

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 15, 2013 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor R. Church.; Trustees W. Allison; C. Christensen; M. Christensen; D. Reeve; R. Stewart; B. Winslow; Attorney Ed Brockman; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; CEO B. Lyon; Fire Chief R. Simpson; Municipal Chairman R. French; Municipal Board members D. Banach, B. LeClaire

ABSENT:

News Media present: Gwen Chamberlain, Chronicle Express; Jim Miller, Finger Lakes Times; David Specksgoor, Dundee Observer

PUBLIC: Deb & Scott Hafleigh and Marty Tones

Mayor Church called the Village Board meeting to order at 6:03 PM.

PUBLIC HEARING - NYS Tax Cap Waiver for 2013-2014

At 6:03PM Mayor Church called the Public Hearing to order.

At 6:03PM **MOTION** by Trustee Allison, seconded by Trustee Winslow to open the Public Hearing for the NYS Tax Cap Waiver for 2013-2014.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mayor Church asked if anyone had any comments or concerns regarding the Tax Cap.

At 6:06PM **MOTION** by Trustee Allison, seconded by Trustee M. Christensen to close the Public Hearing.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen seconded by Trustee C. Christensen to authorize Resolution No 4-2013 Adoption of Local Law Two Percent Tax Cap Waiver Law.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on January 15, 2013; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law I of the Year 2012 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

At 6:05PM **MOTION** by Trustee Winslow, seconded by Trustee Allison to open the Public Hearing regarding Annexation of Sherman Street and Outlet Road to Assigning a Zoning District.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mayor Church asked if anyone has any comments or concerns regarding the Annexation for Sherman Street or Outlet Road.

At 6:43PM **MOTION** by Trustee Allison, seconded by Winslow to close the Public Hearing.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Reeve, seconded by Trustee M. Christensen to forward to the Yates County Planning Committee the Annexation for Sherman Street or Outlet Road.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize to have an Executive Session regarding an appointment and consult legal counsel.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MINUTES:

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve the Village Board Minutes from December 18, 2012 and Special Village Board meeting for December 17 and 28, 2012.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Atty. Brockman explained to the Village Board how he determined that St. Mark’s Terrace is classified as an institution not an apartment house for the EDU classification. Atty. Brockman reviewed various types of documentations including the (NAICS) North American Industry Classification System and Federal guidelines. Atty. Brockman suggested discussing this more in closed session. Deb Hafleigh, Administrator for St. Mark’s Terrace discussed her views and handed out literature to back her comments why St. Marks should be declared as an institution and not an apartment complex. Atty. Brockman feels we need to go by AWWA guidelines. After a lengthy discussion the Village Board agreed with the Municipal Board decision to credit the amount to St. Mark’s Terrace.

MOTION by Trustee Winslow, seconded by Trustee Stewart to credit St. Marks Terrace \$2,816.24 for water and \$3,030.00 for sewer and will declare them as an institution not an apartment complex.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

Marty Tones discussed his views on the traffic light at East Main & Lake Streets. He would like the light returned to a flashing signal again. Mr. Tones stated he can get downtown faster to go on Liberty Street than to go to the corner and turn left it’s a pain. Also the pedestrians do not wait for the crossing signal to cross the Street. His question is why it can’t go back. He thanked the Board for listing.

MAYOR:

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Resolution No 1-2013 Mileage Allowance (effective Jan. 1, 2013 mileage reimbursement has increased to 56.5 cents per mile).

“**WHEREAS** the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan will authorizes reimbursement to such officers and employees at the rate of per mile as set forth in the IRS standard mileage table.
2. That this resolution is effective immediately.”

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ATTORNEY:

Atty. Brockman reviewed in full with the Village Board (Part 1) - SEQR Amendments to Village Code for New Overlay Districts.

Atty. Brockman reviewed in full with the Village Board (Part 2) SEQR Amendments to Village Code for New Overlay Districts.

MOTION by Trustee M. Christensen, seconded by Trustee Reeve to adopt and authorize Mayor Church signs the SEQR for Amendments to Village Code for New Overlay Districts.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Reeve, seconded by Trustee Stewart to forward a signed copy to Yates County Planning Board for their review.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Brent Bodine reviewed in full with the Board the SEQR – Waterfront Revitalization Project-Sanitary Sewer Improvements. Brent explained this will take place along the outlet trail go to end of Monell Street to outlet trail up towards Hicks Street and Waddell Ave.. Will be placed 20 feet back from the water edges to place the sewer line. Trustee M. Christensen is looking to be sure everything is correct does not want anything to hold up the project. Mayor mentioned we will be doing another SEQR before this is done. After reviewing and discussing it with the Board more- the Board agreed to have Mayor sign the SEQR.

MOTION by Trustee Reeve, seconded by Trustee Winslow to adopt and authorize Mayor Church signs the SEQR for the Waterfront Revitalization Project – Sanitary Sewer Improvements and have a negative declaration prepared.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Mayor Church, seconded by Trustee Reeve to authorize Resolution No 2-2013 Amendment of the Vehicles and Traffic Chapter of Village Code and set a Public Hearing for February 19, 2013 at 6:00PM.

WHEREAS, the Village Department of Public Works has recommended an amendment to the Vehicles and Traffic Chapter; and

WHEREAS, a Local Law with respect thereto has been prepared and circulated to the Board of Trustees; and

WHEREAS, SEQRA issue have been addressed with respect thereto, an SEAF having been drafted and reviewed.

Now Therefore, be it Resolved

1. The Board of Trustees of the Village of Penn Yan adopts the Short Environmental Assessment Form (SEAF) previously reviewed and directs that a Negative Declaration be prepared.

2. A public hearing with respect to this matter shall be held on February 19, 2013 at 6:00 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

COMMUNITY REVITALIZATION:

No update

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the Mayor signs the letter to Secretary Brillling and submits our Mini Rate Case to the Public Service Commission.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to accept the bid from Cooper Power Systems for six, 25 KVA and six, 50 KVA overhead distribution transformers; each 25 KVA transformer costs \$923 (for a total of \$5,538) and each 50 KVA transformer costs \$1,359 (for a total of \$8,154) for a total purchase price of \$13,692.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of one (1) employee at the NYRWA ‘Process Measurement & Control’ training session being held February 21st in Waterloo, NY at a cost of \$38.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the FLWWC dues be paid for ten employees and the MUB members at a cost of \$15.00 per person for three years – total cost \$225.00

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Utility Payment Agreements in the amount of \$17,036.56.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

FINANCE & ADMINISTRATION:

MOTION: by Trustee C. Christensen, seconded by Trustee Stewart to pay current Village and Municipal bills as submitted.

WARRANT:

	Amount:
Paid Before Audit:	
General	92,464.61
Electric	255,632.62
Sewer	14,625.65
Water	16,925.32
Capital Projects	
Total Paid Before Audit	\$ 379,648.20
Current Audit:	
General	\$ 23,434.47
Community Development - CRC	-
Electric	19,046.04
Sewer	34,030.40
Water	33,113.36
Capital Projects	-
Total Current Audit Items	\$ 109,624.27
TOTAL AUDIT	\$ 489,272.47

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize a paid before warrant of \$15,000.00 to IBS Builders for the Façade Program with ROTO Salt.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 3-2013 Budget Transfers for 2012-2013 Fiscal Year.

TO:

Account Id	Description	Date	<u>Fund Totals</u>
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-A -8810-0-000	CEMETERY		

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen **to** authorize Steven Schmidl be elected to membership in the Hydrant hose Co. effective 1/8/2013.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Mark Blanch be removed from the active roll effective 1/8/2013.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee M. Christensen explained at this time part of the Municipal crew is keeping track of cost, maintenance etc. for 6 months. Will then review this to see if it validates to keep the system. He stated it was discussed to send a letter to the few who are still on a pull alarm system. Would like them to start looking into changing to the dial up system.

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize a letter be sent to the customers who still use the pull system and asked that they start reviewing the dial up system.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee M. Christensen discussed the Game well system is an old system. At present the municipal crew is maintaining it right now they are keeping a log of any maintenance or any ongoing cost for it. The Village does have a few entities that still use the pull box (Schools/ Hospital/ ARC etc.) which go directly into the Game well system. Might have to replace the system someday. Would like to give these entities notice that we want to remove the pull box alarm system. Would like them to start looking at other alternatives as the dial up system.

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize a letter be sent to the Village entities that use a pull box fire alarm system putting them on notice to look into alternative fire system.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

CODE ENFORCEMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Bruce attends the annual seminar for Yates County Code Enforcers meeting in Rushville, NY on February 8, 2012.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

PUBLIC WORKS:

No update

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Reeve to authorize the signing of the MOU (Memorandum of Understanding) between Yates County Legislature and Village of Penn Yan for Jan. 1, 2013 – Dec. 31, 2013 for assisting in lifeguard services.

Discussion: Mayor Church remarked last year’s amount was \$10,800. 00 and this year is \$10,260.00 a difference of \$540.00. Trustee Allison and Reeve questioned is this a pass thru State Fund or the County just decided to lower the amount. After a brief discussion it was decided to table the motion until next month to get more information.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to table the signing of the MOU (Memorandum of Understanding) between Yates County Legislature and Village of Penn Yan for Jan. 1, 2013 – Dec. 31, 2013 for assisting in lifeguard services. Will need to discuss with Dan Doyle regarding this.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee Stewart briefly discussed the issues regarding concerns for Prohibiting the use to remove High Volumes of Water for Industrial use using Village property. Do we want them to access the water from the Boat launch – Indian Pines or other Village property. They need a DEC permit to pump water out. If the DEC permits them to take water from the lake and if Hydrofracking is permitted would that override the Village. Bill Jensen looked into this and mentioned it is the state’s water but the land is ours and we do not have to allow them to go on it. They would need to come to the Village and ask permission. Mayor feels if the DEC gives them a permit they still have to come to the Village and get out permission to draw from Village property. Mayor asked the committee to still review this issue.

Trustee Stewart stated the Parks & Recreation meeting for February has been changed to Friday February 15 at 2:00 PM due to the President’s Holiday.

Trustee Stewart we are still in the process of working on the Tobacco Free Outdoor Area Policy

PLANNING & DEVELOPMENT:

Trustee Reeve mentioned the County is having a meeting on January 29, 2013 at 5:30 PM regarding the High Impact Industrial Use Moratorium if anyone is interested. The county trying to coordinate so everyone involved is not doing duplicate work and if you have concerns.

Trustee Reeve mentioned there is a meeting at the Village office on Friday February 1, 2013 at 10:30am regarding High Industrial Use.

PLANNING BOARD:

COMMENTS

EXECUTIVE SESSION:

At 8:03PM **MOTION** by Trustee M. Christensen, seconded by Trustee Allison to move into Executive Session.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:35PM **MOTION** by Trustee C. Christensen, seconded by Trustee Reeve to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT:

At 8:35 PM **MOTION** by Trustee C. Christensen, seconded by Trustee Reeve to adjourn the regular meeting.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS:

