

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 8, 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 W. Allison; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Village Treasurer M. Socola; Code Enforcement Officer B. Lyon; Police Chief S. Hill and Village Attorney E. Brockman (joined the meeting at 7:50 PM)

ABSENT: Trustee G. Smith, Street Superintendent R. Jensen, Recreation Director D. Doyle, Cemetery Superintendent L. Axtell and Fire Chief K. Pallar

Public Attendees: Bill Burg, Carl Sands, Todd Whitford, Mr. Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Time and Gwen Chamberlain, Dundee Observer

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

Mayor Marchionda called for a moment of silence in memory of Daniel R. Taylor, former Village Attorney, and husband of Trustee Nancy Taylor, who passed away February 1, 2005.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Koek, seconded by Trustee Christensen to hold an Executive Session at the end of the meeting concerning a personnel matter. Unanimously Carried.

This motion was amended later in the meeting

MOTION by Trustee Koek, seconded by Trustee Christensen to add "proposed litigation" as another matter to discuss in Executive Session. Unanimously Carried.

MINUTES:

Under CORRESPONDENCE, the letter from the Planning Board concerning the snowmobiles on the Outlet Trail was referred back to the Parks & Recreation Committee, not the Planning & Development Committee.....

MOTION by Trustee Christensen, seconded by Trustee Schwingle to approve the minutes of the regular Village Board meeting of January 11, 2005 as amended. Record of Vote: Trustee Allison abstained Motion Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Bill Burg, 142 Brown Street, stated that he believes that most of the Village residents are against the snowmobiles on the Outlet Trail. However, he asks the Board to not pass the issue back and forth from committee to committee, but make a decision. If the Board can't make the decision, the issue should be put to public vote. Trustee Schwingle, Chair of the Parks & Recreation Committee, explained that at today's committee meeting, they discussed many points that still need to be settled. Trustee Schwingle invited him, and anyone, to attend the next Parks & Recreation meeting on Tuesday, March 8th at 4:00 PM.

ATTORNEY:

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MAYOR:

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize Mayor Marchionda, Jr. to sign the Fire Contract Renewal Agreement between the Village and the Town of Barrington, effective from January 1, 2005 to December 31, 2005. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Mayor to sign the Fire Contract Renewal Agreement with the Town of Benton, effective from January 1, 2005 to December 31, 2005. Unanimously Carried.

CORRESPONDENCE:

None

AUDIT:

MOTION by Mayor Marchionda, seconded by Trustee Taylor to pay the current bills, as submitted:

Village:	Paid before audit: General Fund	60.00
	General Fund	19,891.97
	Capital Fund (Vill. Bldg.)	85,569.00

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith, Chair; W. Allison & N. Taylor

No report.

PERSONNEL: N. Koek, Chair; M. Christensen & R. Schwingle

Trustee Koek informed the Board that the Village negotiation committee and Attorney Corcoran would meet Wednesday, February 16th at 4:00PM in the Village Hall. The first Village/CSEA negotiation meeting is scheduled for Thursday, February 17th at 4:00 PM in the Village Hall, 2nd floor.

It was briefly discussed that the Village might consider forming a *workforce committee* to review, upon the exit of a current employee, whether the position should be refilled or left vacant. The Village will review the County's criteria.

PARKS & RECREATION: Randy L. Schwingle, Chair; W. Allison & N. Koek

The last meeting was held this afternoon, Thursday, February 8th at 4:00 PM in the Village Hall, 111 Elm Street, 2nd floor; the next meeting is scheduled for March 8th.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to advertise at the beginning of March for summer help to work in the Village parks. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Koek for the Village to sponsor *Operation Graduation 2005*, the same as in past years. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Allison to hire Lu Engineers, at a cost of \$1,900, to complete a full Environmental Assessment Form (SEQR) to assist with the issue of snowmobiles using the Outlet Trail. Unanimously Carried.

PLANNING & DEVELOPMENT: M. Christensen, Chair; R. Schwingle & G. Smith

The last meeting was Monday, January 24th; next meeting is scheduled for Monday, February 28, 2005 at 7:00 PM, Village Hall, Room 210.

Trustee Christensen informed the Board that a workshop has been scheduled for tomorrow morning at 9:00 AM to discuss budget-related planning and development matters.

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.
No report

☺ Congratulations were extended to Mayor Marchionda for receiving the *Norman Snow Memorial Spirit Award* at the Yates County Chamber of Commerce's annual dinner. Because of him, the new Village building became a reality!

PUBLIC SAFETY: N. Taylor, Chair; M. Christensen & N. Koek

The next meeting is scheduled for Tuesday, February 15th at noon in the Wagner Restaurant, East Elm Street.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve of the removal of Sean Antaya from the Active Roll of the Penn Yan Fire Department. Unanimously Carried.

Code Enforcement Office:

Options for shredding old plans that have accumulated over the years in the Code Office were briefly discussed. CEO Lyon had received quotes from the Yates ARC and Northeast Mobile Shredding, but was asked to check further into the matter.

MOTION by Trustee Christensen, seconded by Trustee Koek to approve CEO Lyon attending the FLBOA 30th Annual Educational Conference in Rochester, NY from March 21st to 24th at a cost of \$390.00. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair; G. Smith & N. Taylor

Trustee Allison informed the Board that the next meeting has been re-scheduled for Tuesday (Monday is a Holiday), February 22, 2005 at 1:00 PM, 111 Elm Street, 2nd floor.

Streets:

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Clerk to advertise the *2005 Sidewalk Improvement Program*, as in past years. The cost to the homeowner remains at \$2.50 per square foot, with the Village crew doing the work. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Street Department to order flowers (the Village saved the baskets from last year) to hang from the streetlights during the summer from Hamm's Nursery upon receiving their quote (not to exceed \$1800). Unanimously Carried.

Cemetery:

MOTION by Trustee Allison, seconded by Trustee Koek to hire a laborer to work part-time in the cemetery during the 2005 season. Unanimously Carried.

Buildings:

MOTION by Trustee Allison, seconded by Trustee Koek to send a renewal lease for renting the house at 361 Elm Street to the current tenant, effective March 1, 2005 to February 28, 2006. It was noted, however, that upon a new tenant moving in, the stipulation of "No pets" would be inserted into the lease. Unanimously Carried.

MUNICIPAL:

The last meeting was held on Thursday, February 3rd at 2:00 PM in the Village Hall, 2nd fl.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Village Treasurer Socola, and up to two more people, to attend the MEUA Accounting and Finance Workshop on Wednesday, March 9th and Thursday, March 10th in Liverpool, NY. Unanimously Carried.

At 7:45 PM, the Mayor called for a brief recess.

At 7:55 PM, the Mayor called the regular meeting back into session.

► **ATTORNEY:**

MOTION by Trustee Christensen, seconded by Trustee Koek to refer the KWIC settlement matter to the Finance Committee for their review. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to direct Attorney Brockman to present a proposed local law at the March 8th meeting to amend the procedure of changing water and sewer rates from local laws to Board resolutions.
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Mayor to sign an Agreement with the Yates Cultural & Recreational Resources for the Village to provide space at 111 Elm Street which would allow the YCRR Executive Director, Amy Leisenfelder, to work on activities and programs, directly or indirectly, with the Village recreation program. There will be no expense to the Village. The 12-month Agreement may be terminated upon 30 days written notice by either party.
Unanimously Carried.

Attorney Brockman is now in receipt of the survey for 3 parcels on Route 14A formerly requested to be rezoned from R1 to General/Commercial.....

MOTION by Trustee Allison, seconded by Trustee Koek to direct Attorney Brockman to present a proposed local law at the March 22nd Village Board meeting to rezone the abovementioned property, excluding a 20ft. wide strip of land to South Avenue (as indicated), from R1 to GC.
Unanimously Carried.

ADJOURN TO EXECUTIVE SESSION:

At 8:13 PM, MOTION by Trustee Schwingle, seconded by Trustee Christensen to adjourn into *Executive Session* concerning a personnel matter, and (the amended) proposed litigation.
Unanimously Carried.

(10 min. break)

ADJOURNMENT:

At 9:00 PM, MOTION by Trustee Koek, seconded by Trustee Schwingle to adjourn the *Executive Session* and the regular meeting.
Unanimously Carried.

Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, February 22, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.