

## Minutes

### Village Board of Trustees

May 28, 2009

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.

Present were:

#### **Village Board and Staff:**

Mayor Donald Zeigler  
Deputy Mayor Ronald Swartz  
Trustee Walter Herbst  
Trustee George Koliwasky  
Trustee Suzanne Peters  
Village Manager Marc Whitney  
Village Attorney John Groff

Parks Dir. Nate Nagle  
Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Donna Hartssock  
Justice Bill Driscoll  
Fire Chief Arthur Sullivan  
Court Clerk Jan Zeigler  
Code Enf. Off. Eric Corey  
Manager's Assistant Rachel Baer

#### **Others:**

Elton & Nancy Shaw, 218 Liberty St.  
Bernie Coon, 821 South Ave.  
Donna Greene, 2197 Grand Central  
Andrea & John Dunlap, 129 Mathews Cir.  
Eileen Patocka, 3136 Watkins Rd.  
Don & Jean Quinn, 555 Gardner Rd.  
Joe & Elizabeth Danaher, 914 South Ave.  
Howard Miller, 122 Sunset Dr.  
Paul & Jean Buckley, 213 North St.  
Bonnie Sampson, 306 Scott Lane  
Leah Cramer, 711 Sayre St.  
Cindy Price, 715 Sayre St.  
Pat Gross, 632 W. Broad  
Lila & Henry Corp, 206 William Lane  
Elliott Blauvelt, Fletcher St.  
George Kastenhuber, 519 John St.  
Barb Skorcowski, 109 W. Franklin St.  
Marcie Tinker, 708B S. Main St.  
Ed Frycek, Carroll St.  
Lance Margeson, N. Carroll St.

Robert Klein, Horseheads  
Jerry & Judy Tompkins, First St.  
Suzie Driscoll, 114 S. Main St.  
Bill & Tess Danaher, 503 Steuben St.  
Christy and Brad Davies, 206 Tift Ave.  
Mary Mower, 301 Kinley Pl.  
Stacey White, 112 Sayre St.  
Tara Edwards, 718 Broad St.  
Karena Bifano, 213 Lincoln Rd.  
Donna & Carl Madison, 307 Wisteria Way  
Joe Romanick, 725 Westlake St.  
Ryan Wheeler, 112 Canal St.  
Vincent Azzarelli, 11 Clubhouse Dr.  
Mary Ann Stickler, 532 Hatfield St.  
Stephen Walters, 323 Shappee St.  
Tess Banfield, 134 Catalpa Dr.  
Bernie Weigle, 111 Boorum Pl.  
Darla Hancock, 306 Wisteria Way  
Jeff Foster, 204 Eisenhart Pl.  
Tom & Jen Stickler, Kennedy Dr.

Atty. Groff opened the meeting by responding to assertions regarding Village Manager Whitney. He stated that some have suggested that he violated an employee rule and regulation by having

carried a weapon in violation of our rules. We have conducted an investigation, he has not violated our regulations. The regulations provide that no employee other than a police officer can carry a weapon. In fact Village Manager Whitney is a part time Police Officer for the Village of Trumansburg.

Resolution by Trustee Herbst, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meetings of May 14<sup>th</sup> and May 21<sup>st</sup>, 2009 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Herbst

BE IT RESOLVED, that the Full SEQR Report submitted by Schlumberger Technology Corporation regarding their proposed project at the Center at Horseheads is hereby received, and same is to be placed on file with the Village Clerk.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Renewal of Insurance: Village Manager Whitney stated that there hasn't been enough time to review the proposals received. The Board should take a little more time to review before we make a decision. Perhaps we should have a workshop next Thursday to address this issue.

Motion by Trustee Herbst, seconded by Trustee Peters, that this item be tabled and the Board is to have a workshop to discuss same on June 4th, 2009 at 7:00 p.m.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

PBA Memorandum of Understanding: It was agreed to discuss this during and Executive Session

and act on it after returning to the regular meeting.

Motion by Trustee Peters, seconded by Trustee Swartz, that the following items be added to the agenda:

- D&A: Affirming Support of Collateral Resource Bill
- D&A: Local Government Consolidation Plan
- Village Manager Resignation

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Peters, seconded by Trustee Koliwasky

WHEREAS, this Board did on May 27, 2004 adopt a resolution in favor of legislation known as the Collateral Source Bill (S.622/A.3483), and

WHEREAS, this proposed legislation is still pending in the NYS Legislature.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby reaffirm its support of the proposed legislation, and Village Manager Marc Whitney is authorized and directed to correspond with the Governor and appropriate Senate and Assembly representatives reaffirming this Board's support of same.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, NYS Atty. General Andrew M. Cuomo has developed and is promoting a plan for consolidation and reorganization of local government including miscellaneous governmental entities, and

WHEREAS, a component of his plan would severely lower the number of signatures necessary to petition to initiate the village dissolution process, and

WHEREAS, this proposal, if enacted, could be extremely costly and have serious negative impacts on communities across the state.

NOW THEREFORE BE IT RESOLVED, that Village Manager Marc Whitney is authorized and directed to write to Governor Patterson, Atty. General Cuomo, Senator George Winner, Assemblyman Thomas O'Mara and others expressing the Village's opposition to the component of the proposal which would lower the number of signatures necessary to petition for dissolution.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Resolution by Trustee Koliwasky, seconded by Trustee Peters

WHEREAS, on May 23, 2008 Marc Whitney was appointed as Village Manager by the Village of Horseheads Board of Trustees, and

WHEREAS, a condition of such appointment was that he establish residency within the Village within one year, and

WHEREAS, Manager Whitney has diligently sought to do so by, among other things, selling his current residence and obtaining one within the Village, and

WHEREAS, the economy and poor real estate market conditions have interfered with his ability to do so, and

WHEREAS, Manager Whitney has tendered his resignation effective July 23, 2009.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept same, and does hereby waive the Village residency requirement as to Manager Whitney to July 23, 2009.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye  
Trustee Peters: Aye

Trustee Peters commended the American Legion for the Memorial Day Parade.

Trustee Swartz stated that the Teal Park Farmers Market starts this Saturday.

Village Manager Whitney noted that the Chemung County Industrial Development Agency is having a public hearing on the Schlumberger project. This will be held on June 22<sup>nd</sup> at 9:30 a.m. in Village Hall. Village Board should be present.

Manager Whitney said he is still investigating getting some grant money for our sidewalk program.

Trustee Koliwasky asked about the Community Progress agreement. Manager Whitney said Julie Chevalier has reviewed our proposed agreement, should be finalized soon.

Chief Sullivan stated that he received two applications for two of our cadets to become full members of the Fire Department. One is already trained in EMS.

Parks Dir. Nate Nagle said that he was advised to attend a meeting on possible reinstatement of 65/35 grant. If this is reinstated we could relook at proposed user fees for the pool. Meeting is on June 10<sup>th</sup>. Will report more after the meeting.

### Public Comment Period

Tess Banfield, Catalpa Dr. - Remarks made by Village Manager and Village Mayor Zeigler are a fantasy. Rumors were initiated by the Manager. Statement to media with reason for resigning was blown out of context and discredited. Why can't he just go with pay for 60 days.

Elliott Blauvelt, Fletcher St. - would not be prudent for Village to allow manager to remain on the job, especially while the investigation of sexual misconduct is completed.

Atty. Groff noted that no formal charges have been filed against the Manager.

Mr. Blauvelt continued to say that the Manager should be escorted from the building today.

Bernie Weigle, Boorum Pl. asked the date of his resignation letter. He denied earlier that he resigned.

George Kastenhuber - asked status of repaving Grand Central.

Village Manager Whitney reported that some necessary utility work has to be completed first - NYSEG gas lines, dry well work, etc. before paving can begin.

Donna Greene, Grand Central - south of Route 186 has not been mowed. Also, drainage area on South Main St. looks awful and is overgrown. Also, next Village Manager should be from the Village.

Pat Gross, 632 W. Broad St. - hopes that communication improves from the Board. Also, regarding the proposed pool fees, can't understand how we can give Village staff a raise and yet charge children to use our pool. I understand the 65/35 grant will be reinstated. Then I hope you will adjust the pool fees.

John Dunlap, Mathews Circle - problem with an officer from another community to bring weapon into Village Hall. That rule should be amended to be our Village Police only. Also, lets look for a Village resident to be the next Manager.

Jean Quinn, Gardner Road - the charges against the Chief are not worth what he has been put through.

Don Quinn, Gardner Road - disgusted with operation of the Village. Time to make some drastic changes. I question whether the Manager has the option of resigning. His year was up May 22<sup>nd</sup>, and he hadn't resigned them. Village Board should take action to have Mr. Whitney dismissed

immediately, and also they should dismiss the charges against Mike Barton. Board should also ask for resignations from Mayor Zeigler, Trustee Swartz, Chris Lawrick.

Lou Rubin, 145 Jennings Road - knows Marc Whitney very well. Only a handful of people he would trust his life to - Marc Whitney is one of them. Nobody is perfect, but his integrity and his friendship is something to cherish.

Mayor Zeigler noted that there continues to be a problem with a dumpster on Renwick Lane. The Village needs to work to finalize our proposed law on this. He added that there is a tree limb down up there that Code Enforcement needs to check out.

Mayor Zeigler noted that he attended a funeral service today for a Schuylar County Sheriff who was his son's partner on the force. Many police agencies attended this service. I've always believed in our police department. I'd like to encourage people to drive around with one of our Police Officers. You need to know what goes on behind that badge. I will be working to organize as many people to do this with our officers. You need to experience this.

Mayor Zeigler noted that next spring we will be working on spraying for weeds on Village property. Nate's trying to get Linear Park taken care of, but it does cost some money. We are trying to find a solution to this.

Mayor Zeigler talked about the lack of security in this building. I'd like to start the process of doing something about this. Security of the employees is at stake.

Motion by Trustee Peters, seconded by Trustee Herbst, that the Board move into an Executive Session to discuss the status of collective bargaining negotiations, and that the Manager, Village Attorney, and Village Clerk to also attend.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

At 8:00 p.m. the Village Board, Manager, Attorney and Village Clerk moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:52 p.m. the Village Board returned from Executive Session.

Resolution by Trustee Herbst, seconded by Trustee Peters

WHEREAS, the Village of Horseheads through its negotiators, and the Horseheads Police Benevolent Association through its negotiators, have arrived at a Memorandum of Understanding (MOU) relative to a successor contract to the collective bargaining agreement which expired May 31, 2008, and

WHEREAS, the Horseheads PBA negotiators presented the MOU to its bargaining unit for ratification and upon information such MOU was ratified, and

WHEREAS, negotiators for the Village met in Executive Session on this date with the Village Board of Trustees to consider ratification of the MOU as submitted, and

WHEREAS, the Village Board of Trustees dialogued the elements of the MOU with the Village negotiators and identified subjects to which they could not agree.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby reject ratification of the MOU as submitted, directs that its negotiators return to and offer to enter into further negotiations with representatives of the PBA with the objective of securing a successor agreement.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye

As there was nothing further to bring before the Board, the meeting was adjourned at 9:00 p.m.

**Village Board of Trustees**

**EXECUTIVE SESSION**

**May 28, 2009**

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:05 p.m. in Village Hall. Present were Mayor Donald Zeigler, Trustees Ronald Swartz, Walter Herbst, George Koliwasky, and Suzanne Peters, Village Attorney John G. Groff, Village Manager Marc Whitney and Clerk-Treasurer Sharron Cunningham at which time they discussed collective bargaining negotiations.

At 8:48 p.m., upon motion by Trustee Swartz, seconded by Trustee Koliwasky, the executive session was adjourned, and the Board reconvened back into its regular meeting of this date.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye
Trustee Peters:	Aye