

MINUTES of a Regular Meeting
of the Village Board of Trustees held Tuesday evening, February 15, 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; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; CEO B. Lyon;

ABSENT: Trustee B. Winslow; Police Chief Hulse; Parks Director D. Doyle; Fire Chief R. Retorick

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

PUBLIC: Elizabeth & Daniel Hoover, Bob Hoban, Steve Youngs, Elizabeth Armstrong, Sue , Mark Morris

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

PUBLIC HEARING - Discontinuance and Abandonment of Streets

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

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

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

Carried

Mayor Church asked if there were any comments from the public regarding the Discontinuance and Abandonment of Streets. No comments Mayor will keep hearing open for a while.

Mayor Church opened the Foil Appeal Hearing for John Cahill's requests.

Mayor Church explained John Cahill asked for an appeal Hearing regarding his requests 1) List of all active Firemen in all Hose Companies of the PYFD for years 2006-2007-2008-2009 & 2010. 2) Separate list of all active honorary Fireman in all Hose Companies of the PYFD for years 2006-2007-2008-2009 & 2010. Mayor Church explained the lists as we have them were provided to Mr. Cahill and Mr. Cahill felt we did not give him everything he wanted. Mayor Church spoke with the PY Fire Chiefs and they do not have separate list for each year, it's an ongoing list. Mayor explained there is not a lot of changes over at the Fire Company- Mayor explained tonight we have someone that wants to be accepted in the Hydrant Hose Company – that has not been done in about five years. Mayor Church mentioned again he (Mayor) is aware that the lists have been provided to Mr. Cahill regarding all active Fireman and Honorary fireman. We cannot provide lists that we do not have. Trustee M. Christensen stated I see he is not here tonight – I am not sure what he wants or what he is looking for. Trustee M. Christensen feels if Mr. Cahill would submit to us of what he is out to prove or what he is looking for that we can tell him where to submit a Foil for this information. Mayor Church stressed the Firemen only have an ongoing list- they don't stop and start each year. They have one for Active members and honorary members. An Honorary member is one is no longer active and once you become an honorary member you stay unless you choose not to or pass away. Mayor Church explained that Clerk/Treasurer S. Wilber is the Foil Officer and the Mayor is the

Foil Appeal Officer, so anything that is appealed goes through him (Mayor). Mayor Church is asking for Board approval to send Mr. Cahill a letter explaining to him that we (the Village) have given him all the information we have and no other information exists. Atty. Brockman explained the regulations for the Foil Law are set up that a municipality does not have to create something to comply with a Foil request. They would not have to create a separate list for 2006-2007-2008 etc.

At 6:05 PM MOTION by Trustee Stewart, seconded by Trustee Davidson to close the Public Hearing for the Foil Appeal from John Cahill.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to have the Mayor send a letter to John Cahill saying all information we have has been provided to Mr. Cahill and we cannot provide information we do not have. Mr. Cahill has already been sent the list of the Active and Honorary members for the Hose Companies.

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

Carried

Mayor Church asked again if any comments from the public regarding the Discontinuance and Abandonment of Streets. No comments

At 6:06 PM MOTION by Trustee Davidson, seconded by Trustee Allison to close the Public Hearing for the Discontinuance and Abandonment of Streets.

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

Carried

Discussion: Atty. Brockman explained this has been referred to the Village Planning Board which we did and the final action to be done at March's Village meeting.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Stewart, seconded by Trustee Davidson to have an Executive Session early to discuss work history of two non-union employee issues and at end of meeting to discuss two pending legal issues and the potential of selling of property.

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

Carried

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Davidson to amend the January 18, 2011 Village minutes regarding the speed limit on Firehouse Avenue. Previous minutes stated 5 mph and it should read 15mph. All paper work relating to the speed limit states 15mph. The Board is in agreement to change the minutes to read 15 mph for Firehouse Avenue.

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

Carried

MOTION by Trustee C. Christensen, seconded by Trustee Davidson to approve the Village Board Minutes from January 18, 2011

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

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Trustee M. Christensen explained Mrs. Hoover was present at the last Public Safety meeting and explained the map and details of the festival. She presented us with a map where vendors and displays will be. Trustee M. Christensen explained the Public Safety committee approved the festival and Trustee M. Christensen asked the Board to approve the festival. Mrs. Hoover asked if the Board had any questions. Mayor Church asked have they contacted/discussed this with the merchants on that end of the Street regarding the festival. She had and they are all in favor and agreement of it.

MOTION by Trustee M. Christensen, seconded by Trustee Allison to approve Daniel & Elizabeth Hoover, Owners of Pennsylvania Yankee Mercantile to hold a "Pickin" in the Street on Saturday August 20, 2011 from 10:00am – 6:00pm. Local and natural foods will be displayed and served, along with local bands and artists.

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

Carried

Discussion: Mr. Hoover asked if the Street could be blocked off at 7:00am to allow all the vendors time to set up. Brent Bodine felt that it would not be a problem he will communicate with the DPW Crew. Will also notify Chief Hulse of the time.

MOTION by Trustee Allison, seconded by Trustee M. Christensen to approve the Relay for Life staff to wrap bows at or near eye level around the light poles on Main Street from the Post Office to the Corner of Seneca-Wagener Streets.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve the Relay for Life event to be held at the Fireman's Field on Saturday June 4 from 6:00pm until Sunday June 5 at 6:00am.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye

Trustee C. Christensen	Aye	Trustee Winslow	Absent
Trustee M. Christensen	Aye		

Carried

Mayor Church mentioned the Sweet Arrow Anglers, from Pennsylvania holding a Bass Tournament on September 17 & 18 starting at safe light for 8 hours each day. This is a catch and release tournament. Approximately 6-10 boats. They are aware of the construction on the Liberty Street Bridge.

Humane Society of Yates of County is hosting "Bail for Paws" lock-up event this Friday February 18 from 11:00am – 5:00pm at 105 Main Street. Will be having a Limousine picking up and dropping off the jail inmates, throughout the event. They are asking if NO PARKING could be allowed in the first 2-3 parking spaces from Main/Elm intersection going north.

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to allow on Friday February 18, 2-3 parking spaces from the intersection at Main and Elm Street going north from 11:00am – 5:00pm. To be blocked off for the use of the Limousine service for the Bail for Paws event.

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

Carried

Bob Hoban discussed money (\$40,000) that Town of Jerusalem owes the Village. Bob Hoban feels we have not gotten the correct amount of payment from the Town of Jerusalem and feels Keuka Park water district has not paid at all. Mayor Church explained that we recently discuss this with Jerusalem and we are having another meeting within the week. Both parties are open to discussion do not want any more legal expenses. Rom French, Chairman of the Municipal Board understands the agreements- are aware there are issues and we have and will discuss it with Jerusalem. Rom mentioned Bob would like to be on the Committee; Bob Hoban feels the Municipal Board has not follow through on this. Trustee Davidson asked Mr. Hoban if he could put his concerns down in writing with figures and give to the Board. Mayor Church mentioned to Bob Hoban you are aware this is not a quick process. We are discussing this with Jerusalem. Bob feels that the Village has lost an enormous amount of money and the Municipal Board not doing enough to recoup the money they are owed for the sewer.

At 6:36 PM MOTION by Trustee Allison, seconded by Trustee Stewart to move in to Executive Session.

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

Carried

At 7:08 PM, MOTION by Trustee M. Christensen, seconded by Trustee Davidson to leave Executive Session and return to the regular Village Meeting.

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

Carried

OLD ITEMS

Clerk/Treasurer S. Wilber explained there were a few minor changes regarding the Workplace Violence Prevention Training Policy this was based on a meeting that Brent & Shawna had with the Department Heads. This is the same policy that was handed out last November to you. Trustee Allison explained that he reviewed the policy and feels it looks good.

MOTION by Trustee Allison, seconded by Trustee M. Christensen to adopt the Workplace Violence Prevention Training policy.

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

Carried

MAYOR:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Wayne Davidson be the Village Representative on the Yates County Planning Board.

Mayor Church	Aye	Trustee Davidson	Abstain
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Absent
Trustee M. Christensen	Aye		

Carried

Discussion: Trustee's Allison and M. Christensen reminded Trustee Davidson anytime there is an issue that involves the Village you can't vote. You can be there but not participate. Trustee Davidson is aware of this and is alright with it.

Mayor Church explained Trustee Davidson asked to be removed from the CRC Committee.

Mayor Church explained with Trustee Davidson being the Representative on the Yates County Planning Board he will no longer be on the CRC (Community Revelation Committee). Mayor asked if another Board member would like to replace him. Trustee M. Christensen was interested.

Mayor Church appointed Trustee M. Christensen to be on the CRC Committee along with himself, Mike Linehan, Trustee Allison and Steve Griffin effective immediately. Village Board did not have to vote on this.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve the revised Agreement between the Village of Penn Yan and Joseph Patchett for a 1-year land lease located north of Himrod Road in the Town of Milo, approximately 38.26 acres with a rent charge of \$600.

(Revision is paragraph 6) The Village also reserves an area for the storage of materials in the southerly portion of the parcel parallel to the railroad measuring 50 feet wide times the entire length parallel to the railroad \pm 1,020 feet as shown on the attached sketch.

ATTORNEY:

MOTIONS by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Resolution No 8-2011 for Adoption of Local Law Establishing Speed Limit, Traffic Control and Requisite Signage for a Village Street know as Firehouse Avenue.

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 18, 2011; 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 A of the Year 2011 as Local Law 2 of 2011.
2. The Village Clerk is directed to file such Local Law 2 of 2011 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.

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

Carried

Discussion: Trustee Stewart questioned if a center line will be placed on the Road. Bill Jensen responded yes after the weather improves.

MOTION by Trustee Allison, seconded by Trustee Stewart to approve Resolution No 9-2011 Setting a Public Hearing on March 15, 2011 at 6:00pm for the Proposed Local Law Amending the Code by providing for alternate Members of the Historic Preservation Commission.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider a Local Law amending the Preservation of Historic Areas Chapter of the Village Code by adding provisions for alternate members of the Historic Preservation Commission of the Village of Penn Yan; and

WHEREAS, a proposed Local Law with respect thereto has been prepared and circulated to the Board of Trustees; 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, such adoption may accordingly be deemed a "Type II" Action pursuant to SEQRA and therefore no environmental review will be undertaken.

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 result from the adoption of this proposed Local Law, that the adoption of such a Local Law is accordingly a "Type II" Action under SEQRA and therefore no environmental review will be undertaken; and be it further

RESOLVED, that a public hearing on proposed Local Law C of 2011 is hereby scheduled for March 15, 2011 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Carried

MOTION by Trustee Allison, seconded by Trustee Davidson to approve Resolution No 10-2011 Setting a Public Hearing for March 15, 2011 at 6:05pm Regarding SEQR Issues and Setting a Public Hearing for a Local Law Amending the "Water" Chapter of the Village Code.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adoption of a local law amending the Water Chapter of the Code; and

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees; 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 SEQR; and

WHEREAS, it appears that there will be no environmental impact by the adoption of such a local law and therefore such adoption may be deemed a Type II Action pursuant to SEQR;

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 determines that the adoption of the subject local law is a Type II Action under SEQR and therefore no environmental review is necessary; and be it further

RESOLVED, that a public hearing on proposed Local Law B of 2011 is hereby scheduled for March 15, 2011 at 6:05 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

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

Carried

Atty. Brockman reviewed the complete SEAF form for the Site Plan with the Village Board.

MOTION by Trustee C. Christensen, seconded by Trustee Davidson to approve Resolution No 11-2011 Setting a Public Hearing for March 15, 2011 at 6:10pm for the Proposed Local Law Amending the Site Plan Review Chapter of the Code with respect to the Renewal of Site Plan Approval.

WHEREAS, the Planning Board of the Village of Penn Yan deems it appropriate to recommend a Local Law amending the “Site Plan Review” Chapter of the Code requiring a new site plan review application in the event of the expiration of an already granted site plan approval; and

WHEREAS, a Local Law with respect thereto has been drafted and distributed to the Board of Trustees; 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 significant environmental impacts by the adoption of such a local law, such adoption should accordingly be deemed an “Unlisted” Action pursuant to SEQRA and therefore a short Environmental Assessment Form (SEAF) will be prepared.

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 there will be no significant environmental impacts by the adoption hereof, that the adoption of such a local law is therefore an “Unlisted” Action under SEQRA and accordingly a Short Environment Assessment Form (SEAF) has been prepared, reviewed and is hereby adopted.

RESOLVED, that a public hearing on proposed Local Law D of 2011 is hereby scheduled for March 15, 2011 at 6:10 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Carried

Discussion: Trustee M. Christensen asked what the fees where for a Site Plan application? Atty. Brockman explained the fee is set by a Resolution from the Village Board. Trustee M. Christensen asked would it be the same as the original rate. Atty. Brockman explained it would be the fee at that time of the application. It could be the same fee or different if the Board approved a new amount between times. Bruce Lyons agreed it would be the same fee unless the Village Board changed the fee. Bruce Lyons mentioned right now the fee is \$100.00. Trustee M. Christensen asked if someone has already done the work for the application and just has not started the work in with the year we ask for another \$100.00 even if nothing has changed. Atty. Brockman explained yes - the Planning Board would have to review the plans again – the secretary making copies filing and mailing out the paper work all over again. Atty. Brockman explained during the first approval and when the project is ready to start if after a year - the Site Plan regulations could have changed and they want the people to reapply to the new regulations. Trustee M. Christensen understands that but his concern is if nothing has changed and it’s only a year has gone by no changes in the plan or no changes with the regulations. We are going to ask for another \$100.00. Atty. Brockman explained the Planning Board has to process it all over again. Trustee M. Christensen can we tell the applicants at the time of the approval about the one year time limit. Bruce

Lyons explained it is already on the approval letter the applicants receive. Atty. Brockman stated the way it Law reads the Board could set a fee for the renewal rate that is less than the \$100.00. The Village Board will have to do a Resolution to change it.

MOTION by Trustee Davidson, seconded by Trustee Allison to approve Resolution No 12-2011 Setting a Public Hearing for March 15, 2011 at 6:15pm for the Proposed Local Law Amending the Code to Change the Method of Billing for Sewer Rents.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adoption of a local law amending the Code of the Method of Billing for Sewer Rent upon the recommendation of the Municipal Utilities Board and the Department of Public Works Director; and

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees; 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 therefore such adoption may 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 determines that there will be no environmental impact by the adoption of the proposed Local law, that the adoption of the Local Law is accordingly a Type II Action under SEQRA and therefore no environmental review is necessary; and be it further

RESOLVED, that a public hearing on proposed Local Law F of 2011 is hereby scheduled for March 15, 2011 at 6:15 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee Davidson to approve Resolution No 13-2011 Setting a Public Hearing for March 15, 2011 at 6:20pm for the Proposed Local Law Amending the Ethics Chapter of the Code with respect to Voting by Penn Yan Fire Company Volunteer Firefighters who are Village Trustees.

WHEREAS, questions have arisen concerning the voting by Trustees who are Penn Yan Fire Department Volunteer Firefighters on issues related to the Penn Yan Fire Department and the Penn Yan Fire Company, Inc. and

WHEREAS, it appears appropriate to consider adoption of a Local Law amending the Ethics Chapter of

the Village Code to address this issue; and

WHEREAS, a Local Law with respect thereto has been drafted and distributed to the Board of Trustees; 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 impacts by the adoption of such a Local Law, that adoption should accordingly be deemed a “Type II” Action pursuant to SEQRA and therefore no environmental review will be undertaken.

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 the adoption of such a Local Law is a “Type “II” Action under SEQRA and therefore no environmental review will be undertaken.

RESOLVED, that a public hearing on proposed Local Law E of 2011 is hereby scheduled for March 15, 2011 at 6:20 p.m. at the Village Hall and that notice thereof be made by legal counsel.

Mayor Church called for a Roll Call Vote:

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Nay
Trustee C. Christensen	Aye	Trustee Winslow	Absent
Trustee M. Christensen	Aye		

Carried

Discussion: Trustee Stewart commented he did not understand the reason for this. We have an opinion of the Attorney General that says it- why do we have to put it in our law. Atty. Brockman explained the law provides if a conflict the Trustees should not vote, they should **rescue** themselves. The Attorney General’s opinion provides the municipality may create an exception to the rescue requirement for firefighters/Trustees.

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to approve Resolution No 14-2011 Setting a Public Hearing for March 15, 2011 at 6:25pm for the Proposed Local Law Creating Boat Trailer Parking Regulations for the “Sports Complex at Keuka Street Boat Launch”

Discussion: Atty. Brockman explained the stickers will need to be attached on the trailers themselves. Trustee M. Christensen asked if the Resolution could read residents and property owners. We have property owners that own property in the Village limits but may live outside of the Village. Mayor Church asked if the Board was in agreement to this and the Village Board was. Atty. Brockman will add the changes and forward a copy to the Village Clerk.

WHEREAS, the Village of Penn Yan owns and maintains real property west of the southerly end of Keuka Street in the Village of Penn Yan which contains a boat launch into the Keuka Lake Outlet which provides boat access onto Keuka Lake, as well as a parking area for, along with motor vehicles, boat trailers, whether attached to a motor vehicle or otherwise; and

WHEREAS, the Board of Trustees determines by the adoption hereof that the overall interest of the Village would be properly served by the imposition of parking fees for boat trailers owned by non-residents of the Village parked at that site; and

WHEREAS, a Local Law with respect thereto has been drafted and distributed to the Board of Trustees as proposed Local Law G of 2011; 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 impacts by the adoption of such a Local Law, such adoption should accordingly be deemed a “Type II” Action pursuant to SEQRA and therefore no environmental review will be undertaken.

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 there will be no environmental impacts by the adoption of such Local Law, accordingly the adoption of such a Local Law is declared a “Type “II” Action under SEQRA and therefore no environmental review will be undertaken.

RESOLVED, that a public hearing on proposed Local Law G of 2011 is hereby scheduled for March 15, 2011 at 6:25 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve Resolution No 15-2011 Setting a Public Hearing for March 15, 2011 at 6:30pm for the Proposed Increase in Rate for Sidewalk Replacement.

WHEREAS, §174-6 of the Code of the Village of Penn provides for the Board of Trustees of the Village of Penn Yan to fix rates by resolution for public sidewalks replacement by the Village of Penn Yan ; and

WHEREAS, the Village Department of Public Works has recommended an increase in said rates for the year 2011; and

WHEREAS, the Board of Trustees intends to act as Lead Agency for the purposes of the review under the provisions of SEQRA; and

WHEREAS, the Board of Trustees further intends to designate the level of “Action” applicable to this matter to be undertaken.

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 there will be no environmental impacts by the adoption of such Resolution, accordingly the adoption of such a Local Law is declared a “Type “II” Action under SEQRA and therefore no environmental review will be undertaken.

RESOLVED, that a public hearing on proposed matter is hereby scheduled for March 15, 2011 at 6:30 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Carried

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to approve Resolution No 16-2011 Setting a Public Hearing for March 15, 2011 at 6:35pm with Respect to Amendment of the Waterfront Development and Conservation (WDC) District Regulations.

WHEREAS, the Village Planning Board previously recommended amendment of the WDC provisions of the Zoning Chapter of the Code of the Village of Penn Yan; and

WHEREAS, SEQRA issues were previously dealt with including the adoption of an FEAF; and.

WHEREAS, a public hearing was duly held with respect thereto; and

WHEREAS, the Village Planning Board has recommended a modification of the proposed amendment as pertains to the proposed “pedestrian pathway” provisions thereof, which modification is a substantive change to the proposed Local Law; and

WHEREAS, the proposed amendment with the modification has been circulated to the Board of Trustees

Now Therefore Be It Resolved That

1. A further public hearing with respect to the modified proposed Local Law be held on March 15, 2011 at 6:35 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.
2. The proposed Local Law is resubmitted to the Yates County Planning Board for review and action pursuant to GML §239-M.
3. The Board of Trustees determines that the modifications to the proposed Local Law do not require any changes to the FEAF previously adopted.

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

Carried

Discussion: Brent will contact DOT for a paper regarding the DOT will accept the responsible of the condition of the roads during the detour and construction process at Liberty Street Bridge. Atty. Brockman suggested taking pictures of the Roads before the project starts.
 Mayor Church asked to have Resolution No 17-2011 be placed on Hold until March's Village meeting. (Resolution No 17-2011 NYS DOT Utilize Roads and Streets as detours during the construction period for Liberty Street Bridge). Street Restriction agreement with DOT?

Atty. Brockman explained that he will be having Rick Willson survey the property the Village will be selling.

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to declare truck #5 (old bucket truck) as surplus and take it to the Teitsworth auction in May.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to request bids for chemicals for the Water Treatment Plant and Wastewater Treatment Plant.

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

Carried

MOTION by trustee Davidson, seconded by Trustee C. Christensen to enact a new billing policy effectively immediately, regarding collecting funds for the extension or upgrade of electric service(s). Going forward, fifty percent (50%) of the cost of extending or upgrading electric service will be charged to the customer up front.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee Stewart to approve Utility Payment Agreements in the amount of \$6,341.92

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

Carried

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	34,147.00
Electric	337,703.58
Sewer	8,890.62
Water	49,691.95
Capital Projects	
Total Paid Before Audit	\$ 430,433.15
Current Audit:	
General	\$ 77,177.57
Community Development - CRC	-
Electric	289,127.72
Sewer	31,109.03
Water	27,479.21
Capital Projects	-
Total Current Audit Items	\$ 424,893.53
TOTALAUDIT	\$ 855,326.68

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

Carried

Discussion: Trustee Stewart asked if the paid before audit could be separate from General and MUB.

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Davidson to promote William (Bill) Jensen to Assistant Director of Public Works effective February 25, 2011 – salary will stay the same at \$53,000.

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

Carried

MOTION by Trustee Stewart, seconded by Trustee Davidson to eliminate the Deputy Assistant Director of Public Works title effective February 25, 2011.

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

Carried

MOTION by Trustee Stewart, seconded by Trustee Allison effective February 25, 2011 to promote Brent Bodine to Director of Public Works at a new salary of \$70,000

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

Carried

PUBLIC SAFETY:

None

POLICE DEPARTMENT:

MOTION to approve Officer Maciejewski and School Resource Officer Dawes to attend Active Shooter Response to School Violence Training at Midlakes High School on February 25, 2011 8:00AM – 4:30PM. Cost is \$10.00/pp. Training sponsored by the Finger Lakes Law Enforcement Academy.

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

Carried

FIRE DEPARTMENT:

Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Jan 2011
 run 02-14-2011 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	1	24	28.8
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires			
Other Fires	1	16	4.5
Wires	1	16	3.5
Other Emergency	10	143	39.8
Automatic Alarm Fires	8	133	20.0
Mutual Aid Scene	4	74	54.4
Mutual Aid Standby	1	12	51.8
Public Service			
Vehicle Accident	3	80	81.6
<hr/> Total Fire Calls	<hr/> 29	<hr/> 498	<hr/> 284.4
Medical/Rescue Calls			
First Responders			
Assist Ambulance	1	4	0.5
Other Medical			
<hr/> Total Med/Resc Calls	<hr/> 1	<hr/> 4	<hr/> 0.5
<hr/> Total ALL Calls	<hr/> 30	<hr/> 502	<hr/> 284.9
Other Activities			
Courses			
Drills	3	18	35.0
Monthly Meetings	12	109	141.0
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail			
Wake/Funeral	1	11	8.3
Line Of Duty			
Other			
<hr/> Total Other Activities	<hr/> 16	<hr/> 138	<hr/> 184.3
*****	***	*****	*****
<hr/> Total ALL Activities	<hr/> 46	<hr/> 640	<hr/> 469.2

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Robert James be elected as a member in the Hydrant Hose Company.

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

Carried

CODE ENFORCEMENT:

None

PUBLIC WORKS:

Trustee Davidson discussed amending Chapter 190 of the Village Code (Vehicles and Traffic) and convert two parking spaces on the east side on Main Street (in front of Cam's Pizzeria and Mill's Pantry) to establish a loading zone in anticipation of the detour that will be in place while the Liberty Street bridge is being replaced. In addition, three parking spaces on Seneca Street by Birkett Mills will also be removed. Bill Jensen explained that he spoke with the Local Merchants they encourage this. Will not be for long time parking. Atty. Brockman will start to work on this change.

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to advertise for Bids for Purchase of Material – ready mix concrete, ready mix concrete with DCI, flow able fill, hot mix Bituminous, hauling of materials and high test-regular grade and unleaded gasoline along with diesel and kerosene and Chemicals for the Water Treatment Plant and Waste Water Treatment Plant.

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

Carried

PARKS & RECREATION:

Trustee C. Christensen stated Dan Doyle has submitted the Urban & Community Forestry Grant application by February 10th. Dan will have more information on signs and a collection box for the Boart launch parking at the March's meeting.

PLANNING & DEVELOPMENT:

None

PLANNING BOARD:

Trustee Davidson explained Susan Harris, Executive Director for the Arts Council attended the last meeting and is working closely with the Keuka Arts Festival and the Outlet Trail.

COMMENTS

ADJOURNMENT:

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

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

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 9:10 PM, MOTION by Trustee Davidson, seconded by Trustee Allison 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	Absent
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee C. Christensen, seconded by Trustee Davidson to proceed with the Auction process for the Surplus Property.

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

Carried

ADJOURNMENT:

At 10:00 PM MOTION by Trustee Allison, seconded by Trustee Davidson to adjourn the regular meeting

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

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: