

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 25, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

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

**ABSENT:** Trustee W. Allison; Superintendent L. Axtell and Fire Chief K. Pallar

Public Attendees: Mike Jensen, Carl Sands, Keith Duby, Robin Osborne, Ruth Osborne, Karol Hartman, Elizabeth Armstrong and Anne Gunn

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

Mayor Marchionda called the meeting to order at 7:02 PM and led the Pledge Allegiance to the Flag.

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Christensen, seconded by Trustee Koek to hold an *Executive Session* at the end of the meeting concerning pending litigation. Unanimously Carried.

**MINUTES:**

MOTION by Trustee Schwingle, seconded by Trustee Koek to approve the minutes of the regular Village Board meeting of January 11, 2005 as submitted. Unanimously Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Mayor Marchionda had planned to present Stan Trenchard, retired Cemetery Superintendent, a Certificate of Recognition for his years of service and dedication to the Village of Penn Yan. With the certificate, Stan will receive a "Village" watch of his choice from Eaton's Jewelry Store. However, it was unfortunate that Stan was not present. DPW Director Balsley will see that Stan receives the certificate.

**MAYOR:**

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize Mayor Marchionda, Jr. to sign 7 copies of the Multi-Modal 2000 Program Agreement for the issuance of \$20,000 for a designated capital project. Unanimously Carried.

**LEASE:**

The rental agreement for 361 Elm Street (aka the cemetery house) expires Monday, January 31, 2005. As of this time, we have not heard from the current tenant whether she will renew the lease. The Village Clerk has already written her a letter. The Clerk will contact her again. The January 2005 rent has not been paid yet, and the Village Attorney will look into this matter.

MOTION by Trustee Smith, seconded by Trustee Taylor to increase the rent for 361 Elm Street from \$400 to \$550 a month. This will become effective March 1, 2005. Unanimously Carried.

**ATTORNEY:**

*Old Business Updates:*

- (1) RE: Town of Jerusalem annexation of lands in Lakeview Cemetery – received a letter from Daryl Jones, Supervisor, informing the Village that the request was referred to their attorney for review.
- (2) RE: Rezoning 3 parcels along Route 14A south – Scott McCredy has been introduced to a surveyor willing to survey the parcels right away and for under a thousand dollars.
- (3) RE: Street dedication in the Meadowside Apartment complex – meet with DPW Balsley and Asst. DPW Osgood before the dedication can be take place
- (4) RE: Eliminating on-street parking along Liberty Street from Route 364 to Elm Street – talked with Gary Funk, Regional Traffic Engineer from the NYS DOT in Hornell. The State *could* go ahead with the project, but would much rather work with the Village. With no parking on both sides of the street, there would be a center turning lane constructed; another option might be for parking on one side of the street, or "pull-offs" could be created. This project will be presented at the Yates County Public Safety meeting, and addressed again at the Village's Public Safety meeting.
- (5) RE: The issue of snowmobiles allowed on the Keuka Outlet Trail (within the Village limits) will be referred back to the Parks & Recreation Committee.

At this time, guests Mike Jensen and Karol Hartman voiced their negative opinions of snowmobiles on the outlet trail.

**CORRESPONDENCE:**

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize the Mayor to sign a letter of support for the Keuka Housing Council's application to the NYS Affordable Housing Corporation for a "New Home Construction" grant. Unanimously Carried.

Mayor Marchionda referred the next 4 letters from the Penn Yan Planning Board to the Planning & Development Committee for review. The topics were: (1) snowmobiles on Outlet Trail (2) definitions for Planned Residential & Planned Business (3) review definition for Bed & Breakfast and (4) application & fee for special use permits

The Mayor read a letter from the Windmill thanking the Village for supporting their application to the New York State Department of Agriculture & Market's Matching Funds Construction Grant. They received the signed grant on January 10, 2005, and plan to begin construction very soon.

MOTION by Trustee Smith, seconded by Trustee Koek to pay the current bills, as submitted:

Village:	Paid before audit: General Fund	856.32
	General Fund	26,210.72
	Capital Fund	20,901.79

Unanimously Carried.

**FINANCE & ADMINISTRATION:** G. Smith

A meeting was held this afternoon, January 25, 2005 at 2:30 PM in the new Village Hall, 111 Elm Street.

Trustee Smith reported that it was a good meeting with many financial issues discussed. He announced that a workshop would be scheduled very soon to meet with department heads for budget preparation.

**PERSONNEL:** N. Koek, Chair

Trustee Koek informed the Board that the first Village/CSEA negotiation meeting is scheduled for Thursday, February 17<sup>th</sup> at 4:00 PM in the Village Hall, 2<sup>nd</sup> floor. The Village negotiating committee will meet Monday, January 31<sup>st</sup> at 4:00 PM.

**PARKS & RECREATION** – Randy L. Schwingle, Chair

Trustee Schwingle announced that the next meeting would be held on Thursday, February 3<sup>rd</sup> at 1:00 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> floor.

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

The last meeting was yesterday, Monday, January 24, 2005 at 7:00 PM, Village Hall, Room 210.

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

The last meeting was held on Tuesday, January 18, 2005 at 6:00 PM in the Village Hall, 111 Elm Street, Room 202.

MOTION by Trustee Koek, seconded by Trustee Christensen to authorize the Mayor to sign *Change Order Number 4* CCD #1 and CCD #2 with a net increase of \$1,649.51. Unanimously Carried.

**PUBLIC SAFETY:** N. Taylor, Chair

Trustee Taylor announced that the next committee meeting would be held on Tuesday, February 15<sup>th</sup> at noon in the Wagner Restaurant.

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

The next meeting will be scheduled at a later time.

**Streets:**

Street Superintendent Jensen asked the Village residents to please keep their sidewalks clear of snow and ice. If the Village has to clean the sidewalk, the homeowner will be charged no less than \$75.00.

Mayor Marchionda thanked Street Superintendent Jensen and his crew for doing such an outstanding job of keeping the Village streets and parking lots cleared during and after the snowstorms.

**MUNICIPAL:**

The last meeting was held on Thursday, January 20<sup>th</sup> at 2:00 PM in the Village Hall, 2<sup>nd</sup> fl.

MOTION by Trustee Schwingle, seconded by Trustee Smith to approve the Municipal Board of awarding the bid to Blackmon-Farrell Electric for the construction of the Water Treatment Plant finished water variable frequency drive installation in the amount of \$52,000, pending review by Lu Engineers, Director of Public Works Balsley and Assistant DPW Osgood. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to approve Assistant Director of Public Works Osgood attending a training session, on February 10<sup>th</sup>, to continue his educational credits necessary to maintain his engineering license. Unanimously Carried.

**ADJOURN TO EXECUTIVE SESSION:**

At 8:02 PM, MOTION by Trustee Christensen, seconded by Trustee Smith to adjourn into *Executive Session* concerning pending litigation. Unanimously Carried.

(20 min. break)

**ADJOURN FROM EXECUTIVE SESSION:**

At 8:45 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

At 8:46 PM, MOTION by Trustee Koek, seconded by Trustee Schwingle to adjourn the regular Village Board meeting. Unanimously Carried.

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Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, February 8, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.

