

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 10, 2006 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, W. Allison, M. Christensen and Trustee R. Schwingle; Village Treasurer Socola; Village Attorney Brockman; Street Superintendent R. Jensen; Police Chief S. Hill; Recreation Director Doyle; CEO B. Lyon; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood (joined the mtg. at 7:45PM), and Fire Chief J. Housel

ABSENT: Village Trustees Koek and Smith, and Cemetery Superintendent L. Axtell

Public Attendees: Rich Stewart, Larry Strickland, several snowmobile club members, Mrs. Armstrong and A. Gunn

News Media present: Gina Muscato, Finger Lakes Times; Gwen Chamberlain, Dundee Observer and Eileen Farrar, Chronicle Express

Mayor Marchionda called the meeting to order at 7:02PM and led the Pledge Allegiance to the Flag.

MOTION by Trustee Schwingle, seconded by Trustee Taylor called for an Executive Session to be held at the end of the meeting concerning a personnel matter and two litigation matters. Carried.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve the minutes of the December 13, 2005 regular Village Board meeting, as submitted. Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Mike Linehan, YC Chamber of Commerce President re: the Chamber, Retail Council and the Planning Board have been working towards replacing several existing signs as well as erecting new signs to enhance the Village's business district. He needed to know if the Village was in agreement and if the committee should go forward with the project. It was pointed out to Mr. Linehan that money was a concern to the Village, and also that the NYS DOT would have to approve of the locations planned for some of the new signage. The Board gave him the go ahead.

Bucky Lane, local Contractor/Builder/Real Estate re: was present to inform the Board members of his troubles with the Village's Code Enforcement Officer Bruce Lyon. Mr. Lane was sorry he had to come to an open meeting, but he felt it needed to be done. He feels Mr. Lyon does not work with the residents/contractors, etc. but gives them a hard time. He bullies and pushes them around. He's rude, short tempered and inconsistent with his dealings. He also feels that there is a bad atmosphere in the office. The Mayor thanked Mr. Lane for coming, stated that they will get to the bottom of this, and referred the matter to the personnel committee.

MAYOR:

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt RESOLUTION NO. 01-2006 Polling Place and Hours for the March 21, 2006 General Village Election. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to adopt RESOLUTION NO. 02-2006 Appointing Election Inspectors for the March 21, 2006 General Village Election. They are: Betty Castner, Donald Lawrence, Mary Collins and Nancy Kays. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to call for two public hearings, one on February 14, 2006 and the other on March 14, 2006, to sponsor the YCRR, Inc.'s application to the Governor's Office for the 2006 Small Cities Community Development Block Grant program for funds up to \$400,000. Carried.

ATTORNEY:

Update report: Proposed annexation of Butcher property – A joint public hearing (Village, Townships of Benton & Jerusalem) was held December 19, 2005, and now each board has 90 days to make their determinations as to whether the annexation petition is in order, and if the annexation is in the best interest of the public. There are four criteria to consider: (1) the effect the annexation would have on the territory to be annexed (2) the effect on the local government that the property will be annexed into (3) the effect on the Township governments from which the property will be annexed and (4) the effect to the local school district. The Village Board strongly believes that unless the property is annexed, the Village will never grow. If the Village owned utilities were given to any and all outside residents, no one would ever come into the Village. Of course, the downside to being annexed would be to pay Village taxes. The Village Board determined that the petition was in order, and agreed that there would be no negative effect from this annexation. The Village is in favor of the annexation, therefore.....

MOTION by Trustee Schwingle, seconded by Trustee Christensen directing Attorney Brockman to prepare a proposed resolution to that effect, to be acted upon at the February 14th Village Board meeting. Carried.

◇ Attorney Brockman suggested to the Board that a policy should be written for the future.

Attorney Brockman was requested to write a letter to Village Justice Danny Hibbard to ask him if he is interested being included in the program of judges being temporarily assigned to sit as an acting justice in another municipality due to that resident justice's absence. Justice Hibbard already has a heavy caseload in Village Court; therefore this should be his decision.

MOTION by Trustee Taylor, seconded by Trustee Allison to refer the matter of *code fees* to the PY Planning Board for their review and recommendation. Chapters in the Code of the Village of Penn Yan should be amended by resolution to set fee schedules instead of local law. Carried.

The *Bascom Judgment* and the *Yates County Torrey Landfill* matters will be discussed in executive session.

Meadowside development project update: The additional documents recently received will be examined by Attorney Brockman and the DPW staff before the road dedication and acceptance of the electrical easements can take place.

No action was taken on RESOLUTION NO. 04-2006 Permit Operation of Snowmobiles on the Outlet Trail and the Elm Street Sports Complex, which would have adopted proposed Local Law H of 2005, amending the Parks and Playgrounds Chapter in the Village Code book. Although, there was no new discussion from the public, the Mayor and Trustees reiterated their concerns with the reference to the word "cemetery" and

MOTION by Trustee Allison, seconded by Trustee Christensen to direct Attorney Brockman to amend the language by eliminating any reference to "cemetery" in the same resolution with snowmobiles, to advertise for another public hearing to be held on Tuesday, February 14th at 7:00 PM and to refer it again to the Yates County Planning Board. Carried.

CORRESPONDENCE:

The *Rochester Bassmasters* have notified the Board that they will be using the Village's boat launch on Sunday, August 20, 2006 to hold a 1-day tournament. They will begin at safe light with the weigh-in around 3:00 PM.

AUDIT:

MOTION by Trustee Taylor, seconded by Trustee Allison to pay the current bills, as submitted:

Village:	Paid before audit – General Fund	8,561.75
	General Fund	32,284.68
	Paid before audit – Capital Fund	26,513.31
	Capital Fund	<u>7,253.81</u>
	Total Village audit:	74,613.55
Municipal:	Paid before audit – Electric	241,071.73
	Paid before audit – Water	41,607.72
	Paid before audit – Sewer	32,893.56
	Electric Fund	10,871.03
	Water Fund	25,731.23
	Sewer Fund	33,900.28
	Paid before audit – Capital Electric	259,708.45
	Paid before audit – Capital Water	4,135.26
	Paid before audit – Capital Sewer	4,135.26
	Capital Electric	303,498.34
	Capital Water	102.00
	Capital Sewer	<u>872.00</u>
	Total Municipal audit:	958,526.87

Carried.

FINANCE & ADMINISTRATION: G. Smith, Chair; W. Allison & N. Taylor

Last meeting was today, Tuesday, January 10, 2006 at 2:30 PM in the Village Hall, 111 Elm Street, 2nd fl.

A few of the issues discussed were: there have been no offers to purchase the Owls Nest building; firehouse elevator installation and other renovations; code book disc – either General Code Publishers or another company (referred to February mtg.); fire truck purchase and John Deere tractor purchase; renovations at 1 Basin Street, etc.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 03-2006 Amendment to Resolution No. 27-2003 relating to issuance of serial bonds to finance improvements to the Village's water, sewer and electrical systems to now include water distribution lines on Main Street (from Main Street Bridge to intersection at Elm Street). The Village Clerk is authorized to post and publish a notice as required by Section 9-900 of Village Law. Carried.

PERSONNEL: N. Koek, Chair, M. Christensen & R. Schwingle

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt the *Family and Medical Leave Act Policy*. Carried.

Trustee Christensen announced that the next personnel committee meeting would be Thursday, January 19th at 7:00 AM.

PARKS & RECREATION: R. Schwingle, Chair, W. Allison & N. Koek

The last meeting was held Thursday, December 29, 2005 at 12:00 PM in the Wagner Restaurant on East Elm Street.

There was some discussion relative to: Ed Wightman asked for consideration in allowing the Finger Lakes Boating Museum to place a dock and boat storage facility on the unused land at Indian Pines Park. It would be built to the Village's design approval, and upon the FLBM re-locating; the facility would remain as Village property.

PLANNING & DEVELOPMENT: M. Christensen, Chair, R. Schwingle, G. Smith

The meeting scheduled for December 26th was canceled; the next meeting will be held Monday, January 23, 2006 at 7:00 PM in the Village Hall, 2nd floor.

AD HOC BUILDING COMMITTEE: D. Marchionda, Jr., Chair

MOTION by Trustee Allison, seconded by Trustee Taylor to accept the lowest qualified bid of \$13,550 from Hazardous Removals of Rochester, Inc. (upon Asst. DPW Director Osgood's approval) for the removal of asbestos from 3/5 Maiden Lane. Carried.

Two other bids received were from A.A.C. Contracting, Inc. for \$17,933 and Two Brothers Contracting, Inc. for \$15,800.

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize advertising for bids, with Attorney Brockman's approval, to demolition 3/5 Maiden Lane. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to accept the quote from Connect-A-Service, not to exceed \$2800, to remove and dispose of the interior ceiling tiles, tracks, carpet and all debris from 1 Basin Street.

Record of vote:	Mayor Marchionda	aye	Trustee Taylor	nay
	Trustee Allison	aye	Trustee Koek	nay (due to absence)
	Trustee Christensen	aye	Trustee Smith	nay (due to absence)
	Trustee Schwingle	aye		

Motion Carried.

PUBLIC SAFETY: N. Taylor, Chair, M. Christensen & N. Koek

Last meeting was today, Tuesday, January 10th at Noon in the Wagner Restaurant, East Elm Street

Police Department:

MOTION by Trustee Taylor, seconded by Trustee Christensen to direct Attorney Brockman to begin the local law procedure to change the speed limit on Burns Terrace from 30 mph to 25mph.

Record of vote:	Mayor Marchionda	aye	Trustee Taylor	aye
	Trustee Allison	aye	Trustee Koek	nay (due to absence)
	Trustee Christensen	aye	Trustee Smith	nay (due to absence)
	Trustee Schwingle	nay		

Motion Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to accept Police Officer Thomas Dunham's resignation effective January 17, 2006. He is re-locating and will be working for the Elmira Police Department. Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Police Officer Jamie Maciejewski to attend the 2006 NYS Snowmobile Law Enforcement Training Program from January 9th to 12, 2006 in Cobleskill, NY at a cost of \$276 for accommodations plus \$35.00 registration fee. Carried.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Schwingle to replace the current water fire extinguishers in the Village complex with ABC extinguishers from Canaan Fire Protection in Webster, NY, per Chief Housel's recommendation. Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to approve the membership of David Caballero into the Ellsworth Hose Company within the Penn Yan Fire Department. Carried.

MOTION by Trustee Taylor, seconded by Trustee Schwingle to approve the membership of Andrew M. Cooper into the Sheldon Hose Company of the Penn Yan Fire Department. Carried.

Trustee Schwingle announced that Chief Housel has submitted the *Report to the Chief for 2005 YTD* for the Board's information.

PUBLIC WORKS: W. Allison, Chair; G. Smith & N. Taylor

The last meeting was held on December 5th at 1:00 PM in the Village Hall, 111 Elm St., Room 210

Streets:

Street Superintendent Jensen reported that the crew is finishing picking up leaves and Christmas trees. He also requested that the John Deere tractor be ordered as soon as possible, as the current one needs to be replaced.

MUNICIPAL:

The last meeting was Thursday, January 5, 2006 at 2:00 PM at 111 Elm St, Room 210

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize *Payment Request No. 6 – Final Payment* in the amount of \$4,231.24 to Western New York Contractors, Inc. for the Walnut Street & Florence Avenue Watermain Improvement project. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize *Payment Application No. 4 for Contract 1 – General* in the amount of \$5,165 to Finger Lakes Piping, Inc. for the Cherry Street Pump Station Upgrade project. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize *Payment Application No. 5 for Contract 1 – General* in the amount of \$2,116.60 to Finger Lakes Piping, Inc. for the abovementioned project. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize Lu Engineers to design the Main Street watermain replacement project, and to advertise for bids. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve of the Municipal recanting their motion made October 5th, and to bill Devin Warren of the Main Scoop the full amount of \$2,111.10 water bill due to his defective ice cream machine. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve up to six employees attending the FLWWC Annual Business Meeting February 2nd in Geneva, NY at \$16.00 per person. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve up to four employees attending the NYRWA Water/Wastewater Training Session February 14th in Waterloo, NY at \$35.00 per person. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize the Municipal to continue participating in the IEEP program (involves collecting one mil per KW hour from each electric customer) until further notice. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to institute the “shift” schedule, beginning January 9, 2006 with Matt Yont’s first work day on Wednesday, January 11, 2006 continuing Thursday through Sunday. Mondays and Tuesdays will be his days off until the shift changes due to workload. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve up to four employees attending the MEUA Engineering Workshop on February 7th and 8th in Liverpool, NY at a cost of \$75.00 each. Carried.

The next Municipal Board meeting will be held Thursday, February 9, 2006 at 2:00 PM in Room 210.

ADJOURNMENT INTO EXECUTIVE SESSION:

At 9:50 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn into Executive Session following a 10-minute break. Carried.

(Village Clerk was excused)

ADJOURNMENT:

At 11:50 PM, MOTION by Trustee Schwingle, seconded by Trustee Christensen to adjourn both the executive session and the regular Village Board meeting. Carried.

► The next regular Village Board Meeting is scheduled for Tuesday, February 14, 2006 in Room 202.

Linda K. Banach, Village Clerk