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First Arena has history of fire alarm system woes

Issues go back to 2005; GM to look into repairs

By Jason Whong
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Because of an inquiry from this newspaper, First Arena's new general manager said he will talk to a contractor about fixing problems with the arena's sprinkler system that arena management knew about as early as 2005.

Documents on file at the Elmira Fire Department, obtained by this newspaper under the state Freedom of Information Law, show that Davis-Ulmer Sprinkler Co. Inc. notified the arena in its 2005, 2007 and 2009 sprinkler inspections that some of its sprinkler heads were obstructed, painted over or covered.

Mark Payne, branch manger of Davis-Ulmer's Corning office, confirmed that the company's December 2011 inspection, which was not in the fire department's records, also showed painted or obstructed sprinkler heads.

Overall, the sprinkler system in the arena is safe, Payne said, noting that of an estimated 1,000 sprinkler heads in the building, only a dozen have problems.

The problems with the sprinkler heads didn't result in any citations, according to Elmira Fire Department records.

Matt Hufnagel, who became general manager of First Arena in March, said Thursday

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Company to probe gas valve rupture

Leak led to evacuation of hundreds in Woodhull

By Christine V. Sulat
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The cause of a gas valve rupture that led to the evacuation of hundreds of Woodhull residents on Friday night is still unknown.

But workers for the company that owns the lines will be at the site this week to try and figure it out, a spokesman said.

When a valve on a 4-inch pipe ruptured, gas — with its strong odor — was sent into the air.

The valve is on a pipe connected to storage about a half-mile underground in a pasture outside town, according to Dominion Gas Transmission, the owner.

Dan Donovan, media relations director for Dominion, said the company stores gas underground throughout the nation, with more stored in New York than anywhere else. Woodhull has probably the largest storage field the company has in the state, Donovan said.

The company provides gas storage and transmission lines for utilities.

Woodhull Fire Chief Jim Martin said when Friday's situation arose, emergency

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State of the Parks

Facilities escape from closure, but not unscathed

By Jeff Murray
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WATKINS GLEN — Michele Morral, of Wellsboro, has some nice Pennsylvania state parks in her area.

But Morral still likes to drive north to visit the parks in New York's Southern Tier.

One of her favorites is Watkins Glen State Park. She and her family hiked the gorge trail there on Mother's Day.

"We do come up here often," Morral said. "We like the view. It's beautiful. We just enjoy looking. (The parks) are about the same as in my area. They are well kept up."

As the summer season arrives unofficially next weekend with Memorial Day, Watkins Glen and other state parks in the Finger Lakes region are prepared for the onslaught of visitors.

Only a few years ago, it appeared some of those parks would have to severely curtail their hours or even close.

Newtown Battlefield State Park near Elmira and Two Rivers State Park just outside Waverly were among the sites slated for closure.

In May 2010, then-Gov. David Paterson and the state legislature agreed on a plan to preserve 41 state parks and 14 historic sites.

All parks are ready and open for business, but that doesn't mean there aren't lingering problems, said Tim Joseph, regional director for the state Office of Parks, Recreation and Historic Preservation.

"A chronic issue we have is swimming and lifeguards, particularly at Robert Treman and Buttermilk Falls

Tourists enjoy the scenery along the gorge trail at Watkins Glen State Park. JEFF MURRAY / STAFF PHOTO



Marcus Whalen shovels rock loosened by the scaling crew as Alvin Walker, background, works up above the gorge trail in Robert H. Treman State Park. The gorge trail between the bottom of Lucifer Falls and the upper parking lot is closed until repairs can be completed. The rim trail is open. SIMON WHEELER / STAFF PHOTO

ON THE WEB » To see more photos, go to stargazette.com/photogalleries.
» To see a video of Watkins Glen, go to stargazette.com.

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'Bones' Jones charged with DWI
UFC light-heavyweight champion Jon 'Bones' Jones, of Endicott, faces a DWI charge after crashing his car in Binghamton. **PAGE 1D**

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Arena

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that he would contact Davis-Ulmer about fixing the sprinkler heads.

"That's not something I was aware of," said Hufnagel, after this newspaper asked him about the problems identified in the documents.

"I definitely will ask some questions (of Davis-Ulmer)."

Since a Chemung County judge in February ordered the arena seized in foreclosure for failure to pay back taxes, County Executive Tom Santulli has said publicly that he has been concerned about safety at the arena, alleging problems with the fire alarm and sprinkler system.

Fire department records show problems both with the fire alarm and sprinkler systems in the years since the arena opened, some of which resulted in citations.

Sprinkler head issue

Davis-Ulmer inspectors in 2005 and 2007 found some sprinkler heads that were painted or covered and some that they described as "masked," which might obstruct spray patterns in an emergency.

The 2005 inspection found an unknown number of painted sprinkler heads in a locker room, and one each in the men's room by the arcade and in an equipment storage room along Main Street.

One sprinkler head in the second-floor electric room was sprayed with insulation.

"Anything like that would need to be replaced," Payne said in an interview. "They won't go off."

That inspection also found six sprinkler heads that were masked near an exterior overhead door, three in an equipment storage room along Main Street and two in locker rooms 1, 5 and 6.

The 2007 inspection mirrored the 2005 inspection, with the addition of a masked sprinkler head in locker room 2. "Correct above issues ASAP," the inspector wrote on the report.

The 2009 inspection says some sprinklers have obstructions and others aren't free of foreign materials, including paint, but because only two of the nine pages of that report are in the fire department's records, details aren't available.

Davis confirmed the same sprinkler heads are identified in the most recent report in 2011.

Fire alarm concerns

On March 5, when Santulli asked the Chemung County Legislature to hold off on its vote to allow the arena owner, Southern Tier Economic Development, to repurchase the facility, he blasted Michigan-based Elmira Downtown Arena LLC, or EDA, which manages the arena, about the fire alarm there.

"I just can't imagine, for the life of me, how they allowed this facility to be operated when there was not a working fire alarm," Santulli said that night.

Records and reports in this newspaper show the alarm has caused problems ever since the arena's opening night in November 2000.

The arena opened without a certificate of occupancy because an infrared beam smoke detector wasn't working properly. The certificate was issued a day later, after the problem was corrected.

The beam detectors use an infrared beam to detect smoke, though other matter in the air can set them off.

They are a small part of a network of 224 smoke detectors, heat detectors and pull stations in the arena, according to the records. The beam detectors are placed high up in both rinks.

The city cited the arena over the maintenance of its fire alarms or life safety systems in 2003, 2005, 2006, 2007 and 2011, records show. No fines or criminal penalties are shown in the records.

The records don't show specifically why the arena was cited in 2003.

But in 2005, the fire alarm system was marked as "not maintained" on the city's



Problems with some sprinkler heads were found by inspectors as far back as 2005 and 2007, according to records obtained by this newspaper. County Executive Tom Santulli said he has been concerned about the arena's safety since it was seized in foreclosure. FILE PHOTO

inspection.

On a 2006 inspection form, no determination was made about if the alarm system was maintained or not, but the city cited the arena.

The city cited the arena in 2007, again because the beam detectors weren't working. The arena corrected the problem about six weeks later.

The 2008 and 2009 inspections note that the paperwork for the alarm inspection wasn't available, though the records show no citations were given in those years.

For some parts of its annual inspections, such as fire alarm systems, sprinkler systems, boilers and elevators, fire department inspectors check to see if the building has inspection paperwork from a specialized inspector.

The city cited the arena for its alarm system again in July 2011 when a code inspector noted that the arena had no inspection paperwork on file for its alarm.

The fire department issued a violation notice to the arena in November 2011 and gave the arena until Jan. 14 to have the alarm inspected to avoid legal action.

On Dec. 29, an Elmira police officer reported finding fire alarm pull stations activated, but no alarm sounded, according to the records.

A missed deadline

On Jan. 4, the fire department sent a final notice to the arena with a reminder of the Jan. 14 deadline to inspect its alarm.

Jan. 14 came and went, however, and the arena's fire alarm remained uninspected, according to the records.

Some time after that, the city said it would require the arena to pay for a fire watch at events, in which firefighters stand by in the arena, unless the alarm was inspected and working.

The city looked at the arena's event schedule and estimated it would cost \$26,754 to have two firefighters working overtime at each event in February.

"The idea was to make sure that the public was protected attending the arena's events," Fire Chief Patrick Birmingham said in an interview.

"They had a lot of (hockey) season left, and they weren't going to have these events if there wasn't either a fire watch or an acceptable fire protection system," Birmingham said.

To avoid the fire watch, the arena brought in Fire Alarm Service Technology Inc. of Elmira, also known as FAST, to inspect the alarm system on Jan. 31.

The inspector found the beam detectors didn't work in both rinks, but everything else did.

Robbie Nichols, who was general manager at the time, sent the fire department a copy of the inspection on Feb. 1, as well as other paperwork they had requested. The fire watch was averted.

'Minor issues'

On Feb. 17, FAST told the arena it

would cost \$13,695 to repair the beam detectors, according to fire department records.

At the time, Chemung County was preparing to take possession of the arena, which a judge had ordered seized in foreclosure.

County Attorney Bryan Maggs wrote to First Arena consultant Costa Papista that day, inquiring about the status of the alarm, according to court documents.

In the e-mail exchange, Papista forwarded a message from Fire Marshal William Wheeler, who said there was still work to be done on the alarm system.

Wheeler said that once the work was finished, the alarm and sprinkler system would be tested to be sure they work together, and the code violation would be cleared.

Fire Chief Birmingham wrote to Maggs that while there were some minor problems with the alarm system, "There are no issues with public safety and using the facility."

On Feb. 29, Papista told Maggs by e-mail that he was no longer a consultant for First Arena, citing "routine personal threats from the arena general manager, Robbie Nichols, and his blatant attempt to withhold information and sabotage the entire business operation." Nichols was fired the next day. The Chemung County Legislature on March 5 tabled its decision on whether to allow repurchase of the arena.

Nichols, in an interview, said Papista's allegations against him are "absolutely, totally false," and said the truth would come out in court, where he is being sued by the arena and the Jackals.

Follow up

The fire department continued its follow up with the arena in March to make sure the alarm was fixed.

"We dealt further as time went by, trying to follow up and push" for the repair, Birmingham said.

Unaware that Papista was no longer consulting for the arena, the fire department tried to contact him by phone on March 12 and 14 about the violations, according to the records.

Around that time, the fire department learned there was a new arena consultant, Birmingham said. The consultant is identified as "Kenny" in the records.

Assistant Fire Marshal Joseph Martino went to the arena March 14 to meet him and left a business card for him, records show.

According to Martino's report, he called FAST on March 27 to ask about the status of the alarm repair, and FAST said the consultant was awaiting a purchase order from Mostafa Afr or Tamer Afr, who control EDA, for the work.

Martino, Birmingham, and city Manager John Burin went to the arena that day to speak with the new general manager, Hufnagel, and the consultant.

On the way to the front office, Martino looked at a panel for the fire alarm and saw that there was one alarm in the

restaurant and two trouble alarms.

Martino told Hufnagel and the consultant that repairs were taking too long. Hufnagel said he would call FAST immediately after the meeting.

Martino then tested the fire alarm by activating a pull station.

Nothing happened.

Alarm doesn't sound

"We had no audible or visual alarms in the building," Martino wrote in his report, noting that the alarm appeared on the panel.

After several unsuccessful tries to activate the alarm, Burin and Birmingham told Hufnagel that the arena would have to pay for a fire watch for its events.

A FAST technician examined the alarm and found it had been bypassed. He contacted a company that monitors the alarm system and asked if they knew how long it had been disabled. They had no record.

"The problem with the box is you didn't need a code to bypass it," Hufnagel said in an interview. "Someone had put it in bypass mode. Nobody's jumped up and said 'I did it. I did it.' I don't know how it was done, but that's why it didn't go off."

On March 30, the alarm went off, tripped by one of the beam detectors in the main rink. Firefighters were unable to reset the system because the beam detector was still in an alarm state, Martino wrote in a supplemental report.

A FAST technician said the beam detector was faulty. The arena consultant said he was concerned the faulty beam detector would trigger an alarm during the Jackals game later that night.

The technician disabled the beam detector and Martino and two firefighters conducted fire watches for the Jackals game and a Rock and Skate event being held in the other rink.

"I told the city manager I believed that three personnel would be sufficient due to the fact the system was functioning and the only disabled portion of it would be the beam detectors in the main rink," Martino wrote in a report about the call.

"The arena's restaurant, suites, conference and all other areas were covered by the fire alarm," he wrote.

The city on April 2 billed the arena \$868.45 for fire watches conducted March 27 and March 30, and the arena paid the same day by check.

Repairs done

FAST completed its repairs on the beam detectors on April 16, the records show.

"We have been working with FAST, and they do have things fixed, and the city has been here to ... help guide us through the process so that it is up to how they want it, and safe," Hufnagel said. "Obviously that's what we want is a safe environment so that people can come and enjoy themselves."

"We've worked with the city, and they've been a big help, and FAST has been fantastic in terms of getting things up and running."

There are times when bypassing parts of the fire alarm is appropriate, such as when a trapeze act might trip a beam detector or pyrotechnics would activate a smoke detector, Hufnagel said.

But going forward, Hufnagel said he would tell Birmingham of any plans to disable the alarm to see what the fire department would demand.

Hufnagel and Luci Franklin, the operations director at the arena, will be the only ones allowed to decide to disable the alarm, Hufnagel said.

Hufnagel also wants to upgrade the alarm panel.

"What I would like to see, honestly, is any time you want to make any kind of change in the system, ... that someone has to punch in a code so there's accountability."

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