

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 18, 2011 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; W. Davidson; R. Stewart; B. Winslow; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works D. Osgood; Assistant Director of Public Works B. Bodine; Deputy Assistant Director of Public Works B. Jensen; Police Chief Hulse; Parks Director D. Doyle; CEO B. Lyons

**ABSENT:** Fire Chief R. Retorick

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

**PUBLIC:** Chris & Cindy Vaughn, Susan Harris, Karen Morse, Vince Scarpechi

Mayor Church called the Village Board meeting to order at 6:00 PM.

Mayor Church called for a moment of silence for Frank Condella that passed away a week and half ago . He was a past Village Trustee, County Legislator and a former Penn Yan Police Officer.

**PUBLIC HEARING -** Establish speed limit, traffic control and requisite signage for Street known as Firehouse Avenue.

Mayor Church called the Public Hearing to order at 6:00 PM.

MOTION by Trustee Allison, seconded by Trustee Davidson to open the Public Hearing at 6:00 PM.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Mayor Church asked if there were any comments from the public regarding the speed limit, traffic control for Firehouse Avenue. Speed limit is 15 mph. No comments

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to close the Public Hearing at 6:05 PM.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Stewart, seconded by Trustee Winslow to have two Executive Sessions, one during the Village meeting to discuss the work history of an employee and one after the meeting to discuss two grievances

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**MINUTES:**

MOTION by Trustee C. Christensen, seconded by Trustee Davidson to approve the Village Board Minutes from December 21, 2010.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**GUESTS, PUBLIC REQUEST & COMMENTS:**

Chris Vaughn updated the Village Board on the Keuka Arts Festival. This year's Festival will be June 11 & 12. Chris would like to thank the Village Board for their support with the event. He explained that Chief Hulse and Officer's were a great help with patrolling at night and during the event. Thanks to Dan Doyle - he has been instrumental with the improvements of the area. Thanks to Bruce Lyons, Jef Bodine and the electric crew for help with electrical problems and hook ups. Chris explained that he has been talking with Dan Doyle and Don Rapalee regarding a section near the parking lot toward the boat launch pads - the drainage in this area during rainy weather is bad; cannot utilize the space at all. Chris mentioned the Arts Festival is willing to donate \$2,000 towards the improvement of the drainage for this area. He mentioned last year we had 3 hand-i-cap spaces will need more this year. Chris explained the Arts Festival is a 501-C4 – a non for Profit Corporation, we are registered in the State of New York. No officers are paid and all other workers are volunteers. He explained the vendors have increased each year. The first year had 25; second was 50 and last year almost 70. Hope to have 100 vendors this year; we are spending a few thousand dollars in advertizing. Our future goal is to have vendors go from the Boat launch down to the Main Street Bridge. Chris explained there is a section between Liberty Street and Main Street that is over grown with brush, tree ruts and weeds, wondered could this be cleared out this coming year – have it seeded and be ready for use the following year (2012) for vendors. Chris has volunteers and backhoes ready to help clear this section out, asking for the OK from the Board. Chris would like permission to have the Wine tasting center in the tennis courts. The enclosed area would help contain the testing area. He stated the Festival would pay for damages to the Courts if any. Trustee M. Christensen talked about the one entrance in and out of the Courts, Trustee M. Christensen questioned Bruce Lyon with one entrance is this a problem? Bruce explained the code allows 15 people at a time. Trustee M. Christensen and Chris questioned the possibility of another entrance in the fence. Mayor asked Dan Doyle to look into another gate and Dan will also speak with the Tennis Club for their input. Bruce will check on a size of a gate needed. Susan Harris, Executive Director for the Arts Council explained the Arts Council is trying hard to help the Village not just cultural but with the economy Development. The Arts Festivals brings people to the downtown area. Ms. Harris mentioned that she could help to show in the planning process the strategies. For example cleaning this one section up from weeds, ruts, brush – show this would be used for vendors, or for an artists workspaces (painting etc). That it would be bringing money to the Village. Ms. Harris stated there is dedicated funding / grants out there that she could ask for on her end. She has knowledge of ways to help assist plans for future to include arts & culture in the downtown area and connecting the Waterfront to the downtown area. She has asked if she could be on the Waterfront Development Committee to be an advisor for the economy Development opportunities. Ms. Harris explained the steps by the Main St. Bridge are about 40 steps- very hard for the elderly and baby strollers to use. She questioned about a ramp could be put in place. Dick Osgood explained that has been discussed. Dick explained that we have a grant already that the hand-i-cap ramp is part of. Trustee Davidson will contact Ms. Harris regarding the meeting for the Waterfront Development.

The Pennsylvania Yankee Mercantile is asking to host a festival "Pickin in the Street" on Saturday August 20<sup>th</sup> from 10:00 am – 6:00pm. All local artists and bands to perform, local and all natural foods will be served and displayed.

Discussion: Mayor Church questioned if all the local merchants on this part of Main Street have been notified of the event. Atty. Brockman is aware that at least one has not been notified. Trustee's M. Christensen and Davidson will speak with the Pennsylvania Yankee Mercantile to get a plan of the events for the day. Trustees Christensen and Davidson will contact the Downtown Merchants Association to discuss this in more detail. Chief Hulse doesn't see a problem with the event. The Village Board was in agreement that this will be great for downtown and wish there were more events like this. Trustee M. Christensen mentioned that this will be taking place before the Liberty Street bridge project. Mayor Church asked to have this tabled till next month's agenda.

Mayor Church mentioned approximately 20 to 25 boats are asking permission to launch from the Penn Yan Boat Launch for Bass Tournament on Sunday September 25, 2011 starting at safe light and weigh-in held at 3:00pm. Mayor Church will contact the event coordinator to explain the time frame on the Liberty Street project. The Village Board was in agreement for the tournament.

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to approve the annual Penn Yan Area CROP Hunger Walk for Sunday, May 1, 2011 at 1:30pm. (Registration begins at 1:00pm – Starting and ending at the Penn Yan First Presbyterian Church). This is sponsored by the Penn Yan Area Council of Churches.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

At 6:35 PM MOTION by Trustee Stewart, seconded by Trustee Winslow to move into Executive Session regarding the work history of an employee.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

At 7:10 PM MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

### **OLD ITEMS**

Clerk/Treasurer S. Wilber explained they are finishing up on the Workplace Violence Prevention Training. She will have information at the February's Village Board meeting.

Mayor Church asked Dan Doyle if they are any closer on the parking fee at the Village at the boat launch. Trustee M. Christensen question if we could have information and or something in place by May. Mayor Church agreed the Board would like to see sometime and have it in place by May.

### **MAYOR:**

Mayor Church read the (MOU) Memorandum of Understanding Agreement between the Yates County Legislature and The Village of Penn Yan. The County has allocated \$15,000 to the Village to provide recreation services to residents of Yates County. Mayor Church explained this is yearly agreement that we do.

MOTION by Trustee Allison, seconded by Trustee Davidson to authorize Mayor Church to sign an Agreement between Yates County Legislature and the Village of Penn Yan in the amount of \$15,000 for the recreation services to the residents of Yates County.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to approve Resolution No. 7-2011 Proposed Local Law Amending the Code to change Method of billing for Water & Sewer

**WHEREAS**, the Department of Public Works of the Village of Penn Yan deems it appropriate to consider a Local Law amending the method of computing water and sewer rents by the Village; and

**WHEREAS**, the Board of Trustees intends to act as lead agency for the purposes of the review of this proposed Local Law under the provisions of SEQRA; and

**WHEREAS**, it appears that there will be no environmental impact by the adoption of such a local law and such adoption may accordingly be deemed a "Type II" Action pursuant to SEQRA.

### **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 no environmental impact will occur by the adoption of this local law, the adoption of such Local Law is a "Type II" Action under SEQRA and therefore no environmental review will be undertaken; and it is further

**RESOLVED**, that the Village Attorney is directed to draft a proposed Local Law for this proposed amendment of the Village Code.

Date of Adoption: January 18, 2011

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

DISCUSSION: Atty. Brockman explained this is the first step – he will be drafting up a Local Law.

**PARKS & RECREATION:**

MOTION by Trustee Allison, seconded by Trustee Davidson to approve Resolution No. 6 - 2011 NYS Department of Environmental Conservation Urban & Community Forestry Grant Program.

**WHEREAS**, the Village of Penn Yan is applying to the New York State Department of Environmental Conservation (NYS DEC), for a grant under the Urban and Community Forestry Grant Program for forestry work within the Village of Penn Yan.

**NOW THEREFORE BE IT :**

**RESOLVED**, the Board of Trustees of the Village of Penn Yan designates itself lead agency for SEQRA purposes and This action is determined to be an “Unlisted Action” for SEQRA Purposes; and it is further

**RESOLVED**, that the Board of Trustees of the Village of Penn Yan, hereby does approve and endorse the application for a grant under the NYS DEC Urban and Community Forestry Grant Program for the endeavor entitled “Village of Penn Yan Tree Planting Project” within the Village, and that Recreation Director Daniel Doyle is authorized and directed to execute such documents as are necessary to complete that application as well as the supervision of the implementation and execution of the project.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Discussion: Mayor Church stated the Village will be the lead Agency for the Grant and we are authorizing Dan Doyle to execute documents as necessary and to complete the documents. Atty. Brockman review Part II of the SEQR for the Grant Application for the Village of Penn Yan’s Tree Planting Project.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to approve Mayor Church signs the SEQR for the Tree Planting project.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**ATTORNEY:**

MOTION by Trustee Winslow, seconded by Trustee Allison to approve Resolution No 1-2011 Declaring Certain Premises Owned by the Village of Penn Yan to Be Surplus Real Property – Located Northeast of McKinley Avenue.

**WHEREAS**, the Village of Penn Yan owns certain real property in the Village of Penn Yan which is located northeast of McKinley Avenue consisting of approximately two (2) acres; and

**WHEREAS**, such real property is not presently dedicated to any use by the Village of Penn Yan, and Richard Osgood, the Village Director of Public Works, has certified that such property will not be required for governmental purpose by the Village of Penn Yan.

**NOW THEREFORE BE IT RESOLVED**, that the premises owned by the Village of Penn Yan consisting of approximately 2.00 acres, described in a deed recorded in the Yates County Clerk’s Office in Liber 98 of Deeds at page 212 is hereby declared to be surplus real property and not required for use by the Village of Penn Yan for governmental purposes. Such property may accordingly be sold or otherwise transferred at the direction of the Board of Trustees of the Village of Penn Yan.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Discussion: Trustee Stewart questioned how many Davis Streets in the Village. Mayor Church explained they are paper Streets only.

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Resolution No 2-2011 Proposed Discontinuance of Designated Streets in the Village of Penn Yan

**WHEREAS**, certain streets named Davis Street, Watkins Street, Swarthout Street and the northerly position of Geneva Street have been previously laid out and dedicated to the Village of Penn Yan but remain as unopened, undeveloped and unused streets; and

**WHEREAS**, such condition has existed for well in excess of six (6) years; and

**WHEREAS**, the Village of Penn Yan has no need to continue those streets and contemplates the discontinuance and abandonment thereof pursuant to the pertinent provisions of the Highway Law and the Village Law; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan wishes to address the SEQRA issues related to this action.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board of Trustees designates itself as “Lead Agency” for the purposes of SEQRA issues related to this action.
2. The Board of Trustees finds that there would be no detrimental effects on the environment from this action, determines that this is a “Type II” action and accordingly no environmental review will be undertaken with respect thereto.
3. A public hearing be held by the Board of Trustees on February 15, 2011 at 6:00 p.m. on the issue of such discontinuance and abandonment and that due notice of same be given by publication and posting through the Village Attorney.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Discussion: Atty. Brockman explained these are not on Village owned property – they are on property owned by someone else. We are declaring a triangle piece on the southern property line.

MOTION by Trustee Allison, seconded by Trustee M. Christensen to approve Resolution No 3-2011 Declaring Certain Premises Owned by the Village of Penn Yan to be Surplus Real Property – Lake Street

**WHEREAS**, the Village of Penn Yan owns certain real property in the Village of Penn Yan which is located on the northerly side of Lake Street consisting of approximately 126 feet of frontage on Lake Street and being the easterly portion of lands conveyed to the Village of Penn Yan by Deed recorded in the Yates County Clerk’s Office on April 30, 1973 in Liber 252 of Deeds at page 181; and

**WHEREAS**, such real property is not presently dedicated to any use by the Village of Penn Yan, and Richard Osgood, the Village Director of Public Works, has certified that such property will not be required for any other governmental purpose by the Village of Penn Yan.

**NOW THEREFORE BE IT RESOLVED**, that the following described premises owned by the Village of Penn is hereby declared to be surplus real property, not required for use by the Village of Penn Yan for governmental purposes and such property may accordingly be sold or otherwise transferred at the direction of the Board of Trustees of the Village of Penn Yan:

Beginning at a point in the northwesterly line of Lake Street which point is located north 39° 44’ 39” east a distance of 540.00 feet from the southwesterly corner of premises conveyed to the Village of Pen Yan by deed recorded in the Yates County Clerk’s Office in Liber 252 of Deeds at page 181, which point is also located in the northwesterly line of Lake Street, thence (1) northwesterly on a course at a 90° right angle to the line of Lake Street so far as a point twenty (20’) feet from the center of the Keuka Lake Outlet Trail; thence (2) northeasterly on a line parallel to the center of the Keuka Lake Outlet Trail and twenty (20’) feet southerly therefrom throughout so far as a straight line extension to the northwest of the southwesterly boundaryline of premises now or formerly owned by Victor Corcoran (Liber 109 of Deeds at page 747) the northeasterly corner thereof; thence (3) southeasterly along the northeasterly boundaryline of said premises conveyed to the Village of Penn Yan so far as the southeasterly boundaryline of said premises in the northwesterly line of Lake Street; thence (4) southwesterly along the southeasterly boundaryline of said premises so far as the point of beginning hereof, containing frontage on Lake street of approximately 126 feet.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

Discussion: Atty. Brockman stated with conjunction with declaring surplus property we need to determine the Value of it and the process to sell it. Trustee Allison would like a public bid/open bid. Atty. Brockman stated the property will be sold at full market value. We have (2) two acres off McKinley Ave. Mayor Church asked Atty. Brockman to get a Broker appraisal on multiple sites. Clerk/Treasurer S. Wilber reminded the board that this is not current in the budget – I am not saying there isn't money available just no money allocated for this.

Mayor Church asked to have Resolution No 8-2011 Proposed Local Law Amending the Code of the Village of Penn Yan by Providing for Alternate Member's of the Historic Preservation Commission be TABLED till February's meeting.

Mayor Church explained Dick Osgood, Brent Bodine, Bill Jensen and himself have been working with citizens on Keuka and Court Street. The residents feel the flooding maps are incorrect and have been paying flood insurance for years. They asked us to look into this. Mayor Church and Brent have drafted a letter asking the Board's approval to send it to Senator Schumer asking for help to alleviate the flood insurance for the residents. Mayor explained a local surveyor did a current survey and compare the two -he feels the old maps are incorrect. Brent Bodine explained that it will cost to have FEMA look at it. Asking Senator Schumer to go to bat for us, asking for recommendation where to proceed with this. Dick Osgood asking the press to help us in asking any residents that might have old photos to share with us on the 1972 flood for this area.

#### **COMMUNITY REVITALIZATION:**

None

#### **MUNICIPAL:**

MOTION by Trustee Allison, seconded by Trustee Winslow to apply for \$4 million of interest-free financing from the New York State Environmental Facilities Corporation's Clean Water State Revolving Fund (CWSRF) and to choose the 20-year repayment option.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison, seconded by Trustee Winslow to approve Chief Jef Bodine to take the new hybrid bucket truck to Bath for the next Training and Safety Session.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison, seconded by Trustee M. Christensen to approve the attendance of up to five (5) employees at the MEUA Engineering Workshop being held February 9<sup>th</sup> and 10<sup>th</sup> in East Syracuse at a cost of \$75 per person.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the attendance of up to five (5) employees at the FLWWC Annual Business Meeting being held February 3<sup>rd</sup> in Geneva at a cost of \$22 per person and pay dues (covering three years) for three (3) employees at a cost of \$15 each.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison seconded by Trustee Davidson to approve the attendance of Mike Naylor at the NYRWA Training Session "Laboratory" being held February 23<sup>rd</sup> in Painted Post at a cost of \$75.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison seconded by Trustee Davidson to approve the attendance of Mike Naylor at the NYRWA Training Session "Security & Emergency Response" being held March 10<sup>th</sup> in Geneva at a cost of \$30.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Utility Payment Agreements in the amount of \$6,318.95.

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

#### **FINANCE & ADMINISTRATION:**

**MOTION:** by Trustee Winslow, seconded by Trustee Allison to pay current Village and Municipal bills as submitted.

#### **AUDIT:**

|                                  |    | <b>Amount:</b>       |
|----------------------------------|----|----------------------|
| <b>Paid Before Audit:</b>        |    |                      |
| General                          |    | 29,795.51            |
| Electric                         |    | 194,316.58           |
| Sewer                            |    | 13,402.42            |
| Water                            |    | 11,433.54            |
| Capital Projects                 |    |                      |
| <b>Total Paid Before Audit</b>   |    | <b>\$ 248,948.05</b> |
| <b>Current Audit:</b>            |    |                      |
| General                          | \$ | 27,204.87            |
| Community Development - CRC      |    | -                    |
| Electric                         |    | 7,360.13             |
| Sewer                            |    | 28,882.64            |
| Water                            |    | 91,424.94            |
| Capital Projects                 |    | -                    |
| <b>Total Current Audit Items</b> |    | <b>\$ 154,872.58</b> |
| <b>TOTALAUDIT</b>                |    | <b>\$ 403,820.63</b> |

|                        |     |                  |     |         |
|------------------------|-----|------------------|-----|---------|
| Mayor Church           | Aye | Trustee Davidson | Aye |         |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |         |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |         |
| Trustee M. Christensen | Aye |                  |     | Carried |

MOTION by Trustee Winslow, seconded by Trustee Allison to authorize Shawna Wilber Clerk/Treasurer to sign the Insurance Broker Letter to change brokerage firms and send to Excellus.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Discussion; Mayor Church explained the gentleman that we have dealt with is going to a new company and we will be going with him. He has been very helpful with our concerns.

**PERSONNEL:**

None

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Sgt. Kirk Crandall attends a three week Supervisory School at Elmira Regional Training Center from Feb. 7<sup>th</sup> –25<sup>th</sup>, at a cost of \$150.00, plus mileage. This is required for a promotion to Sergeant. An extension was made due to lack of school being offered in the area. He will be commuting to the class from home.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Chief Hulse attends Rural Executive Management Institute training course, sponsored by the National Center for Rural Law Enforcement, funded by a Department of Justice Grant from Feb. 14<sup>th</sup>-17<sup>th</sup>, in Tulsa, Oklahoma. All lodging, meals, and travel costs related to training will be paid by the National Center for Rural Law Enforcement.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**FIRE DEPARTMENT:**

## Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Dec 2010  
run 01-10-2011 Pg 1

| Description                 | Number | Firefighters | Manhours |
|-----------------------------|--------|--------------|----------|
| Fire Alarms                 |        |              |          |
| House Fires                 |        |              |          |
| Business Fires              |        |              |          |
| Grass/Brush Fires           |        |              |          |
| Outside Building/Barn Fires |        |              |          |
| Car/Vehicle Fires           |        |              |          |
| Other Fires                 | 1      | 16           | 4.0      |
| Wires                       | 1      | 9            | 0.6      |
| Other Emergency             | 7      | 80           | 39.0     |
| Automatic Alarm Fires       | 5      | 58           | 12.2     |
| Mutual Aid Scene            | 2      | 40           | 42.0     |
| Mutual Aid Standby          |        |              |          |
| Public Service              |        |              |          |
| Vehicle Accident            | 1      | 19           | 24.7     |
| <hr/>                       |        |              |          |
| Total Fire Calls            | 17     | 222          | 122.5    |
| Medical/Rescue Calls        |        |              |          |
| First Responders            |        |              |          |
| Assist Ambulance            |        |              |          |
| Other Medical               |        |              |          |
| <hr/>                       |        |              |          |
| Total Med/Resc Calls        | 0      | 0            | 0.0      |
| <hr/>                       |        |              |          |
| Total ALL Calls             | 17     | 222          | 122.5    |
| Other Activities            |        |              |          |
| Courses                     |        |              |          |
| Drills                      | 1      | 7            | 14.0     |
| Monthly Meetings            | 4      | 50           | 50.0     |
| Committee Meetings          |        |              |          |
| Fire Prevention             |        |              |          |
| Fund Raising                |        |              |          |
| Parades/Cleanup             |        |              |          |
| Work Detail                 |        |              |          |
| Wake/Funeral                |        |              |          |
| Line Of Duty                |        |              |          |
| Other                       |        |              |          |
| <hr/>                       |        |              |          |
| Total Other Activities      | 5      | 57           | 64.0     |
| *****                       | ***    | *****        | *****    |
| <hr/>                       |        |              |          |
| Total ALL Activities        | 22     | 279          | 186.5    |

MOTION by Trustee M. Christensen, seconded by Trustee Allison to approve approximately 19-25 firefighters to attend the Geneva Fire Department Seminar Rescue & Firefighting Strategies, Tactics & Skills for house Fires on Saturday February 12<sup>th</sup>, 2011. \$15.00 per person.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to approve Robert Galusha to be elected as a member in the Ellsworth Hose Co.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to remove Eric Stinson and Brian Petersen from the Active Roll.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to approve Penn Yan Fire Department to hold their Annual Fire Fighter’s parade on Saturday August 27, 2011 at 6:00pm. Parade route will begin at East Main and Lake Streets and end at the Fireman’s field.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Mayor Church mentioned at a Fire Department dinner last weekend the Department recognized one of the three people that helped out at the house fire on Lake Street a month or so ago. The other two will be recognized in the near future. At the time of the fire these three people were near by the house fire. They step in to assist the residents until the Fire Department was on the scene. One gentleman had the residents get out on the roof and wait for the trucks.

**CODE ENFORCEMENT:**

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Bruce Lyon attends the Finger Lakes Education Conference for (4) four days from March 14-17, 2011 at RIT. Cost is \$390.00, plus mileage. Bruce may stay one night over and commute for the conference.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**PUBLIC WORKS:**

MOTION by Trustee Allison, seconded by Trustee Winslow to approve Resolution No 4-2011 Main Street and Court Street Water Main Replacement.

**WHEREAS**, the Village Board of the Village of Penn Yan plans to do improvements to the existing Main Street and Court Street Water Mains,

**WHEREAS**, the Village does not have sufficient funds on hand to pay for all improvements necessary to the existing Water Main System,

**WHEREAS**, this project may be eligible for federal government funding through the USDA/Rural Development to improve the Water Main System,

**WHEREAS**, it is in the interest of the public to obtain low interest loans and/or grants for the improvements to the existing Water Main System; therefore be it

**RESOLVED**, that the Mayor and Deputy Mayor of the Village of Penn Yan is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development and

**BE IT FURTHER RESOLVED**, that the Mayor and Deputy Mayor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

Mayor Church called for a roll call vote:

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee Allison, seconded by Trustee Davidson to approve Resolution No 5-2011 Main Street and Court Street Water Main Replacement to apply to Rural Development for a Pre-Development Planning Grant.

**WHEREAS**, the Village of Penn Yan is applying to Rural Development for a Pre-Development Planning Grant for the development of their Engineering Report and Environmental Report for the Main Street and Court Street Water Main Replacement project; and

**WHEREAS**, the Village Board of the Village of Penn Yan has contracted with Elliott Engineering for the development of the Engineering Report and the Environmental Report of said project; NOW, therefore be it

**RESOLVED**, that upon receipt of the Pre-Development Planning Grant funds that the Village Board of the Village of Penn Yan authorizes these funds to be used to defray the cost of the development of the Engineering Report and the Environmental Report as required by Rural Development, be it further

**RESOLVED**, that the Village will disburse all Pre-Development Planning Grant funds to Elliott Engineering upon receipt of the final Engineering Report and the final Environmental Report and their subsequent approval by Rural Development as complete.

Mayor Church called for a roll call vote:

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Trustee Allison asked the Board if they reviewed the paper work that shows the improvements over the past years. And we are still moving forward. Trustee Allison reminded the Board to view the graphic in the MUB room the colors are changing after work is complete. We have done a lot the past few years.

**PLANNING & DEVELOPMENT:**

**PLANNING BOARD:**

Atty. Brockman review the SEQR in full having the Village fill out Part II of the SEQR- amend Chapter 162 - Site Plan Review.

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to authorize the Mayor signs the SEQR to amend Village Code for Site Plan Review.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to have the Village Board as Lead Agency and be adopt a Local Law and asking Atty. Brockman to draft up a Local Law and have a Public Hearing for February 15, 2011 at 6:05 PM..

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

MOTION by Trustee Allison, seconded by Trustee Davidson to have the SEQR as unlisted.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

Trustee Davidson explained that the Village Board at last month Village Board meeting asked the Planning Board to change the Zoning on the Local Law for the Waterfront Zoning. The Planning Board disagrees with the Village Board and will not change the Local Law. Trustee Davidson explained they have forward their recommendation to the County Planning Board. Prior to that – Trustee Davidson invited Ms. Gunn to the Waterfront Committee meeting and she was unable to make it. Trustee Davidson asked Ms. Gunn to contact him to discuss her concerns. He stated we have a master plan that shows a possible walk way on the north side of the marsh. Looking at a tax map it appears that we could go between the marsh and her property and still not invade on her property. Trustee Davidson will ask Ms Gunn if she has a legal deed to see where her property goes. Trustee Davidson would like a Public Hearing next month to see if any other concerns.

MOTION by Trustee Davidson, seconded by Trustee Winslow to have a Public Hearing on February 15, 2011 at 6:10pm regarding the Waterfront Development Local Law.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**COMMENTS**

Trustee Stewart mentioned that he had received a letter questioning the YCRR using a Village Office. There was a contract for 12 months and that was 72 months ago. Trustee Stewart is inquiring where we are with this. Mayor Church asked Trustee Stewart to form a committee and look into it, he can ask any board member to be on the committee.

Trustee M. Christensen wanted to Thank Dick Osgood, Director of Public Works for all of his hard work that he has done over the past years while working here at the Village. We know that all his hard work and efforts come from the heart. Mayor Church thanked Dick for all his help over the years with questions that arose.

**ADJOURNMENT:**

At 8:29 PM, MOTION by Trustee Davidson, seconded by Trustee Winslow to move into Executive Session.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

At 9:00PM Mayor Church excused Atty. Brockman and Clerk/Treasurer S. Wilber for the night.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 10:32 PM, MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

**ADJOURNMENT:**

At 10:32 PM MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to adjourn the regular meeting

|                        |     |                  |     |
|------------------------|-----|------------------|-----|
| Mayor Church           | Aye | Trustee Davidson | Aye |
| Trustee Allison        | Aye | Trustee Stewart  | Aye |
| Trustee C. Christensen | Aye | Trustee Winslow  | Aye |
| Trustee M. Christensen | Aye |                  |     |

Carried

---

Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**

