

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 13, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda; Deputy Mayor W. Allison, Trustees M. Christensen, N. Koek and R. Schwingle and L. Sackett; Asst. Director of Public Works R. Osgood; Village Attorney E. Brockman; Street Superintendent R. Jensen; Cemetery Superintendent S. Trenchard; Police Chief S. Hill; CEO B. Lyon and Recreation Director D. Doyle

**ABSENT:** Trustee G. Smith, Fire Chief Pallar, Village Treasurer Rogers, and Director of Public Works Balsley

Public Attendees: Mrs. Nancy Taylor, Mrs. Mc Loud of Seneca St., Maude Kane of Davis St., Mr. and Mrs. Armstrong, Anne Gunn, and Bob Hawley

News Media present: Gina Muscato, Finger Lakes Times and Bob Hoban, WYLF

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

**PUBLIC HEARING #1:**

At 7:00 PM, MOTION by Trustee Schwingle, seconded by Trustee Allison to open the public hearing for proposed local law A of 2004 amending Chapter 23 of the Code of the Village of Penn Yan by adding provisions for ALTERNATE MEMBERS OF THE VILLAGE PLANNING BOARD. Unanimously Carried

The Mayor asked if there were any comments.....  
Anne Gunn hopes that the alternate members will attend or at least be kept up to date of the issues being dealt with at the meetings. The regular members' attendance record is not good. She believes that if a person chooses to be a member of a board, they should attend the meetings regularly, as many times it appears that they have not done their homework.

**MINUTES:**

MOTION by Trustee Koek, seconded by Trustee Allison to approve the minutes of the December 9, 2003 regular Village Board meeting, as submitted. Unanimously Carried.

**MAYOR:**

MOTION by Trustee Schwingle, seconded by Trustee Sackett to adopt *RESOLUTION NO. 01-2004 Polling Place & Hours* for the General Village Election to be held on Tuesday, March 16, 2004. Unanimously Carried.

MOTION by Trustee Sackett, seconded by Trustee Christensen to approve the Mayor's appointment of Trustee Willie Allison to the Local Development Corporation committee effective immediately. Unanimously Carried.

**PUBLIC HEARING #2:**

At 7:05 PM, Trustee Schwingle, seconded by Trustee to open the public hearing for proposed local law B of 2004 providing for appointment and service for ALTERNATE MEMBERS OF THE VILLAGE ZONING BOARD OF APPEALS. Unanimously Carried.

The Mayor asked if there were any comments.....  
No one spoke – the public hearing was left open.....

**CORRESPONDENCE:**

The Mayor received a letter from Adelphia informing us that they will be offering Digital Video Recorders effective March 1, 2004. To receive DVR, customers must have a DVR receiver and subscribe to the DVR service. The DVR receiver may be leased from Adelphia for \$7.95, \$9.95 or \$4.95 a month depending on the valuepak chosen.

Mayor Marchionda received a letter, along with Yates County, from Lynda Rummel, President of the *Friends of the Outlet* explaining their desire for the Village and County to pursue developing two new trails, one extending to the west along the south bank of the outlet creek, and the other one along the railway track bed to the north of the Village.

The Village has received notification from Attorney Robert Foster that Ruth M. Rice's Last Will and Testament leaves a monetary gift to Lakeview Cemetery. At this time, the amount is unknown.

The Mayor asked if there were any comments pertaining to proposed local laws A and B of 2004.....

MOTION by Trustee Sackett, seconded by Trustee Christensen to close the public hearing for proposed local law A of 2004 *Alternate Members to the Planning Board*. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Allison to close the public hearing for proposed local law B of 2004 *Alternate Members to the Zoning Board of Appeals*. Unanimously Carried.

**ATTORNEY:**

Old Business:

- (1) The property at 111 Elm Street is now exempt from taxes effective with the school tax in September 2004.
- (2) Mr. McCusker's request to be paid for his Mother's water and sewer serial bonds purchased in 1956 and matured in 1984 that she never redeemed is still being investigated by the Village Treasurer and Community Bank.
- (3) Attorney Brockman has appealed the decision of the Records Officer in the State Comptroller's Office in reference to a FOIL the Village requested.
- (4) Sheriff Spike and Attorney Brockman are still discussing the abandoned vehicle issue concerning a car left in the Sheriff Department's parking lot. This should be settled by the January 27<sup>th</sup> meeting.

(5) Attorney Brockman suggested to the Board that the law should be changed in the Village's Code Book concerning riding snowmobiles on the outlet trail. It would require a local law and the process would probably take 2 or 3 months. After discussion at the Parks & Recreation Committee meeting last evening, Trustee Schwingle suggested tabling the proposed *Resolution No. 02-2004 Snowmobiles on the Outlet Trail* until next meeting.

► Attendee Bob Hawley of Champlin Avenue asked the Mayor if the police department was going to enforce the "no snowmobiles" on the outlet trail? Mr. Hawley stated the snowmobiles are clearly prohibited on the outlet trail according to the Village Code. Following a rather loud and unpleasant exchange of words, the Mayor stopped Mr. Hawley from saying any more at this time, as he will be heard at a public hearing, when and if there is one.

► Attendee Maude Kane offered correspondence e-mailed to her from Lynda Rummel and Rolf Zerges concerning park regulations. She underlined the following portion of a sentence for the Board's attention: But snowmobiles "have not been permitted on the Village's section of the Outlet Trail" until rather recently". She thought this would help the Board clarify the subject.

**CONTINUE – ATTORNEY:**

(6) At the December 9<sup>th</sup> meeting, Attorney Brockman was asked to execute a letter to the Penn Yan Central School District informing them that the Police Officers are no longer needed at the corner of North Avenue and Liberty Street as crossing guards and would no longer be available after the June 2004 school year. Notification was received back agreeing that the presence of the Police Officers was no longer necessary at that intersection, and that as soon as the parents are notified of this development, the coverage may be terminated.

(1) MOTION by Trustee Christensen, seconded by Trustee Allison to designate the Village Board of Trustees as *Lead Agency* relative to the "Sale of Lot 9 of the Industrial Park". Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Schwingle to determine this SEQR action as *Unlisted*. Unanimously Carried.

Attorney Brockman went over the two-page Short Environmental Assessment Form (SEAF) publicly with the Board.....

MOTION by Trustee Sackett, seconded by Trustee Christensen to adopt the above mentioned SEAF and to authorize the Mayor to sign said document. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to declare a *Negative Declaration* for the above mentioned action. Unanimously Carried.

(2) MOTION by Trustee Koek, seconded by Trustee Allison to designate the Village Board of Trustees as *Lead Agency* relative to proposed local law A "Appointment of Alternate Members to the Planning Board". Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Schwingle to determine this SEQR action as *Unlisted*. Unanimously Carried.

Attorney Brockman went over the two-page Short Environmental Assessment Form (SEAF) publicly with the Board.....

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt the above mentioned SEAF and to authorize the Mayor to sign said document. Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Koek to declare a *Negative Declaration* for the above mentioned action. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to adopt *Resolution No. 03-2004 Appointment of Alternate Members to the Planning Board* and authorize the Mayor to sign same, after making a change to number 2. action is *unlisted*, not Type I, and refer the full SEQR to the Yates County Planning Board for their review. Unanimously Carried.

(3) MOTION by Trustee Christensen, seconded by Trustee Allison to designate the Village Board of Trustees as *Lead Agency* relative to proposed local law B "Appointment of Alternate Members to the Zoning Board of Appeals". Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Sackett to determine this SEQR action as *Unlisted*. Unanimously Carried.

Attorney Brockman went over the two-page Short Environmental Assessment Form (SEAF) publicly with the Board.....

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt the above mentioned SEAF and to authorize the Mayor to sign said document. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to declare a *Negative Declaration* for the above mentioned action. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to adopt *Resolution No. 04-2004 Appointment of Alternate Members to the Zoning Board of Appeals* and authorize the Mayor to sign same, after making a change to number 2. action is *unlisted*, not Type I, and refer the full SEQR to the Yates County Planning Board. Unanimously Carried.

**CONTINUE – CORRESPONDENCE:**

Mayor Marchionda read a letter addressed to the Yates County Legislature and Administrator, with a copy directed to the Village of Board of Trustees, from Arthur S. Bechhoefer concerning the development proposals involving the Penn Yan Boat property. The following are a few excerpts from his letter: He wrote (1) “I am requesting that I be given sufficient notification of any plan to sell or convey property controlled by the County in order to prepare a reasonable bid proposal” (2) “to the extent that the Village of Penn Yan is involved, a similar statement from any member of its Board of Trustees of any direct or indirect financial interest in the project and (3) “this information will help ensure that everything is done above board, in full public view, and in accord with the law, thereby reducing the likelihood of costly and time consuming legal challenges”.

**AUDIT:**

MOTION by Mayor Marchionda, seconded by Trustee Koek to pay the bills for the month as submitted:

Village:	Paid before audit: General	10,136.74
	General Fund	31,258.45
	Capital Fund - CHIPS	17,765.92
	- Village Hall Architect	9,087.34
	- Village Hall Equipment	2,719.23
Municipal:	Paid before audit: Electric	154,613.90
	Electric Fund	27,204.15
	Water Fund	71,772.83
	Sewer Fund	30,913.89

Unanimously Carried.

**FINANCE & ADMINISTRATION:** G. Smith, Chair

Trustee Smith is still in China.

Relative to finances, Trustee Allison asked that all Department Heads conserve heat in their perspective buildings. For example, when the trucks leave the garages, barns and/or Fire House to please close the doors.

**PERSONNEL:** N. Koek, Chair

MOTION by Trustee Koek, seconded by Trustee Christensen to confirm hiring Daniel W. Scutt to the position of MEO (L) for the Street Department effective Thursday, January 8, 2004, with a one-year probation period. He will begin in Group IV, START, at \$14.59 per hour. Unanimously Carried.

After discussion, MOTION by Trustee Koek, seconded by Trustee Christensen, that for the present time, to allow Mariann Griffin, Account Clerk-Typist, to continue working part-time as a court attendant for Justice Hibbard at \$8.64 an hour. She must not wear a police uniform to court. Record of vote:

Trustee Allison	Aye	
Trustee Christensen	Aye	
Trustee Koek	Aye	
Trustee Sackett	Aye	
Trustee Schwingle	Nay	Motion Carried.

MOTION by Trustee Koek, seconded by Trustee Allison to promote Don King permanently to the position of *Senior Line Worker*, after receiving notification that he passed the Civil Service exam. Unanimously Carried.

**PARKS & RECREATION** – R. Schwingle, Chair

The last meeting was held on Monday, January 12, 2004 in the PY Middle School Cafeteria at 4:00 PM.

MOTION by Trustee Schwingle, seconded by Trustee Allison to grant permission for a local group (not Mr. Regan) sponsored by the U. S. Triathlon Association, to hold a triathlon on June 13, 2004 at Red Jacket Park. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to advertise for summer employment as park laborers, certified lifeguards and playground leaders to work for the Village’s 2004 recreation program. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Allison for the Village to sponsor *Operation Graduation 2004*, the same as last year. The dates will be June 25<sup>th</sup> and 26<sup>th</sup>. Unanimously Carried.

Trustee Schwingle reported briefly on the NYS Recreation and Park Society “Risk Management II” seminar that he and Recreation Director Doyle attended on December 4<sup>th</sup> in Perinton, NY.

**PLANNING & DEVELOPMENT:** M. Christensen, Chair

The next meeting is scheduled for Monday, January 26<sup>th</sup> at 7:00 PM in the Village Office.

**AD-HOC BUILDING COMMUNITY:** D. Marchionda, Chair

The last meeting was held on Tuesday, December 16<sup>th</sup> at 6:30 PM in the Village Office.

**PUBLIC SAFETY:** L. Sackett, Chair

No meeting was held on Thursday, January 1, 2004; the next meeting is scheduled for February 2, 2004 at 6:00PM in the Fire House.

► Mrs. McLoud was present to ask the Board what else can be done about the Chris Stewart residence on Seneca Street? She, as well as other neighbors, has complained to Chief Hill and Code Officer Lyon, who have done what they could. She said when Mr. Stewart corrects a violation, a few days later, the same violation appears again and most of the time worse. The property is trashed with abandoned appliances, cars, etc. Police Chief Hill and Code Officer Lyon will continue to monitor the situation.

**PUBLIC WORKS:** W. Allison, Chair

No meeting will be held on Monday, January 19<sup>th</sup> (Martin Luther King, Jr. Day).

**Buildings:**

The boiler at the Maxwell Building quit, could not be repaired, and had to be replaced A.S.A.P. The following quotes were received:

HALCO Heating & Cooling	\$6,284.00
Ronald Schmidl & Son	\$5,800.00
Fingar Plumbing & Heating	\$5,500.00

MOTION by Trustee Allison, seconded by Trustee Schwingle to reaffirm hiring Fingar Plumbing & Heating to replace the Maxwell Building boiler at the lowest quote of \$5,500.00. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to renew the rental lease (current one expires January 31, 2004) with Rena Christine Ferguson at 361 Elm Street for \$400.00 per month. Unanimously Carried.

**Streets:**

Trustee Allison complimented the Street Department for the excellent job they are doing with the snow removal.

**MUNICIPAL:**

The last meeting was held on Thursday, January 8, 2004 at 2:00 PM in the Maxwell Building.

MOTION by Trustee Allison, seconded by Trustee Sackett to approve *Payment Application No. 4* to TRT Masonry, Inc. for the Lake Street and Commercial Avenue Water Main Improvements project in the amount of \$33,357.77. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to approve *Payment Application No. 5*, also to TRT, and for the same project as above, in the amount of \$8,956.75. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Mayor to sign the *AMENDMENT TO CONTRACT* aka the *GLOBAL SETTLEMENT* with the New York State Power Authority, recommended by the MEUA, and relative to the Village's Resolution No. 17-2003 adopted on May 13, 2003. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to accept the bid from General Electric for the Municipal to purchase four, 37-1/2 KVA pole-type transformers at \$551 each. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to accept the bid from Pauwels for the MUB to purchase one 500 KVA padmount transformer at \$4,969, and also to purchase one 750 KVA transformer from General Electric for \$7,217. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to authorize Director of Public Works Balsley to advertise for bids for one, 1000 KVA padmount transformer, which will be needed for the new motel. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve sending up to 4 employees to the MEUA Engineering Workshop to be held on February 4<sup>th</sup> and 5<sup>th</sup> 2004 in Liverpool, NY, at a cost of \$75.00 each. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to approve sending up to 4 employees to the Finger Lakes Water Works Conference on February 5<sup>th</sup> 2004 in Newark, NY, at a cost of \$14.00 each. Unanimously Carried.

DPW Balsley received a letter from Pete Townsend of TRT Masonry regarding the Cornwell and East Elm Streets, etc. Sanitary Sewer Improvements project asking for a completion date extension due to the delay in signing the contract and bitterly cold weather we are experiencing.....

MOTION by Trustee Allison, seconded by Trustee Christensen to extend the completion date for the above mentioned project to be no later than June 1, 2004. Unanimously Carried.

At 8:45 PM, MOTION by Trustee Allison, seconded by Trustee Sackett to adjourn the regular Village Board meeting. Unanimously Carried.

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Linda K. Banach, Village Clerk

\*The next Village Board meeting is scheduled for Tuesday, January 27<sup>th</sup> at 7:00 PM in the Maxwell Building.