

INUTES of a Regular Meeting of the Village Board of Trustees and three (3) Public Hearings were held Tuesday evening, January 15, 2008 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

Public Hearings – Yates ARC Group Home at 167 Cornwell Street, Penn Yan, NY

- Dedication of Meadowside Carpenter Lane and Eagle Lane
- Proposed Local Law E 2007- Amendment

PRESENT Mayor D. Marchionda Jr.; Trustees M. Christensen; R. Church; N. Taylor; M. D’Abbracci; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; CEO B. Lyon; Director of Public Works E. Balsley; Police Chief Mitchell; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood;

ABSENT Trustees W. Allison and B. Hoban, Cemetery Superintendent L. Axtell; Fire Chief B. Winslow; Waste Water Treatment Plant Chief Operator Ben Sward; Street Superintendent R. Jensen;

News Media present: Gwen Chamberlain, Chronicle Express; Amanda Folts, Finger Lakes Times; Peg Thompson, Dundee Observer

PUBLIC: Chris Vaughan, Anne Perry, Ruth Davis, Bob Davis, Billy Wigsten, Christy Cahill, Ray Spencer, Kate Ring, Greg Booth, Rick Willson, Jerry Kernahan, Barb Pinckney, Andy DeMay, Tiffany Sorgen, Police Officers Jeff Morehouse, James Maciejewski, Jim Mullins, Mark Hulse, Jeff Dawes, Keith Woodard, Tom Dunham, Jeff Stewart and a few other guest.

Mayor Marchionda called the meeting to order at 7:08 PM.

Public Hearing for ARC Group Home

Kate Ring Executive Director for the ARC spoke about the new construction for a single story 4-bed room home for four young men, located at 167 Cornwell Street, Penn Yan, NY.

It’s on a 2.48-acre lot – this gives them privacy and neighbors privacy. Trustee Christensen asked have they looked into any other property for an existing house in the Village limits. Trustee Christensen and Trustee Church mentioned and both understand the need, but also are looking at the tax roll; this would be another piece of property that is taken off from the Village revenue. We already have 34% off the tax roll.

Kate states this is the most affordable piece of property they have found for the men. Greg Booth stated they have been looking for the past 10 months and this is in the price range and in the Village. The property will not be sub-divided in the future.

These four young men want to live independently and have full and rich lives, participate in local activities and community. They need sidewalks and are close to local activities. The house will be staffed 24 hours.

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve the ARC Group home at 167 Cornwell Street, PennYan

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Public Hearing for Dedication of Meadowside Carpenter Lane and Eagle Lane

Atty. Brockman reviewed the following item in full with respect of the Short Environmental Assessment Form for Carpenter Lane & Eagle Lane Road Dedication.

Atty. Brockman mentioned that Assistant Dir. of Public Works D. Osgood has reviewed the area and survey map. The DPW will plow and maintain those two Lanes.

MOTION by Trustee D’Abbracci, seconded by Trustee Church to approve Resolution NO 6-2008- Dedication from Conifer Realty, LLC of Carpenter Lane and Eagle Lane in Meadowside Development.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

WHEREAS, a request for dedication of Carpenter Lane and Eagle Lane was made by Conifer Realty, LLC to the Village of Penn Yan; and

WHEREAS, the Board of Trustees of the Village of Penn Yan previously declared itself “lead agency” and determined the proposed action to be “unlisted” for SEQR purposes;
And

WHEREAS, an SEAF has been reviewed and completed with respect to this matter by the Board of Trustees; and

WHEREAS, a public hearing has been duly held on the issue of dedication; and

WHEREAS, The Department of Public Works of the Village of Penn Yan has certified that the portions of the streets being offered for dedication, as well as the sidewalks, water distribution lines, sewer lines, electrical distribution components and any fire hydrants located within the rights of way thereof, have been laid out and constructed in accordance with applicable standards and criteria; and

WHEREAS, a survey map showing the streets and improvements therein to be dedicated has been prepared by Land Lines Surveying, P.C. dated as revised 9/14/07, a copy of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, THAT

1. Short Environmental Assessment Form (SEAF) is adopted and it is directed that a Negative Declaration be issued and posted upon the Village website.
2. The Board of Trustees of the Village of Penn Yan accepts the dedication of Carpenter Lane and Eagle Lane from Conifer Realty, LLC, together with the sidewalks, water distribution lines, sewer lines, electrical distribution components and any fire hydrants located within the rights of way thereof, as depicted on the above described map of a survey, which is attached hereto and made a part hereof.
3. The Mayor and Village Clerk are directed to perform such acts as are necessary to effectuate the dedication.

Conifer Realty will provide deed to the Village.

Complex still owns and maintains the driveways, roadways and parking lots. They still have about 13 single lots they will be developing later and 15 acres still not developed yet.

Public Hearing for Proposed Local Law E 2007 Amending the Subdivision Chapter of the Code-Require Sidewalks in Subdivisions and Provide an Exemption.

Mayor Marchionda asked if there were any comments from the public with regards to this matter – no comments.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Taylor, seconded by Trustee Church to have an Executive Session after the Village Board Meeting to discuss a personnel issue and litigation issue.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MINUTES:

MOTION by Trustee Taylor, seconded by Trustee D’Abbracci to approve the Village Board Minutes from December 11, 2007.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve the Special Village Board Minutes from December 28, 2007.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Chris Vaughan gave an update for the Art, Culinary and Wine Festival. Date has been changed to June 14th & 15th. From 10:00am- 5:00pm. both days. Looking at Vendors arriving and setting up Friday night. This will be a non-for profit festival. Also looking into insurance with Stork insurance.

Chris mentioned Dan Doyle has been a great help to him – help designed a lay out map for wine & food tents along with vendors and music. Chris was wondering if possible- for the wine tent to be located inside the tennis courts. This would help contain the wine. Understands the possibility of spills –would cover the courts. Chris will look more into that.

Parking always an issue – and Vaughan understands about little league schedule - Jeff Morehouse stated has time to review the Little League schedule and could work around this. Possibility of fireman’s field and bus people – Plaza and street parking. Chris is looking forward to having this as an annual event. Chris needs to send out information to vendors as soon as possible.

MOTION by Trustee Church, seconded by Trustee Christensen to approve the Art, Culinary and Wine Festival for June 14th & 15th.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Ruth Davis & Anne Perry along with other concerned Clinton Street residents voiced their opinion in regards to the truck traffic. Mentioned the noise throughout the night and day, damage to the new paved areas and dirt that the trucks are doing. Some have concerns about not sleeping at night. Can something be done – tickets giving out –some going faster than the speed limit. Questioned about the sign for local deliveries.

Mayor Marchionda stated we have signs for southbound trucks –local delivers only- but none for northbound. We have been in contact with the State Department of Transportation about signs. Dir. of Public Works Ed. Balsley will be in contact with the State tomorrow to check into the signage issue.

Chief Mitchell mentioned that the pipeline trucks were only to be here around two more weeks.

Mayor Marchionda reviewed the letter from Sunset Avenue Residents. He will be forwarding the letter to the Planning Board for their input into the residents concerns for the upcoming Plaza/Peebles Dept. store project.

Police Benevolent Association – Mayor Marchionda requested that the letter that was just handed out to himself and the Village Board not be read. The Village Board was already aware of the situation regarding this matter from a December 24th issue with a local bar. He was unhappy for being blindsided and extremely offended from the behavior of the officers. Eight police officers were in attendance and Jeff Stewart decided to read the letter anyways. Mayor stated had a confidential conversation with the Chief of Police and questioned if the officers knew what was said by himself or the Chief. Officer Woodard stated was unaware of the conversation.

Mayor stated will be meeting with the Chief of Police, Atty. Ed. Brockman and the Public Safety committee and himself tomorrow Weds. at 1:00pm in his office. Mayor mentioned that no one had contacted him prior tonight. The Police Department and Village are on the same team.

Question was brought up about the houses on Lake Street. CEO B. Lyon will contact by letter the Owner of the abandoned Lake Street houses. Will have 30 days to start to clean up or start the process of demolishing.

OLD ITMES

MAYOR:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Resolution NO. 4 –2008 appointing Election Inspectors for the Village Elections for March 18, 2008.

PUBLIC NOTICE

WHEREAS, that pursuant to Section 15-116(1) of the Election Law, that the following persons are hereby appointed Inspectors for the General Village Election to be held on Tuesday, March 18th, 2008:

1. Elizabeth Castner
2. Judy Ryder
3. Susan Serefine
4. Donald Lawrence

And

BE IT RESOLVED, that said Inspectors of Elections shall be compensated at \$9.00 per hour, and Mrs. Elizabeth Castner shall be designated as chair person, and

THEREFORE BE IT FURTHER RESOLVED, that the polling place for the Village Election shall be the Village Hall, 111 Elm Street, Penn Yan, New York with voting taking place on March 18th, 2008 between the hours of 12:00 noon and 9:00 o’clock P.M., and

NOW THEREFORE BE IT RESOLVED, that this resolution shall be posted and published, in the manner by law, no later than February 6th, 2008.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

ATTORNEY:

Atty. Brockman stated will have more information next month with regards to the feline issue.

Atty. Brockman reviewed in full the (SEQR) Short Environmental Assessment Form for YCRR property.

MOTION by Trustee Christensen, seconded by Trustee Church to approve Order, Resolution and Determination NO. 1-2008.

WHEREAS, an amended Petition was received by the Village Clerk on or about October 25, 2007 on behalf of Yates Cultural & Recreational Resources, Inc. for annexation to the Village of Penn Yan of the premises known as 1841 North Main Street, Penn Yan, New York 14527, pursuant to Article 17 of the General Municipal Law of the State of New York; and

WHEREAS, copies of the amended Petition For Annexation, and a further amended Petition filed by Petitioner, together with supporting documents have been provided to the individual members of the Board of Trustees; and

WHEREAS, subsequent to receipt of said Petitions the Board of Trustees of the Village of Penn Yan duly adopted a motion scheduling a joint public hearing with the Town Board of the Town of Benton, pursuant to the provisions of Article 17 of the General Municipal Law, the subject premises being situate in said Town of Benton; and

WHEREAS, a public hearing was held jointly between the Board of Trustees of the Village of Penn Yan and the Town Board of the Town of Benton, upon due notice having been given as pertains to the Board of Trustees, on December 19, 2007 at 7:00p.m. at the Penn Yan Village Hall, 111 Elm Street, Penn Yan, New York 14527; and

WHEREAS, the Board of Trustees of the Village of Penn Yan has adopted Resolution No. 28-2007, which declared the Board of Trustees as lead agency for SEQR purposes and determined the action to be "unlisted"; and

WHEREAS, discussion has been had by the Board of Trustees regarding the issues of whether the amended Petition and further amended Petition complies with Article 17 of the General Municipal Law and whether it is in the overall public interest to approve the annexation; and

WHEREAS, the Board of Trustees has reviewed and completed a proposed Short Environmental Assessment Form (SEAF) pertaining hereto.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees adopts the SEAF and directs that a Negative Declaration be issued with respect thereto and that said SEAF and Negative Declaration be posted upon the Village website.
2. The Board of Trustees determines that the amended Petition herein complies with the provisions of Article 17 of the General Municipal Law in that it states the number of inhabitants of the territory proposed to be annexed, it describes the territory proposed to be annexed, is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, a certified statement by the assessor for the Town of Benton as to the territory proposed to be annexed is attached to the amended petition; the amended petition has been duly served upon the Clerk of the Village of Penn Yan, as well as, upon information and belief, the Clerk of the Town of Benton and the petitioner's signature thereon has been duly acknowledged.
3. The Board of Trustees determines that it is in the overall public interest to approve the proposed annexation considering;

A. The effects on the territory to be annexed.

The annexation will permit that territory to be served by the Village water, sewer and electric systems. The Village has a policy of not providing water and sewer service to individual properties outside the Village unless part of a water and/or sewer district.

B. The effects upon the local government to which the territory is to be annexed.

The annexation of the subject territory will not have any negative effect on the

Village. The territory will be used for construction of a community center to serve the residents of the area. Any additional municipal services that may be required will not place any undue burden upon the municipal government.

C. The effects upon the remaining territory of the municipality in which the Territory proposed to be annexed is presently located.

The territory proposed to be annexed is 9.798 acres. The loss of tax base will be Minimal. The location of the territory is not significant to the Town.

D. The effects upon the school district of the proposed annexation.

The territory proposed to be annexed is in Penn Yan Central School District. Annexation will not result in any changes that affect the Penn Yan Central School District.

4. The Board of Trustees hereby approves the proposed annexation and directs that certified copies hereof, subsequent to signature hereon by members of the Board of Trustees present at the Meeting at which this "Order, Resolution and Determination" was adopted, be filed with the Town Clerk of the Town of Benton, and that such other actions as are necessary to implement and effectuate such annexation be carried out by the Mayor and the Village Clerk/Treasurer.
5. In the event that there is any existing municipal debt on the part of the Town of Benton applicable to the territory proposed to be annexed, such debt shall be apportioned for such territory and shall be charge upon and be paid by the Village of Penn Yan pursuant to the provisions of § 708 of the General Municipal Law.
6. Rights with respect to real or personal property pertaining to the territory to be annexed shall be disposed of pursuant to § 707 of the General Municipal Law.
7. Any real property taxes and other charges against the territory proposed to be annexed shall be disposed of pursuant to § 710 of the General Municipal Law.
8. In the event that the Town Board of the Town of Benton determines that is not in the over-all public interest to approve the proposed annexation, the Clerk shall file a certified copy of the "Order, Resolution and Determination" made by each of the Village of Penn Yan and the Town of Benton with the Yates County Clerk within ten (10) days of the filing of such "Order, Resolution and Determination" with the Clerk of the Village of Penn Yan.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Atty. Brockman reviewed Resolution NO 5-2008 that the Planning Board approved at there January 7, 2008 meeting. This was for rezoning for proprietries at 1841 North Main Street and 2421 Old Bath Road to a single Family Residential (R-1).

MOTION by Trustee D'Abbracci, seconded by Trustee Church to approve Resolution NO. 5-2008 for Zoning of 1841 North Main Street as a Single Family Residential (R-1).

Regarding Recommendation to Board of Trustees that Annexed Premises Known As 2421 Old Bath Road and 1841 North Main Street Be Classified as Single Family Residential (R-1) for Zoning Purposes.

Motion for 2421 Old Bath Road by Lawrence Strickland, seconded by James Castner,

Motion for 1841 North Main Street by Lawrence Strickland, seconded by Sharon Winslow to adopt the following resolution:

WHEREAS, the territories known respectively as 2421 Old Bath Road and 1841 North Main Street are being annexed to the Village of Penn Yan; and

WHEREAS, it is necessary that said territories be assigned a zoning district classification; and

WHEREAS, the Board of Trustees is responsible to, by local law, determine the zoning district classification for territories annexed to the village and it appears appropriate that the Planning Board make a recommendation to the Board of Trustees as to such Zoning District Classification; and

WHEREAS, both such territories are located in predominately residential areas containing uses particularly associated with the Single Family Residential (R-1) zoning district.

Now Therefore, be it

RESOLVED, that the Planning Board of the Village of Penn Yan recommends to the Board of Trustees of the Village of Penn Yan, that the zoning district classifications for the territories known respectively as 2421 Old Bath Road and 1841 North Main Street be Single Family Residential (R-1) upon the completion of annexation thereof.

Duly adopted by the Planning Board of the Village of Penn Yan on January 7, 2008

Lawrence Strickland - Aye
Richard Osgood – Aye
Sharon Winslow – Aye
James Castner - Aye

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Atty. Brockman reviewed the following items in full with respect of the (YCRR) Yates Cultural & Recreational Resources. Board reviewed Part 1- Full Environmental Assessment Form and Part 2-project and their magnitude.

Atty. Brockman reviewed the following SEQR Negative Declaration in full in regards to YCRR.

Atty. Brockman reviewed Local Law B – no final action to be done tonight with this.

MOTION by Trustee D’ Abbracci, seconded by Trustee Church to approve Resolution NO 2-2008 annexation of Territory to the Village for 2421 Old Bath Road and an amended Petition for annexation of territory of 1841 North Main Street. Scheduling a public hearing and referral of Proposed Local Law B of 2008.

WHEREAS, the Village Clerk received a Petition for annexation of territory known as 2421 Old Bath Road and an amended Petition for annexation of territory known as 1841 North Main Street, separate public hearings having subsequently been held jointly with the Town of Milo, with respect the territory know as 2421 Old Bath Road, and with the Town Board of the Town of Benton, with respect to the territory known as 1841 North Main Street; and

WHEREAS, the board of Trustees of the village of Penn Yan has adopted “Order, Resolution and Determination NO. 34-2007” approving the annexation of the territory known as 2421 Old Bath Road, certified copies thereof having been filed with the Village Clerk and the Clerk of the Town of Milo; and

WHEREAS, the Town Board of the Town of Milo adopted a resolution approving such annexation, a copy of which has been filed with the Village Clerk; and

WHEREAS, the Board of Trustees of the Village of Penn Yan has adopted “Order, Resolution and Determination NO 1-2008” approving the annexation of the territory know as 1841 North Main Street, certified copies of which are to filed with the Village Clerk and the Clerk of the Town of Benton; and

WHEREAS, the Town Board of the Town of Benton adopted a resolution approving such annexation, a copy of which is to be filed with the Village clerk; and

WHEREAS, the adoption of proposed Local Law B of 2008 will formally annex the aforementioned territories to the Village of Penn Yan; and

WHEREAS, the Board of Trustees will amend the Zoning Chapter of the Code of the Village of Penn Yan to assign zoning district classification to the properties known as 2421 Old Bath Road and 1841 North Main Street upon their annexation to the Village of Penn Yan; and

WHEREAS, the Planning Board of the Village of Penn Yan has recommended that both such properties be classified as Single Family Residential (R-1) and has completed a Part 1 to Full Environmental Assessment Form (FEAF) with respect thereto; and

WHEREAS, the adoption of this Amendment to the Zoning Chapter may be deemed an Unlisted Action pursuant to SEQR, each premises being less than ten (10) acres in area; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purposes of the review of this Zoning Chapter amendment under the provisions of SEQR; and

WHEREAS, the proposed Local Law has been drafted and submitted to the Board of Trustees; and

WHEREAS, a proposed SEAF and proposed Negative Declaration have been reviewed and completed by the Board of Trustees, which are to be filed with the Village Clerk

Now Therefore, be it

RESOLVED, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 627 for the purposes of the environmental review of this action; and be it further

RESOLVED, that the Board of Trustees of the Village of Penn Yan determines that the proposed amendment to the Zoning Chapter is an Unlisted Action under SEQR; and be it further

RESOLVED, that the SEAF is adopted as a draft and a draft Negative Declaration be issued with respect to proposed local law B of 2008; and be it further

RESOLVED, that a public hearing on proposed Local Law B of 2008 is hereby scheduled for February 19, 2008 at 7:00 p.m. in the Village Office and that due notice thereof be made; and it is further

RESOVLED, that proposed Local Law B of 2008 is referred to the Yates County Planning Board for review and action pursuant to GML §239-M, together with the draft FEAF.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve Resolution NO 3-2008 regarding SEQR Review Pertaining to Adoption of Penalty Provisions for the Vehicle and Traffic Chapter of the Code of the Village.

Regarding SEQR Review Pertaining to Adoption of Penalty Provisions For the Vehicle and Traffic Chapter of the Code of the Village of Penn Yan.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adoption of penalty provisions for the Vehicle and Traffic Chapter of the Code of the Village of Penn Yan; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purpose of the review of this local law under the provisions of SEQR; and

WHEREAS, the adoption of this Amendment to the Code may be deemed a Type II Action pursuant to SEQR.

Now Therefore, be it

RESOLVED, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and be it further

RESOLVED, that the Board of Trustees of the Village of Penn Yan determines that the proposed adoption of penalty provisions to the Vehicle and Traffic Chapter is a Type II action under SEQR there being no perceived impact upon the environment by this action.

RESOLVED, that a public hearing on proposed Local Law E of 2007 is hereby scheduled for February 19, 2008 at 7:00p.m. in the Village Offices and that due notice thereof be made; and it is further

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Atty. Brockman spoke about the Proposed Local Law A of 2008 – Penalties Provisions Law of the Vehicle & Traffic Chapter.

MOTION by Trustee Church, seconded by Trustee Taylor to pay current Village and Municipal bills as submitted.

AUDIT:

VILLAGE:

Paid before Audit - General Fund	\$	36.54
General Fund		48,513.04
Capital Fund		00.00
TOTAL VILLAGE AUDIT:	\$	<u>48,549.58</u>

MUNICIPAL:

Paid before Audit	\$	154,128.79
Capital Paid before Audit		-
Electric Fund		24,856.97
Sewer Fund		55,998.13
Water Fund		22,113.63
Capital Projects		522.50

TOTAL MUB AUDIT: \$ 257,620.02

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

FINANCE & ADMINISTRATION:

Last meeting was held on Tuesday, January 15, 2008 at 8:30 am, Room 210.

MOTION by Trustee Church, seconded by Trustee Taylor to approve Budget Transfer \$400.00 from A3620.41 Code: Contractual Services to A3620.46 Code: Conferences/Training Mileage.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Christensen to approve Resolution NO 8-2008 to forgive \$93.24 of penalty assessed David Orr tax map # 49.81-1-45 due to an error in his assessment and the lack of the Veteran's exemption.

In accordance with Section 550(2)(c) of the Real Property Tax Law, a clerical error has been made. An Alternative War Veterans Exemption was filed on the tax map parcel #49.83-1-45 and the exemption was not given on the 2007 Village of Penn Yan Tax Roll. Due to the error the owner of the property did not pay the taxes due. The delinquent taxes and appropriate interest charges have been sent to the County for relevy.

According to the Town of Milo assessor the property is entitled to the Alternative War Veterans Exemption of \$7,200. Therefore, the Village Of Penn Yan is forgiving the interest charge of \$93.24.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Trustee Church mentioned that Lynn Axtell Cemetery Superintendent would be checking with others communities about fee schedules. A possible rate increase for Cemetery.

PERSONNEL:

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve permanent promotional appointment of Dorothy Allen to Principal Account Clerk Typist effective December 20, 2007.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve permanent promotional appointment of Michael Mullins to apprentice line worker effective December 15, 2007.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

PARKS & RECREATION:

Last meeting was held Monday, January 14, 2007 at 5:30 pm.

Trustee D’Abbracci stated they are reviewing the possibility of fees for the Village boat launch. Nothing definite yet.

PLANNING BOARD:

Last meeting was held Monday, January 7, 2008 at 7:00pm

No Report

PLANNING & DEVELOPMENT:

No Report

PUBLIC SAFETY:

No Report

POLICE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve the Chevrolet 2004 Impala for Surplus. Vehicle Identification NO. 2G1WF55K449380027.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

FIRE DEPARTMENT:

No Report

CODE ENFORCEMENT:

MOTION by Trustee Taylor, seconded by Trustee Church to approve Bruce Lyon to attend the Finger Lakes Conference in Rochester March 17 –20th. No overnight stay needed.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Bruce Lyon to attend four meetings throughout 2008. (Syracuse, Corning, Lake Placid and Binghamton). The Yates County Officials have delegated Bruce to be there spokes person for the NYS Official Conferences for 2008.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

PUBLIC WORKS:

Assistant Dir. of Public Works D. Osgood mentioned that he spoke with the Lu Engineers about the Clinton Street arch. Asked them for a proposal of a designed of new arch or reconstruction of the existing arch. Asked for cost as quickly as possible. Looking into a grant to help with this.

STREETS:

Motion by Trustee Church, seconded by Trustee D’Abbracci to approve the 2008 Sidewalk Improvement Program.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion- the Deputy Clerk will review the Owner’s payment before any notice is put in the paper or paper work is distributed.

BUILDINGS:

MOTION by Trustee Church, seconded by Trustee Christensen to approve the \$1,500 application fee for a grant through the State Archives and Records Administration. The filing deadline is February 1, 2008

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MUNICIPAL:

MOTION by Trustee Church, seconded by Trustee Christensen to approve to move forward with the Greiner and O’Dell sanitary sewer connection project with the total cost not to exceed \$21,320.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion - for next years budget.

MOTION by Trustee Church, seconded by Trustee Christensen to approve Bond Resolution NO 7-2008 \$125,000 Capital Improvement Project for the Bar Screen 5-year maturity.

Resolution NO 7-2008 Bond Resolution of the Board of Trustees of the Village of Penn Yan , Yates County, New York (The Village) Authorizing the issuance of \$125,000 in serial Bonds of the Village to Finance the cost of certain Improvements to the Penn Yan wastewater Treatment plant, consisting of the purchase and installation of a Traveling bar screen at the Cherry Street pump station.

Body of which is set out in Amendment # 1 – which is attached here to and made part here of by references.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve Bond Resolution NO 9 –2008 \$180,000 Operating Expense for Sewer Fund Digester Cleaning 3-year maturity.

Resolution NO. 9 –2008 Revenue Anticipation note resolution authorizing the issuance of notes of the village of Penn Yan (the Village) in an amount not to exceed \$180,000 in anticipation of the receipt of sewer rents and charges for the Fiscal Year June 1, 2007 to May 31, 2008.

Body of which is set out in Amendment # 2 – which is attached here to and made part here of by references.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Christensen to accept the bid of \$114,564 from LeClaire-Fleming Mechanical Services for the installation of the bar screen at the Cherry Street Pump Station.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve the development of circuit diagrams by RAM Consulting for a cost not to exceed \$34,775.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to approve the attendance of three employees (Jef Bodine, Don King and Charlie Bush) at the Line workers Safety and Training courses being held in Bath throughout 2008, usually once a month. Training is mandatory under OSHA. The cost is \$1,600 per attendee for the year.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Christensen to approve the attendance of two employees (Mike Naylor, Steve Castner) at the wastewater operator certification courses at Morrisville State College February 12th and 13th. Cost is \$200.00 per attendee for course and around \$100.00 for the overnight stay.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee D'Abbracci to approve the attendance of up to four employees (Ed Balsley, Mike Mullins and Charlie Bush). At the MEUA Engineering Workshop being held February 20th and 21st in East Syracuse. Cost is \$75.00 per attendee. No overnight stay is necessary.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion - Ed Balsley stated they still have room for one more person to attend

MOTION by Trustee Church, seconded by Trustee Christensen to approve the Payment Agreements in the amount of \$3,726.21.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to approve the payment of the two Ribble's invoices for a total of \$1,000.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Christensen to approve to have the Village Attorney Ed Brockman develop two new local laws so that (1) when property changes hands, the water and sewer connections are checked and water-only meters are disconnected and (2) that customers be charged fees for tapping other services performed by Municipal Crews.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Traylor to approve the attendance of up to six employees at the Finger Lakes Water Works Annual Business Meeting being held February 7th in Geneva. At a cost of \$20.00 per attendee.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Allison	Absent
Trustee Christensen	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Assistant Dir. of Public Work D. Osgood mentioned a tree from the Cemetery fell down on the adjoining lot. Have already discussed the situation with the owners and both have agreed to wait till the ground freezes before they will remove the debris.

ADJOURNMENT:

At 10:20 PM, MOTION by Trustee Christensen, seconded by Trustee Church to adjourn the regular meeting.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye	
Trustee Taylor	Aye	Trustee Allison	Absent	
Trustee Christensen	Aye	Trustee Hoban	Absent	
Trustee Church	Aye			Carried

Call to order of the Executive Session at 10:35 PM.

ADJOURNMENT OF EXECUTIVE SESSION:

At 11:10 PM, MOTION by Trustee Christensen, seconded by Trustee D'Abbracci to leave Executive Session and return to regular Village Meeting.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye	
Trustee Taylor	Aye	Trustee Allison	Absent	
Trustee Christensen	Aye	Trustee Hoban	Absent	
Trustee Church	Aye			Carried

ADJOURNMENT :

At 11:15 PM MOTION by Trustee Allison, seconded by Trustee Taylor to adjourn the regular meeting

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye	
Trustee Taylor	Aye	Trustee Allison	Absent	
Trustee Christensen	Aye	Trustee Hoban	Absent	
Trustee Church	Aye			Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS:

The next Regular Board Meeting is schedule for Tuesday , February 19, 2008 at 7:00 PM