

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 11, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Taylor, R. Schwingle, M. Christensen and N. Koek; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Village Attorney E. Brockman; Village Treasurer M. Socola; Code Enforcement Officer B. Lyon; Street Superintendent R. Jensen; Recreation Director D. Doyle and Police Chief S. Hill

ABSENT: Trustee G. Smith; Superintendent L. Axtell; and Fire Chief K. Pallar

Public Attendees: over 100 people – sign-in sheets are attached

News Media present: Gina Muscato, Finger Lakes Times, Gwen Chamberlain, Dundee Observer and Douglas Robb, Chronicle Express

Mayor Marchionda called the meeting to order at 7:00 PM and led the Pledge Allegiance to the Flag.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Schwingle, seconded by Trustee Christensen to hold an *Executive Session* at the end of the meeting relative to pending litigation and personnel matters. Unanimously Carried.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the minutes of the regular Village Board meeting of December 14, 2004 as submitted. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle recommended making the following correction on page 3 of the draft full EAF concerning the proposed Local Law E of 2004 – #2. Approximate Acreage should read “17.45 acres”. Unanimously Carried.

Mayor Marchionda, Jr. opened the Public Hearing, as advertised, for the proposed Local Law E of 2004 entitled “Parks & Playgrounds”, Chapter 132 in the Code of the Village of Penn Yan re: permitting operation of snowmobiles on the Outlet Trail and the Elm Street Sports Complex.

After the Mayor announced the *Guidelines for Public Comment*; he invited the public to speak.....

The following speakers were: (summarized)

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| (1) Larry Strickland, 234 East Main St. | opposed – Has seen damage on trail. How will this law benefit the Village? |
| (2) Elizabeth Armstrong, 400 Elm St. | opposed – Do walkers have to jump out of the way? What’s the route leaving the Village? |
| (3) Maude Kane, 100 Davis S. | opposed – Other snow sports have their own location, why can’t snowmobiles? |
| (4) Jim Farnen, 322 East Lake Road | supports – Member of YASTA Club. Need to connect trails, can receive grants only if there is a trail system. Pedestrians have the right-of-way. Speed limit should be no more than 20mph. |
| (5) Steve Ketchum, Townsend Rd. | supports – Has great respect for snowmobile riders. Can walk the trail with no problem. |
| (6) Jim Castner, 133 South Avenue (PY Planning Board Chair) | opposed – Talked about Planning Board’s findings |
| (7) Gerald Colfe, 4289 Little Church Rd., Stanley | supports – In favor of snowmobiles |
| (8) Gene Mitchell, Indian Pines (PY Police Investigator) | opposed – Can’t think of any positive reason for snowmobiles on the trail |
| (9) Eileen Reynolds, 346 Elm Street | opposed – Great concern for safety between motorized vehicles and pedestrians. Believes 20 mph is too fast. |
| (10) Bruce Lyon, Branchport (PY Code Enforcement Officer) | opposed – Trail ends and people are dumped at Route 54A. Need to look at situation carefully. Cost could be more than the gain. |
| (11) John Moravec, Old Bath Rd. | supports – Snowmobiles can use his property to get to Shur-Fine grocery store (to spend money). Shame to lose trail. |
| (12) Carl Sands, Geneva | supports – President of YASTA Club. Riding snowmobiles is a family sport with wives, children and people over 65 participating. Club would work and donate materials for trail. |
| (13) Craig Wager, 2438 Ayers Rd. | supports – His family rides snowmobiles. Basic need is to connect trails. |

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| (14) Anne Gunn, 402 Elm Street | opposed – Handed out large packet (over 120 pages) of material to Board members pointing out the errors in the EAF dated 12/14/04. Also, various negative effects to the environment, air quality, noise, etc. |
| (15) Barb Stewart, 342 Elm Street | opposed – Doesn't want to hear it! The area is very congested. How can you keep motorcycles off the trail? |
| (16) Ann Smith, 2848 Lynn Rd., Branchport | opposed – follow handbook and rules; outlet trail has curfew; unholy to open Lakeview Cemetery to snowmobiles |
| (17) Matt Yonts, Pepper Rd., Bluff Point (Municipal employee) | supports – Believes businesses can benefit |
| (18) Steve Ketchum, Townsend Rd. (again) | – damage to trail should be addressed |
| (19) Martin Tones, 114 Lake Street (Martin Tones Garage) | – let them have it, but control it |
| (20) Evan Sorber, 130 Stark Avenue | opposed -outrageous that Village Bd. doesn't listen to Planning Board |
| (21) Ann Jackson, 100 Davis St. | – if allowed, should regulate age of snowmobiles |
| (22) Donald Lawrence, 349 Clinton St. | opposed – support speakers opposed to snowmobiles on outlet trail |
| (23) Carol Miller, 417 North Main St. | – concerned with speed limit – should be lower |
| (24) Amy Borglum, 487 East Bluff Drive | opposed – would spoil essence of outlet trail |
| (25) Maude Kane, 100 Davis St. (again) | – not against snowmobiles, should look for other trails for snowmobile, change is good, leave present outlet trail for pedestrians |
| (26) Carl Sands, Geneva (again) | – Thanks V/B for doing homework, EPA has set standards to reduce pollution |
| (27) Mike Willis, 308 Clinton St. | - wonders if against the law for snowmobiles to cross Route 54A |
| (28) Bill Moravec, 3475 Hoyt Rd. | supports – snowmobiles have improved, snowmobile riders must be accountable |
| (29) Charlotte Wytias, 482 East Bluff Drive | opposed – people and machines do not mix; should not allow them at the same time |
| (30) Bob Jensen, Dresden | supports – is associated with outlet trail, outside Village, snowmobiles have been on the trail since the beginning |
| (31) Jim DeVay, Stark Ave. | supports – Has lived here 3 years, riding snowmobiles has been a family event. Snowmobiles pack down snow for skiers. |
| (32) Bill Burg, 143 Brown St. | – Like to see compromise; hard to enforce; snowmobiles are used for emergency situations |

At 8:18 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to close the public hearing.

Unanimously Carried.

Trustee Christensen thanked everyone for coming; and the Mayor also extended his thank you. He also informed the audience that all of the comments would be considered when making the decision. Anyone is welcome to write his or her opinions and thoughts to the Village Board by 4:30 PM on Friday, January 14th.

Attorney Brockman asked Planning Board Chair, Jim Castner, for clarification as to why the committee is against allowing snowmobiles on the Outlet Trail. Although, they issued their decision to the Village Board, they did not give any specifics. Chair Castner informed Attorney Brockman and the Board that they would call a special Planning Board meeting to make a detailed report. (The special meeting has been scheduled for Monday, January 17th at 7:00 PM in the Village Hall.)

Trustee Allison informed the assembly that the preliminary Keuka Outlet Trail application included snowmobile trails as one of many uses of the trail.

The Mayor ended all comments relative to the snowmobile/Outlet Trail issue.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Guests made their public comments during the Pubic Hearing.

MAYOR:

MOTION by Trustee Koek, seconded by Trustee Christensen to hire John F. Corcoran, Esq. of Hancock Estbrook, LLP as the Villages chief negotiator for the new CSEA Contract to begin June 1, 2005. Unanimously Carried.

The letter from Mike Linehan, Y.C. Chamber of Commerce, has already been answered by Mark Socola, the Village Treasurer.

ATTORNEY:

Old Business Updates:

- (1) RE: Town of Jerusalem annexation of lands in Lakeview Cemetery – have not received written request
- (2) RE: Town of Milo annexation: former Patchett property near the Wastewater Treatment plant – to begin the procedure for annexation
- (3) RE: Rezoning 3 parcels along Route 14A south – still waiting for the surveys
- (4) RE: Street dedication in the Meadowside Apartment complex – still not in compliance, return issue to Public Works Committee

CORRESPONDENCE:

MOTION by Trustee Koek, seconded by Trustee Schwingle to approve the request from Rochester Bassmasters to hold a 1-day tournament using the boat launch site on Sunday, August 21st, starting at safelight with the weigh-in around 3:00 PM. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Allison to allow Susan Stork to make a reproduction, at her expense, of the large, old Village picture that shows her Grandmother on Main Street, rather than the Village selling the historic picture to her.

Record of Vote:	Mayor Marchionda	Aye
	Trustee Allison	Aye
	Trustee Taylor	Nay
	Trustee Schwingle	Aye
	Trustee Koek	Nay
	Trustee Christensen	Aye

Motion Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve the request from Maidencreek Bassmasters to hold a tournament on July 9th & 10th using the boat launch site. The tournament hours on Saturday are from safelight to 4:00 PM, and Sunday’s hours are from safelight to 2:00 PM. Motion Carried.

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

Village:	Paid before audit: General Fund	15,121.40
	General Fund	127,379.15
	Capital Fund	253,316.30
Municipal:	Paid before audit: Electric	180,367.96
	Paid before audit: Water	2,541.99
	Electric	42,943.35
	Water	25,762.72
	Sewer	14,568.41
	Paid before audit: Capital – Sewer	694.25
	Capital Water Fund	3,660.56
	Capital Sewer Fund	6,653.28

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith

A meeting was held this afternoon, January 11, 2005 at 2:00 PM in the new Village Hall, 111 Elm Street. No report at this time.

PERSONNEL: N. Koek, Chair

Last meeting was held this morning, Thursday, January 11, 2005 at 7:00 AM in the new Village Hall, Room 210. Trustee Koek informed the Board that Village/CSEA negotiations would begin soon.

PARKS & RECREATION – Randy L. Schwingle, Chair

Trustee Schwingle announced that the Committee meeting day and time have been changed to 1:00 PM on Thursdays prior to the 2nd & 4th Tuesday of each month. The next meeting would be February 3rd.

Trustee Schwingle announced that the 21st Century Community Learning program at the Penn Yan School would be held from 3:30 PM to 5:00 PM on Tuesdays, Wednesdays, and Thursdays beginning January 25, 2005.

Trustee Koek reported that Recreation Director Dan Doyle attended the Certified Playground Safety Inspectors Course in Syracuse, NY on December 1, 2, and 3, 2004. Congratulations to Dan as he passed the examination given at the end of the course!

PLANNING & DEVELOPMENT: M. Christensen

The meeting scheduled for December 27th was canceled; the next meeting is Monday, January 24, 2005 at 7:00 PM, Village Hall, Room 210.

AD HOC BUILDING COMMITTEE for VILLAGE HALL/POLICE STATION: D. Marchionda, Chair

The Mayor announced that the next meeting is scheduled for Tuesday, January 18, 2005 at 6:00 PM in the Village Hall, 111 Elm Street, Room 202.

The Mayor also informed the Board that on January 7, 2005, the Code Enforcement Office issued a Temporary Certificate of Occupancy for 111 Elm Street with the stipulation that the Village institutes a fire watch until the alarm monitoring station is installed. The temporary C of O expires July 7, 2005.

PUBLIC SAFETY: N. Taylor, Chair

The last meeting was held today, Tuesday, January 11th at 11:30 AM in the Wagner Restaurant.

Trustee Taylor reported briefly on the meeting that she and the committee believe went well. Bob Multer, Chair of the Yates County Legislature, Chuck Roach, head of maintenance at PYCSD, and Jeff Morehouse, President of the PY School Board also attended the meeting to discuss the possibility of eliminating on-street parking along Liberty Street from North Avenue to Lake Street. They all believe that it is an important public safety issue. The committee members are in favor of the no parking.

Police Department:

Trustee Taylor read a letter written by Police Chief Hill strongly requesting that whoever utilizes the rear door to the Police Station, please stop and not use it without calling ahead to make sure the coast is clear. He appreciates everyone's cooperation and understanding.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve the membership of George Burnett into the Sheldon Hose Company of the Penn Yan Fire Department. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The next meeting will be scheduled at a later time.

Buildings:

The matter of the Owl's Nest building on Seneca Street (whether to repair it and keep it, to sell it, or to eliminate it) is still in committee for review.

Streets:

Street Superintendent Jensen asked the Village residents to please not plow snow across the streets into ditches or other areas that will block drainage.

MUNICIPAL:

Last meeting was held on Friday, January 7, 2005 at 2:00 PM in the Village Hall, 2nd floor located at 111 Elm Street

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize R. Osgood, Asst. Director of Public Works, to have the *Hutton Street Water Main* project designed. Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize the Village Attorney to begin the local law procedure pertaining to increasing the water & sewer rates for inside and outside of the Village. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to award the bid for Contract 1, the installation of pump #1 at the Cherry Street Pump Station, to Finger Lakes Piping, Inc., Geneva, NY, for the amount of \$103,300. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to award the bid for Contract 2, related electrical work of pump #1 at the Cherry Street Pump Station, to Schuler-Haas Electric Corp., Rochester, NY, for the amount of \$19,600. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize up to 4 employees to attend the MEUA Engineering Workshop on Wednesday, February 2nd and Thursday, February 3rd in Liverpool, NY. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize up to 5 employees to attend the Finger Lakes Water Works Conference Annual Business meeting on Thursday, February 3rd in Geneva, NY. Unanimously Carried.

ADJOURNMENT TO EXECUTIVE SESSION:

MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn into *Executive Session* concerning pending litigation and personnel matters. Unanimously Carried.

ADJOURNMENT FROM EXECUTIVE SESSION:

At 10:40 PM, MOTION by Trustee Schwingle, seconded by Trustee Taylor to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Koek to form an "ad-hoc" committee to thoroughly examine the LDC/ Marchionda, Sr. grant issue. Unanimously Carried.

Deputy Mayor Allison appointed Trustees Christensen, Koek and himself to the ad-hoc committee.

MOTION by Trustee Schwingle, seconded by Trustee Koek to allow the Yates Cultural & Recreation Center Committee Director use one of the vacant rooms upstairs in the Village Hall temporarily for her office. Periodically, she and the Recreation Director will be working together. There will no expense to the Village. Unanimously Carried.

At 10:46 PM, MOTION by Trustee Koek, seconded by Trustee Schwingle to adjourn the regular Village Board meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, January 25, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.