

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 14<sup>th</sup>, 2006 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees N. Taylor, W. Allison, M. Christensen and Trustee G. Smith; Village Treasurer Socola; Village Attorney Brockman; Police Chief S. Hill; Recreation Director Doyle; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood (joined the mtg. at 7:45PM), and Fire Chief J. Housel

**ABSENT:** Village Trustees N. Koek and R. Schwingle, CEO B. Lyon, Street Superintendent R. Jensen, and Cemetery Superintendent L. Axtell

Public Attendees: MUB Chair R. French, MUB Commissioner D. Banach, Parks & Recreation member Larry Strickland, YCRR Chair Mrs. B. Pinckney, Town of Jerusalem Supervisor D. Jones, several snowmobile club members (see sign-in sheet), Mrs. E. Armstrong, Anne and Eugene Gunn

News Media present: Gina Muscato, Finger Lakes Times; Gwen Chamberlain, Dundee Observer and Eileen Farrar, Chronicle Express

Mayor Marchionda called the meeting to order at 7:00PM and led the Pledge Allegiance to the Flag.

**PUBLIC HEARINGS:**

Mayor Marchionda opened the first of two public hearings scheduled (the second will be March 14<sup>th</sup>) for the YCRR application to the New York Governor's Office for the 2006 Small Cities grant up to \$400,000, and asked for any comments.....no one spoke at this time; the hearing was left open.....

The Mayor opened another public hearing also scheduled for this evening for the proposed Local Law H of 2005 – Amending the Parks and Playgrounds Chapter in the Code of the Village of Penn Yan. The effect would be to permit the operation of snowmobiles on the Outlet Trail and a designated trail through the Elm Street Sports Complex. This modified proposed local law deletes any reference to a connector through Lakeview Cemetery. Comments were invited, and the following people spoke.....

(Summarized)

- Fran Hartwell, Outlet Road – opposed
- Jim Farman, East Lake Road – supports
- Donald Lawrence, Clinton Street – opposed
- Elizabeth Armstrong, Elm Street – hoped that if a vote was taken tonight, it would be by roll call
- Craig Wager, Ayers Road – supports
- Pam Farman, East Lake Road – supports
- Eugene Gunn, Elm Street – opposed
- Ann Gunn, Elm Street – opposed – the noise issue, public safety and bridge damage
- Robert Hawley, Champlin Avenue – opposed – Mr. Hawley had requested earlier to show a video of the January 14, 2003 Village Board meeting at tonight's public hearing. The Mayor, instead, offered to accept the video for the Board's review at another time. Mr. Hawley failed to hand it over.

The Mayor asked if there were any comments relative to the first public hearing concerning the application by the YCRR to the NY Governor's Office for the 2006 Small Cities grant. Chair Barbara Pinckney said a few words explaining that the committee has been working hard for the past 4 years to make this recreation center become a reality.....

MOTION by Trustee Christensen, seconded by Trustee Allison to close the above mentioned ↑ public hearing. Carried.

Mayor Marchionda asked if anyone else wished to speak in regard to the proposed Local Law H for 2006.....

MOTION by Trustee Christensen, seconded by Trustee Allison to close the above mentioned ↑ public hearing. Carried.

**EXECUTIVE SESSION:**

MOTION by Trustee Christensen, seconded by Trustee Smith to hold an executive session at the end of the regular meeting regarding pending litigation and personnel matters. Carried.

**MINUTES:**

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve the minutes of the January 10, 2006 regular Village Board meeting, as submitted. Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

(None, other than those for the public hearings)

**CORRESPONDENCE:**

MOTION by Trustee Allison, seconded by Trustee Taylor for the Village to sponsor the "Operation Graduation 2006", by chartering the buses, as in past years. Carried.

The request from the Crooked Lake Fiddle Club to use either room 303 (basement) or room 202 (upstairs) for practice sessions twice a month was referred to the Public Works Committee and Attorney Brockman for consideration.

MOTION by Trustee Christensen, seconded by Trustee Smith to approve the request from the Penn Yan United Methodist Church to hold their annual *Community Worship Service* on Easter morning, April 16, 2006 beginning at 7:00 AM. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve two banner permits: (1) Cornell Cooperative Extension, entitled "Child Safety Fair 2006" to hang on Main Street from May 22<sup>nd</sup> to May 30, 2006. (2) American Cancer Association, entitled "It's About a Community Taking Up the Fight" from May 30<sup>th</sup> to June 11, 2006. Carried.

The letter from the PY Planning Board Chair, Cliff Orr, informing the Board that they have been alerted by Lu Engineers that effective February 26, 2006 all draft and final environmental impact statements must be posted on the Village Website has been referred to Scott Demmin, the Village's web designer, to start planning and structuring the site.

**MAYOR:**

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt and authorize the Mayor to sign the recent plan amendments for the Flexible Spending Account, the CSEA and non-union employees' Medical Expense Reimbursement Account, and the Police Officers' Medical Expense Reimbursement Account. Carried.

**ATTORNEY:**

The definitions of “dusk” and “dawn” were discussed as these are the cemetery’s hours, and the matter was referred to the Public Safety Committee for their input.

MOTION by Trustee Allison, seconded by Trustee Smith to adopt RESOLUTION NO. 06-2006 Order, Resolution and Determination in respect to the Robert W. Butcher petition to annex his property into the Village.

Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to adopt and direct the Mayor to sign the “Agreement” with the Yates County Agricultural Society and the Town of Milo. This is in reference to the “Fairgrounds”, which is located on Old Route 14A just outside the Village limits. The NYS Department of Health has directed the “Society” to cease using septic systems before the opening of the 2006 County Fair. There are a couple of options they can consider: (1) request the Town of Milo to create a sewer district to serve the fairgrounds, or (2) request annexation of its’ property into the Village. The Town and Village will cooperate with either option the Society decides to pursue.

Carried.

The request to designate the Town of Urbana as Lead Agency for the SEQR process concerning the “Docking and Mooring Law” on Keuka Lake was referred to the Planning and Development Committee for their review.

The matter of “local speed limits” was referred to the Public Safety Committee with Police Chief Hill and Attorney Brockman attending the March committee meeting.

Attorney Brockman distributed a proposed change to the Water Chapter (198) of the Code of the Village of Penn Yan for the Board’s review before the March 14<sup>th</sup> meeting.

**AUDIT:**

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

Village:	Paid before audit – General Fund	17,109.18
	General Fund	44,044.15
	Capital Fund	<u>134.40</u>
	Total Village audit:	61,288.09
Municipal:	Paid before audit – Electric	306,107.22
	Paid before audit – Sewer	35.00
	Electric Fund	39,575.90
	Water Fund	31,501.63
	Sewer Fund	31,484.47
	Paid before audit – Capital Water	4,231.24
	Paid before audit – Capital Sewer	7,281.60
	Capital Electric	13,665.15
	Capital Water	606.15
	Capital Sewer	<u>7,173.45</u>
	Total Municipal audit:	441,661.81

Carried.

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

Last meeting was today, Tuesday, February 14, 2006 at 2:30 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

Trustee Smith announced that a public *budget workshop* has been scheduled for Tuesday, March 7<sup>th</sup> at 6:00 PM in Room 202. Also, on Tuesday morning, March 14<sup>th</sup> MUB Commissioner Rom French, Village Treasurer Mark Socola and Trustee Gary Smith will have a budget question/answer segment on WFLR. All calls are welcomed.

The Fire Department can begin establishing specs to purchase a new pumper truck, not to exceed \$225,000 which will be the estimated amount of cash available in the equipment reserve fund for the truck at time of replacement.

Village Treasurer Socola gave a brief financial update on recent Village projects. Three million, six hundred thousand was authorized to borrow, however, only three million was bonded to help finance the Village Hall/Police Department building with approximately \$436,000 remaining for renovations to the Fire House. Of the \$1,400,000 authorized to spend for the water fund, \$1,112,473 has been spent for upgrading infrastructure on East Elm, Cornwell, Walnut, and Lake Streets, Florence and Commercial Avenues. The balance of approximately \$287,527 will be used for the Main Street water main replacement project. For the \$750,000 bond authorization work was completed on Florence Avenue and Walnut Street, the WWTP was painted, pumps were upgraded at the Cherry Street Pump Station, and a storage building was erected at the WWTP. The balance of approximately \$115,000 will be used to replace sewer manholes. Eight hundred seventy-eight thousand, five hundred eighty-one dollars of the \$1,500,000 electric fund was authorization was used to renovate the St. Johns Substation. At the conclusion of these projects, actual costs will be bonded.

The decision has been made to convert the Village Code Book to digital format by using I.T. vendor, Les Rhode. It will be less expensive and much more convenient.

MOTION by Trustee Smith, seconded by Trustee Allison to hire Eldredge, Fox & Porretti, LLP to audit the Village and Municipal finances for the fiscal year of 6/1/05 to 5/31/06.

Carried.

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

The last meeting was held February 2<sup>nd</sup> at 7:00 AM, and the next meeting is scheduled for Thursday, February 16<sup>th</sup>.

◇Trustee Christensen informed the Board that the PBA has requested that negotiations begin soon in order to have an acceptable contract in place by June 1, 2006.

◇Trustee Christensen also mentioned that non-union employee performance evaluations would be forthcoming.

**PARKS & RECREATION:** R. Schwingle, Chair, W. Allison & N. Koek

Recreation Director Doyle announced that there are still tickets left to attend the *Lion King* performances. The first one is Saturday, March 25<sup>th</sup> at \$105, and the other is Sunday, April 9<sup>th</sup> at \$90.00.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve renewing Director Doyle's membership to the NYS Recreation and Park Society, Inc. at a cost of \$110.00. Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize advertising for summer lifeguards, playground leaders and park laborers for the 2006 season. Carried.

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

The next meeting is scheduled for Monday, February 27, 2006 at 7:00 PM in the Village Hall, 2<sup>nd</sup> floor.

**AD HOC BUILDING COMMITTEE:** D. Marchionda, Jr., Chair

The next meeting is scheduled for Wednesday, February 22<sup>nd</sup> at 6:00 PM in the Village Hall, 2<sup>nd</sup> floor.

The meeting will focus on high-priority renovations to be made to the Fire House.

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

Last meeting was today, Tuesday, February 14<sup>th</sup> at Noon in the Wagner Restaurant, East Elm Street

Police Department:

Police Chief Hill distributed the *2005 Police Department Annual Report* to the Board for their information. Copies will be available in the Clerk's office upon request.

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Christensen to authorize CEO Lyon to attend the 2006 FLBOA 31<sup>st</sup> Annual Educational Conference from March 20<sup>th</sup> to 23, 2006 in Rochester, NY. Registration fee is \$390.00. Carried.

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

Streets:

MOTION by Trustee Allison, seconded by Trustee to authorize advertising the *2006 Sidewalk Improvement Program*. Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize purchasing a John Deere tractor on State bid at a cost of \$12,999. Carried.

Buildings:

MOTION by Trustee Allison, seconded by Trustee Taylor to declare the contents inside 1 Basin Street as surplus. Carried.

**MUNICIPAL:**

The last meeting was Thursday, February 9, 2006 at 2:00 PM at 111 Elm St, Room 210

MOTION by Trustee Allison, seconded by Trustee Taylor to accept the bid from Blair Supply in the amount of \$16,999.58 for the Main Street water main replacement project. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to proceed with the I & I Elimination Program. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize *Payment Application No. 6* in the amount of \$3,165.84 to Finger Lakes Piping, Inc. for the Cherry Street Pump Station Upgrade project, and to reduce the retainer amount from 5% to 2%. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt the *Town of Benton Amendment to Water Agreement* that guarantees their paying for a minimum of 12,702,000 gallons annually. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to award the lowest qualified bid to GoTToGo Electric for 3,000 feet of Pirellie (high voltage) cable at \$27,870 to be used for the St. John's Substation Capital project. Carried.

The next Municipal Board meeting will be held Thursday, March 9, 2006 at 2:00 PM in Room 210.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

At 8:45PM, MOTION by Trustee Christensen, seconded by Trustee Smith to adjourn into Executive Session regarding pending litigation and personnel. Carried.

(10-minute break)

**ADJOURNMENT:**

At 9:50 PM, MOTION by Trustee Allison, seconded by Trustee Taylor to adjourn both the executive session and the regular Village Board meeting. Carried.

► The next regular Village Board Meeting is scheduled for Tuesday, March 14, 2006 in Room 202.

The 2<sup>nd</sup> public hearing will be held for the Small Cities grant application for YCRR.

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Linda K. Banach, Village Clerk