |
| \$1,260.43 | 1910.472 | 1620.443 | VILLAGE HALL CARPET |
| \$1,000.00 | 1640.455 | 1640.420 | GARAGE UTILITIES |
| \$92.00 | 1230.440 | 1920.473 | MUNICIPAL DUES |
| \$6,840.00 | 3120.123 | 3120.127 | POLICE COM.OPER. PT |
| \$2,184.00 | 3120.138 | 3120.142 | POLICE COMM.OPERATOR FT |
| \$3,954.26 | 3410.141 | 3410.200 | FIRE DEPT. EQUIPMENT |
| \$1,500.00 | 3410.452 | 3410.420 | FIRE DEPT. UTILITIES |
| \$4,681.57 | 3410.443 | 3410.445 | FIRE DEPT. RADIO MAINT. |
| \$317.81 | 3410.483 | 3410.445 | FIRE DEPT. RADIO MAINT. |
| \$9,000.00 | 5110.410 | 5110.200 | DPW EQUIPMENT |
| \$1,067.86 | 5142.410 | 5142.103 | SNOW REMOVAL OT |
| \$211.98 | 6410.488 | 6410.500 | SISTER CITY |
| \$6,844.71 | 1910.472 | 7110.410 | NEW SIGNS FOR PARKS |
| \$33.40 | 7110.443 | 7110.410 | NEW SIGNS FOR PARKS |
| \$500.00 | 7141.200 | 7141.410 | CONCESSION STAND SUPP. |
| \$257.30 | 7310.440 | 7310.410 | POOL SUPPLIES |
| \$747.82 | 1230.440 | 8010.440 | CODE UPDATES |
| \$1,250.00 | 5110.440 | 8160.440 | REFUSE/GARBAGE |
| \$900.00 | 5110.160 | 8810.160 | CEMETERY OT |
| \$250.00 | 8810.410 | 8810.413 | CEMETERY CLOTHING |
| \$1,615.00 | 5110.440 | 8810.420 | CEMETERY UTILITIES |
| \$1,800.00 | 8989.440 | 8989.420 | SOUTH AVE UTILITIES |
| \$1,798.25 | 1990.477 | 9050.850 | UNEMPLOYMENT INSURANCE |

\$69,889.88

WATER
FUND

| | | | |
|------------|----------|----------|-------------------------|
| \$1,309.40 | 8340.106 | 1620.200 | VILLAGE HALL EQUIPMENT |
| \$2,900.00 | 8340.106 | 1620.440 | VILLAGE HALL CONT.SERV. |
| \$1,530.43 | 8340.106 | 1620.443 | VILLAGE HALL CARPET |
| \$1,179.10 | 8340.106 | 8310.200 | DPW OFFICE EQUIPMENT |
| \$2,000.00 | 8320.443 | 8320.410 | WELL SUPPLIES |
| \$2,000.00 | 8340.106 | 8340.410 | DPW SUPPLIES |

\$10,918.93